STATE OF CALIFORNIA

Pete Wilson, Governor

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, California 95826

Jesse Huff, Chairman
Sam Egigian, Member
Paul Relis, Member

Wednesday, April 8, 1992
10:00 a.m.
meeting of the

PERMITTING AND ENFORCEMENT COMMITTEE

of the
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

8800 Cal Center Drive
Sacramento, CA 95826

AGENDA

Note: o Agenda items may be taken out of order.
o If written comments are submitted, please provide 20 two-sided copies.

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

Page

1. CONSIDERATION OF CONTRACTS AND INTERAGENCY AGREEMENTS

2. BRIEFING ON FEBRUARY 21, 1992 ENFORCEMENT ADVISORY COUNCIL MEETING — 1

3. DISCUSSION ON IMPLEMENTATION OF THE LEA DESIGNATION AND CERTIFICATION REGULATIONS — 2

4. CONSIDERATION OF AMENDMENTS TO THE FINANCIAL RESPONSIBILITY FOR OPERATING LIABILITY CLAIMS REGULATIONS — 3

Not on consent

Page

5. DISCUSSION OF INSURANCE AS A FINANCIAL ASSURANCE MECHANISM FOR LANDFILL CLOSURE AND POSTCLOSURE MAINTENANCE COSTS 4

6. COMMITTEE BRIEFING ON CAL-EPA'S PERMITTING CONSOLIDATION PROPOSAL 8

7. DISCUSSION OF STATE SLUDGE MANAGEMENT PROGRAM REQUIREMENTS TO IMPLEMENT FEDERAL CLEAN WATER ACT REQUIREMENTS 11

8. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR STANTON RECYCLINC AND TRANSFER STATION, ORANGE COUNTY 44

9. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR SANTIAGO CANYON SANITARY LANDFILL, ORANGE COUNTY

pulled

10. CONSIDERATION OF FACILITIES EVALUATION REPORT FOR THE CITY OF WEST COVINA LOCAL ENFORCEMENT AGENCY JURISDICTION

pulled

11. OPEN DISCUSSION

12. 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
8800 Cal Center Drive
Sacramento, CA 95826

Pat Chartrand
(916) 255-2156

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
April 8, 1992

AGENDA ITEM 2

ITEM: Briefing on the Enforcement Advisory Council's Meeting of February 21, 1992

BACKGROUND:

The revitalized Enforcement Advisory Council (EAC) held its first meeting on Friday February 21, 1992. A welcome and opening remarks were extended by both Board Member Jesse Huff and Executive Director Ralph Chandler. A full agenda with nine specific items for discussion outlined the days work. Presentations by Board staff and audience participation were found to be valuable and informative by the EAC.

The EAC made the following motions:

- Edit the communication questionnaire and send it to existing LEAs
- Leave the EAC membership vacancies and have existing members represent those unfilled categories
- The EAC provided comments and endorsement of the draft Permit Desk Manual, and recommended it be forwarded to the Permitting and Enforcement Committee for approval
- Request Board staff to look into possible clean-up legislation for AB 1760 (Eastin) Solid waste: metallic waste
- Approve minutes of August 8, 1991 EAC meeting
- Set a tentative date of April 24, 1992 for the next EAC meeting

STAFF COMMENTS:

This is a discussion item only.

Prepared by: Marc Arico / Mary T. Coyle Phone 255-2408

Approved by: Martha Vazquez Phone 255-2431

Approved by Legal: Date 3/30 Time 1 6hrs

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
April 8, 1992

AGENDA ITEM 3

ITEM: Discussion of Implementation of the LEA Designation and Certification Regulations

BACKGROUND:

The new LEA designation and certification regulations (Title 14, California Code of Regulations, Division 7, Chapter 5, Articles 1 through 2.2) were adopted by the Office of Administrative Law and became effective December 17, 1991.

ANALYSIS:

At the direction of the Committee Chair, staff will discuss items of interest to the public regarding the implementation of this regulatory package.

STAFF COMMENTS:

This is a discussion item only.

Prepared By: Mary T. Coyle mtc Phone 255-2408

Approved By: Martha Vazquez MV Phone 255-2431

Approved by Legal: R Date 3/30 Time 1659

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee

April 8, 1992

AGENDA ITEM # 4

ITEM: Consideration of Amendments to the Financial Responsibility for Operating Liability Claims Regulations

BACKGROUND:

On December 11, 1991, the Board adopted the Financial Responsibility for Operating Liability Claims regulations (Title 14, California Code of Regulations, Division 7, Chapter 5, Article 3.3).

The rulemaking file for these regulations was submitted to the Office of Administrative Law (OAL) on February 21, 1992. The last day for OAL to respond to the rulemaking package is April 3, 1992.

ANALYSIS:

At the time this agenda item was prepared, no response had been received from OAL regarding the acceptability of the rulemaking package.

At the direction of the Committee Chair, staff will discuss items of interest regarding any necessary amendments to the regulation package.

STAFF COMMENTS:

The Committee may direct staff to amend the regulation package as necessary.

ATTACHMENTS:

N/A

Prepared By: Richard Castle / Garth C. Adams Phone 255-2440

Approved By: Martha Vazquez Phone 255-2454

Approved by Legal: SS Date 3-30-92 Time 8:35 am.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee

April 8, 1992

AGENDA ITEM #5

ITEM: Discussion of Insurance as a Financial Assurance Mechanism for Landfill Closure and Postclosure Maintenance Costs

BACKGROUND:

This issue was first brought to the Board's attention approximately one year ago, by a representative of Waste Management of North America, Inc. (WMNA). WMNA informed Board staff that their insurance company offers insurance to cover closure and postclosure maintenance costs. WMNA requested the Board consider amending the closure and postclosure maintenance regulations to include insurance as an acceptable financial assurance mechanism to cover closure and postclosure maintenance costs. Board staff, representatives from WMNA, insurance industry representatives and representatives from the California Department of Insurance (DOI) have met, on separate occasions, to discuss this issue in detail. This issue was discussed at the May 8, 1991, June 21, 1991, and July 8, 1991 Permitting and Enforcement Committee meetings. At the July 8, 1991 Committee meeting, the Committee decided to suspend further discussion of this issue until the completion of the rulemaking process for the operating liability regulations.

Title 14, California Code of Regulations (CCR), Division 7, Chapter 5, Article 3.5 currently provides the following mechanisms to operators to demonstrate to the Board, financial assurance to cover closure and postclosure maintenance costs:

- Trust Fund
- Letter of Credit
- Surety Bond
- Government Securities (public operators only)
- Financial Means Test/Corporate Guarantee (private operators to cover postclosure maintenance costs only)
- Enterprise Fund (public operators only)
- Pledge of Revenue Agreement (public operators to cover postclosure maintenance costs only)

At this time, 14 CCR does not provide "closure insurance" as an acceptable financial assurance mechanism to cover closure and postclosure maintenance costs.

ANALYSIS:

Initial discussions on this issue centered around the inappropriateness of the addition of "closure insurance" as a financial mechanism to cover closure and postclosure maintenance costs. During a meeting in August, 1991, and a more recent meeting which took place March 19, 1992, DOI legal counsel explained to Board staff that the surety bond is a type of insurance guaranteeing performance. Specifically, DOI legal counsel noted that a guarantee of performance by any other name, even "insurance", is still a surety policy. In light of that information, more recent discussions have focused on demonstrating that 14 CCR currently provides insurance to cover closure and postclosure maintenance costs in the form of the surety bond.

The following points have been discussed by staff, representatives from the insurance industry, WMNA, DOI, and Board legal staff:

- A guarantee of performance and liability are two distinct types of insurance.

  - A guarantee (surety bond) is provided for a known occurrence or event, such as closure and postclosure maintenance activities.

  - Liability coverage compensates for a loss due to an unexpected occurrence or event, such as an accident or natural disaster.

- Title 14 requires that an acceptable surety be listed in the Federal Register, Circular 570. The Circular 570 is an annual publication that lists companies that have complied with the law and regulations of the U.S. Treasury Department and are acceptable as sureties and/or reinsurers* on federal bonds. The Circular 570 lists the states in which each surety is licensed and each firms underwriting limitations. More importantly, the Circular 570 qualification effectively ensures that a surety company meets minimum financial standards that increase its reliability and security. Under Title 31, U.S. Code of Regulations, sections 9304-9308, an acceptable surety for federal projects must be a corporation:

  "1) incorporated under the laws of -
  (A) the United States; or
  (B) a State, the District of Columbia, or a territory or possession of the United States;

2) that may under those laws guarantee -
   (A) the fidelity of persons holding positions of trust; and
   (B) bonds and undertakings in judicial proceedings; and

3) complying with sections 9305 and 9306 of this title."

Section 9305 grants authority to issue bonds for federal projects to a surety corporation which files with the Secretary of the Treasury the following:

"...(1) a copy of the articles of incorporation of the corporation; and

(2) a statement of the assets and liabilities of the corporation signed and sworn to the president and secretary of the corporation.

(b) The Secretary may authorize in writing a surety corporation to provide surety bonds under section 9304 of this title if the Secretary decide that -

(1) the articles of incorporation of the corporation authorize the corporation to do business described in section 9304(a)(2) of this title;

(2) the corporation has paid-up capital of at least $250,000 in cash or its equivalent; and

(3) the corporation is able to carry out its contracts."

If the Board chooses to allow the use of the "closure insurance" mechanism we will be in effect providing an insurance policy guaranteeing performance, which <u>is</u> a surety policy. This mechanism may not provide the necessary assurance afforded by the current surety bond mechanism, which requires a minimum standard, such as the Circular 570 criterion.

What: "availability of surety bond is more limiting than insurance."

STAFF COMMENTS:

Staff have evaluated insurance as a financial assurance mechanism for landfill closure and postclosure maintenance costs and have determined that the Board's current regulatory provisions are sufficient by providing the surety bond, a form of insurance, for operators to use in demonstrating financial assurance for closure and postclosure maintenance costs.

Prepared By: DT Diana Thomas/Garth C. Adams CA Phone 255-2440

Approved By: Martha Vazquez MV Phone 255-2454

Approved by Legal: RFC Date 4/1 Time 13:30

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

PERMITTING AND ENFORCEMENT COMMITTEE

APRIL 8, 1992

AGENDA ITEM 6

ITEM: Committee Briefing on Cal-EPA's Permitting Consolidation Proposal

BACKGROUND:

One of Governor Wilson's first actions was the establishment of the California Environmental Protection Agency (Cal/EPA). This "umbrella" agency now includes the State Water Resources Control Board, the Air Resources Board, the Office of Environmental Hazard Assessment, the Department of Toxic Substances Control (formerly part of the Department of Health Services), the Department of Pesticide Regulation (formerly part of the Department of Food and Agriculture), and the Integrated Waste Management Board.

A primary goal of this new agency is the consolidation and streamlining of the various environmental permit activities which are required by the agencies within Cal/EPA. The objective is to decrease the amount of bureaucracy which now hinders business activity without compromising the protection of the environment.

Draft Recommendations for Consolidating and Streamlining the Cal/EPA Permit Process is the result of meetings of a workgroup including representatives of various state agencies as well as public input. The state agencies represented were those within Cal/EPA as well as the Business, Transportation & Housing Agency, Resources Agency, Office of Planning and Research, and Department of Commerce. The public involvement included 18 responses to a letter sent out by Secretary Strock on October 29, 1991, unsolicited written comments received by the Agency, and response to a release of an earlier working draft version of the subject document.

The document includes 17 recommendations which are divided into seven categories:

CLARIFY AND SIMPLIFY THE Cal/EPA REGULATIONS

Recommendation 1: Remove Duplication and Conflicts in the Cal/EPA Statutes and Regulations

Recommendation 2: Reduce the Number of Activities Requiring Individual Permits While Ensuring Adequate Compliance

CREATE A CONSOLIDATED Cal/EPA PERMIT

Recommendation 3: Institute a Lead Agency Permit Process to Create an Optional, Consolidated Cal/EPA Permit

Recommendation 4: Institute a Pilot Program to Develop a Multi-Media Facility Permit and a Multi-Media General Permit

PROVIDE GREATER CERTAINTY IN PERMIT APPLICATION REQUIREMENTS

Recommendation 5: Develop a Uniform Cal/EPA Permit Application

Recommendation 6: Provide an Incentive to Encourage First Time Acceptance of Applications

Recommendation 7: Provide Permit Assistance Materials Specific to the Cal/EPA Permits

ENSURE TIMELY PERMIT PROCESSING

Recommendation 8: Designate Program Regulatory Assistance Staff

Recommendation 9: Provide Funding Options for Permit Expediting

Recommendation 10: Streamline Cal/EPA Program Compliance with CEQA

PROVIDE CONSISTENT REGIONAL STRUCTURES IN THE Cal/EPA PROGRAMS

Recommendation 11: Establish Consistent Regional Boundaries Under Each Cal/EPA Program

Recommendation 12: Establish Coordinating Mechanisms with Air Districts

ENSURE CONSISTENT AND COORDINATED POST-PERMIT ACTIVITIES

Recommendation 13: Merge Permitting and Enforcement Functions Where Appropriate

Recommendation 14: Consolidate Monitoring Data Report Requirements

ESTABLISH ADMINISTRATIVE PROCEDURES FOR QUALITY CONTROL

Recommendation 15: Develop a Uniform Permit Tracking System for Cal/EPA Programs

Recommendation 16: Cross Program Training of Permit Staff

Recommendation 17: Provide for Applicant and Public Feedback for Purposes of Staff Training

ANALYSIS:

Staff is providing this item to inform the Board of the document. The document is currently being circulated in draft form for public comment. These comments are due to Cal/EPA by April 20, 1992. Cal/EPA also anticipates that the proposals will also be refined and implemented through additional workshops, task forces, and legislative changes.

Many of the above recommendations will require significant changes in the status quo and necessitate a fair amount of administrative, regulatory, and statutory revisions. Because of this, many of the changes will not be seen in the immediate future. In the interim, individual agencies are recommended to streamline their own permitting processes within the existing statutory framework.

Agenda Item Prepared By: David Otsubo DXO 3/30/92 Phone: 255-2433

Agenda Item Approved by: Martha Vazquez 3/30/92 Phone: 255-2453

Legal Review: RFC Date/Time 3/30 1645

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

PERMITTING AND ENFORCEMENT COMMITTEE

APRIL 8, 1992

AGENDA ITEM 7

ITEM: Discussion of State Sludge Management Program Requirements to implement Federal Clean Water Act Requirements

BACKGROUND:

For nearly two decades, the focus of the EPA and state wastewater control programs has been to reduce pollutants reaching surface and ground waters. However, the success in cleaning the Nation's waters has led to a concern that toxic pollutants and pathogenic agents removed from wastewaters are ending up in the sewage sludge, thus contaminating the sludge and making it more difficult to recycle or reuse. The challenge facing federal, state, and local governments is to control the generation, use, and disposal of sewage sludge, to maximize its beneficial uses and ensure that it is safely disposed of in a manner that protects public health and the environment.

Section 405 of the Clean Water Act (CWA) requires EPA to promulgate technical standards for the use and disposal of sewage sludge that protect public health and the environment. On February 6, 1989, EPA published proposed technical standards (40 CFR Part 503) for five sludge use and disposal practices which are: 1) agricultural and non-agricultural land application; 2) distribution and marketing; 3) sludge monofills; 4) surface disposal; and 5) incineration. These rules, known as Part 503 rules, are scheduled to be finalized in the Summer of 1992. In addition, when the US Congress amended the CWA on February 4, 1987, it amended Section 405 to require that sludge standards be implemented through permits issued by EPA or <u>by a state pursuant to an approved program.</u> Issuance of permits was implemented through regulations finalized in the Federal Register (40 CFR Parts 123 and 501) on May 2, 1989. 40 CFR Part 123 established requirements for approval of State sludge management programs that are administered through new or existing National Pollutant Discharge Elimination System (NPDES) programs and 40CFR Part 501 established requirements for states without NPDES programs. Section 405 of the CWA allows States two options for seeking EPA approval of a State sludge management program. A State with an approved NPDES program may choose to integrate sludge use and disposal regulations into its NPDES program described in 40 CFR Part 123. Alternately (under Part 501), a state may choose to issue sludge permits separately from NPDES, such as through a solid waste program that manages land disposal or an air program that manages sewage sludge incinerators.

The CWA amendments and the promulgation of federal regulations

regarding sludge permitting and state programs have established a legal and programmatic framework for a national sludge use and disposal program. Like the NPDES program, Congress intended the sludge management program to be implemented and enforced primarily at the State level.

EPA is empowered and required to implement a sludge management program if a state does not apply or does not get approval but, EPA believes that sludge management remains a local concern that should be handled at the State and local levels. EPA encourages States to assume responsibility for implementing the sludge permitting program by submitting a program application for approval. EPA anticipates that states applying for program approval most likely will designate a single state agency as the lead agency for the program. To allow flexibility in the application process, EPA will also allow application through joint agency designation. Application through partial agency designation is being considered by EPA but that option is not yet in regulation.

ANALYSIS:

The Federal sludge management program is not a mandatory program and will be implemented by EPA if the State does not apply. The State should consider the options and decide whether to apply. If the State decides to apply, then it must determine under what conditions the CIWMB or the SWRCB should be designated as the lead agency to apply for the program. The attached memoranda present the options and issues in greater detail.

ATTACHMENTS:

1. Wastewater Sludge Options Paper
2. Update on Wastewater Sludge Program Implementation Costs
3. Application for delegation of EPA's sewage sludge permitting program

Prepared by: Steve Austrheim-Smith SAS Phone 255-2343

Reviewed by: William R. Orr WRO Phone 255-2301

Legal Review: [illegible] Date/Time 3/2/92 0515

Status of the application for delegation of EPA's sewage sludge permitting program

Staff of the CIWMB has made a preliminary investigation of the issues relating to State application to EPA for approval of a sewage sludge permitting program. On December 20, 1991, staff sent a memo to Brian Runkel outlining the issues to be considered when applying to EPA. On February 5, 1992, a second memo presenting estimated costs to the State to implement the program was sent to Brian Runkel. Neither memo made any recommendations how to proceed, but only presented issues. This memo offers additional suggestions.

Background

In the 1987 Amendments to Section 405 of the Clean Water Act, Congress determined that standards for sludge reuse and disposal should be implemented through permits issued either by EPA or a State under an approval program. Sludge standards are being developed under 40 CFR Part 503, and sludge permits are to be implemented under the regulations of 40 CFR Parts 123 and 501. This is a voluntary program and if a state chooses not to apply, EPA will implement the program with no penalty to the state.

Summary of Issues

- This is a voluntary program and if a state does not apply, there are no penalties. EPA Region 9 has stated it has no plans to increase its own staff to permit sludge disposers if a state fails to apply and plans to develop a priority system to permit the most problematic or visible projects first. EPA estimates that it will take years to write permits for all sludge disposers and it is possible that some of the smaller disposers may never be permitted.

- The Part 501 permitting program does not become effective until the Part 503 sludge technical standards are finalized. The proposed technical standards have been published more than once since 1989 and are currently projected to be finalized in July 1992.

- Accepting EPA's program in its entirety would require the State to regulate some sludge disposal activities over which it has either no authority or divided authority. Septage disposal and marketing sludge products are two of those areas. EPA includes septage in its definition of sludge and the State does not regulate the thousands of septic tank pumpers in the state; that is the responsibility of the local health departments. No state agency has the authority to regulate sludge or sludge products sold in general commerce. It would make sense for the CIMWB to regulate only those sludge disposal activities over which it has

authority and over which it can have a positive impact. It also makes sense for the SWRCB to regulate those activities for which it has authority. Some sort of agreement would have to be developed to decide who would regulate those activities for which both agencies have authority.

- USEPA is urging the SWRCB to apply to EPA for the sludge permitting program since the SWRCB already has delegation authority for the federal NPDES program for permitting surface water discharges. EPA feels the effort required to augment the existing delegated program to include sludge would be simpler; however, the SWRCB is resisting because: 1) it does not have the funds to take on the additional effort, 2) EPA is not offering money to fund the program, and 3) the SWRCB does not have jurisdiction over all sludge disposal activities required by the EPA program. The SWRCB's real authority rests in areas where there is a threat to water quality, be that surface water or ground water, and not to activities where sludge may be disposed without affecting water quality.

- The CIWMB, on the other hand can regulate sludge whenever it is considered a waste. Historically the SWRCB has issued permits (WDRs) for sludge disposal to land either for purely disposal purposes or for soil amendment purposes. Since, in most land disposal instances, sludge is a solid waste, the CIWMB also has authority to permit the disposal of sludge. But, few SWF permits have been written probably because of lack of authority, staff workload, lack of knowledge of the site or practice, and the historical practice by the SWRCB to permit sludge disposal thus negating the need for a SWF permit.

- Wastewater sludge disposed to landfills is not regulated by the Part 501 and 503 requirements, but is included in Subtitle D. The Subtitle D program is different in significant areas:

  1) Subtitle D is a broad program which is waste <u>facility</u> based; the Part 501 and 503 programs manage a specific <u>waste</u>. This frequently complicates our thinking because our SWF permit process is facility based and requires standards for facilities rather than waste based which requires standards for a specific waste.

  2) Subtitle D is a mandatory program; Parts 501 & 503 are not.

  3) Subtitle D has penalties to a state for noncompliance, whereas Parts 501 & 503 do not.

  4) The CIWMB is the statutory lead for the Subtitle D program but no state agency has been designated the lead for the Parts 501 & 503 programs.

- An approach that California could consider would be to

permit those disposal practices over which it currently has jurisdiction and permit them by issuing SWF or WDR permits based on the Federal 503 Technical Standards. Since EPA is minimally staffed it might be satisfied with that approach which has advantages to EPA and the State. EPA would have its standards enforced and the State, operating under its already establish SWF & WDR permit programs, would be spared the tremendous documentation and reporting effort required by EPA. This approach also has an advantage of avoiding an additional layer of permitting since the SWF and WDR permits could be written including Federal 503 standards, thus negating the need for a federal permit.

SAS:ee:a:memos\epa

State of California Environmental Protection Agency

Memorandum

To: Brian A. Runkel
Deputy Secretary of
Regulatory Improvement

Date: February 11, 1992

From: Don Wallace, Chief Deputy Director
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Subject: **Update on Wastewater Sludge Program Implementation Costs**

As an addendum to our options memo submitted on December 24, 1991, the following information on associated program costs is being forwarded.

Costs to implement and maintain an ongoing sludge management program will depend to a great extent on the manpower effort expended, which is expected to be significant. For instance, the NPDES permitting program for surface water discharges, currently being implemented by the SWRCB, is expensive. The current SWRCB budgeted cost to fully implement the NPDES surface water program per EPA rules at 1400 sites is $9,200,000 per year with 180 pys. To pay for the program, EPA 106 grants provide only $3,500,000 with EPA expecting the State to make up the difference. EPA has made no plans to provide any funding to implement a NPDES sludge permitting program.

Described below is a preliminary estimate of the anticipated costs to the State for implementing a Federal Part 501, wastewater sludge management program which includes permitting, compliance inspections, and enforcement activities as the major tasks requiring staffing. There will also be unknown but possibly significant costs to the LEAs since they are the ones that provide the staff to write draft SWF permits which are then forwarded to the CIWMB for review and adoption.

Key components in the cost estimation effort are determinations of the number of permits that must be written, sites inspected, and enforced coupled with the level of staff resources to be dedicated to each activity.

With respect to the number of permits that must be written, information from the SWRCB data-base lists a total of 739 POTWs all of which will generate some quantity of sludge. Of those, 264 POTWs already have NPDES permits for surface water discharges of treated wastewater and 475 POTWs are regulated by WDRs issued by a RWQCB. The POTWs with NPDES permits for surface water

discharge constitute a group of POTWs with wastewater flows of greater than 1 million gallons per day (MGD) and will collectively include a very large fraction of the sludge generated statewide. The POTWs regulated under WDRs are generally less than 1 MGD and generate small quantities of sludge. Not included in these figures are the unknown but substantial numbers of septage disposal sites found mostly in rural areas statewide. By federal definition, septage is considered a wastewater sludge and must be regulated accordingly.

With respect to sludge management, EPA requires all disposers of sludge to be regulated and has no provision to exempt small quantity generators and thus it is assumed that all generators or disposers will require NPDES regulation, regardless of size. It is also assumed that the same level of staff effort to implement each activity will be required for all sludge disposers.

Even though the Part 501 program applies to disposers and not to POTWs (unless there is on-site sludge disposal), it is useful to base the cost analysis on the number of sludge generators and for first-cut cost analysis purposes, assume that each generator has only one site for disposal requiring permitting, inspection, and enforcement. One could argue that some POTWs will have more than one disposal site requiring a permit. For instance, the Hyperion sewage treatment plant in the City of El Segundo treats approximately 400 MGD of wastewater and generates 1200 wet tons of sludge daily and has multiple disposal points for its huge quantities of sludge. On the other hand, many small treatment plants (with flows less than 1 MGD) and using sludge drying beds, may dispose of small quantities (1-10 tons) of sludge one or two times a year. A number of these small POTWs may send their sludge to the same disposal site, thus requiring only one NPDES permit for many POTWs. Therefore, it is felt that these apparent discrepancies will balance each other and the assumption of one disposal site per POTW is reasonable. Thus, for this cost analysis, it will be assumed that 739 new NPDES permits will be required.

With respect to the level of staff resources required, data was taken directly from the SWRCB BCP for 1991-92 which included workload standards for various NPDES activities. Those workload, standards are:

Issue New NPDES permits	7.2 permits/py
Reissue NPDES permits (5 year review)	7.2 permits/py
NPDES Compliance Inspections	184 inspections/py
Enforcement	none reported

CIWMB currently has no workload standards but staff is developing them. I interviewed Permitting and Compliance managers and used information obtained from them to calculate a CIWMB workload standard as follows:

With respect to permitting;

1) there are approximately 650 solid waste sites currently known in California;

2) there are 12 staff positions budgeted (some are still vacant) to process permits;

3) each site requires a permit renewal every 5 years and these efforts are currently equivalent to writing new permits;

4) therefore, 650/5 = 130 permits/year must be written;

5) and 130/12 = 10.8 permits/staff year.

Considering compliance inspections, all 739 POTW disposal sites must be inspected annually (this is an AB 939 statutory requirement of CIWMB and is also a requirement of EPA's Part 501 program). Current inspection staff workload includes about 25 inspections per inspector per year.

Managers/Supervisors were estimated at 5 staff per manager/supervisor.

Additional assumptions include:

- 739 total generators equate to an equal but assumed 739 total disposers
- 1/5 or (739/5) =148 are permitted each year
- Assoc. WMS costs $62,000/year
- Senior WMS costs $69,000/year

Using the above assumptions, qualifications, and numbers, the attached cost estimate table was prepared. This table has two distinct parts, one representing the anticipated costs that would be incurred if the SWRCB workload standards were used (the low cost estimate) and the other presenting the costs if CIWMB workload standards were used. The most significant difference between the two lies with the level of effort required for the inspection activities. CIWMB inspection effort is significant whereas the SWRCB inspection effort is minimal. Conversations with SWRCB staff indicate that EPA is not satisfied with that effort but so far has taken no action to penalize the SWRCB.

cc: Paul Helliker, Cal EPA

	Using SWRCB workload standards				Using CIWMB workload standards			
	No. of Activities	Workload Standards	PY	Cost	No. of Activities	Workload Standards	PY	Cost
Permits	148	7.2	21	1,302,000	148	10.8	14	868,000
Compliance Inspectors	749	18.4	4	248,000	749	25	30	1,860,000
Enforcement Activities	20	--	2	124,000	20	--	2	124,000
Miscellaneous (management administration reporting, etc.)		--	5	345,000	--	--	9	621,000
			32	2,019,000			55	3,473,000

19

State of California

California Environmental Protection Agency

Memorandum

To : Brian Runkel
Chief of Staff

Date: December 24, 1991

From : Ralph Chandler
Executive Director
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Subject: Sludge Options Memo

Attached you will find the sludge options memo which we discussed several months ago. The issue memo does not contain a recommendation as to which agency should jointly or separately take the lead for this federal program. As I understand, the purpose of this memo is to provide you with background information and an objective evaluation of each agency's authorities to implement such a program.

The delay in transmitting the staff's issue memo is primarily due to the need to jointly develop workload standards and costs for both the Board's and the State Water Resources Control Board's (SWRCB) staffing needs. My staff has worked with staff of SWRCB in developing these figures. However, I am still uncomfortable with the justification for these figures and their relationship to any existing workload. Consequently, the attached issue memo does not include this cost information. I hope to transmit the additional cost information as soon as possible.

I look forward to discussing these findings with you and the implications of each management option.

cc: Walt Pettit, SWRCB

ISSUE MEMORANDUM

To: Brian Runkel
Chief of Staff

From: Ralph E. Chandler

Date:

Subject: Wastewater Sludge Options Paper

Issue: The federal sludge regulatory program, established pursuant to amendments to the Clean Water Act, requires the imposition of specific permitting requirements for the beneficial use and disposal of sludge. This is not a mandatory program for states. If states do not provide the appropriate planning and implementation documentation to the Environmental Protection Agency (EPA) for approval, EPA is then authorized to implement the program. Under what conditions should the California Integrated Waste Management Board (CIWMB) or the State Water Resources Control Board (SWRCB) be designated as the lead agency to apply for the federal sludge program?

Background: For nearly two decades, the focus of the EPA and state wastewater control programs has been to reduce pollutants reaching surface and ground waters. However, the success in cleaning the Nation's waters has led to a concern that toxic pollutants and pathogenic agents removed from wastewaters are ending up in the sewage sludge, thus contaminating the sludge and making it more difficult to recycle or reuse. The challenge facing federal, state, and local governments is to control the generation, use, and disposal of sewage sludge, to maximize its beneficial uses and ensure that it is safely disposed of in a manner that protects public health and the environment.

Section 405 of the Clean Water Act (CWA) requires EPA to promulgate technical standards for the use and disposal of sewage sludge that protect public health and the environment. On February 6, 1989, EPA published proposed technical standards (40 CFR Part 503) for five sludge use and disposal practices which are: 1) agricultural and non-agricultural land application; 2) distribution and marketing; 3) sludge monofills; 4) surface disposal; and 5) incineration. These rules, known as Part 503 rules, are scheduled to be finalized in the Summer of 1992. In addition, when the US Congress amended the CWA on February 4, 1987, it amended Section 405 to require that sludge standards be implemented through permits issued by EPA or by a state pursuant to an approved program. Issuance of permits was implemented through regulations finalized in the Federal Register (40 CFR Parts 123 and 501) on May 2, 1989. 40 CFR Part 123 established requirements for approval of State sludge management programs that are administered through new or existing National Pollutant Discharge Elimination System (NPDES) programs and 40CFR Part 501 established requirements for states without NPDES programs.

Section 405 of the CWA allows States two options for seeking EPA approval of a State sludge management program. A State with an approved NPDES program may choose to integrate sludge use and disposal regulations into its NPDES program described in 40 CFR Part 123. Alternately (under Part 501), a state may choose to issue sludge permits separately from NPDES, such as through a solid waste program that manages land disposal or an air program that manages sewage sludge incinerators.

The CWA amendments and the promulgation of federal regulations regarding sludge permitting and state programs have established a legal and programmatic framework for a national sludge use and disposal program. Like the NPDES program, Congress intended the sludge management program to be implemented and enforced primarily at the State level.

EPA is empowered and required to implement a sludge management program if a state does not apply or does not get approval but, EPA believes that sludge management remains a local concern that should be handled at the State and local levels and encourages States to assume responsibility for implementing the sludge permitting program by submitting a program application for approval. EPA anticipates that states applying for program approval most likely will designate a single state agency as the lead agency for the program. To allow flexibility in the application process, EPA will also allow application through joint agency designation. Application through partial agency designation is being considered by EPA but that option is not yet in regulation.

Federal requirements of a state for sludge program delegation

If a state chooses to implement the sludge program under an existing but revised NPDES program, then the regulations of 40 CFR Part 123 apply to this program. To obtain approval for the revised and expanded program, a state must augment the materials previously submitted under 40 CFR Part 123 to explain how sludge management would be implemented through its NPDES program. In California, many new sites would have to be brought into the program since only about 140 of a total of about 400 Publicly Owned Treatment Works (POTW) are currently permitted under the NPDES surface water program.

If a state chooses to issue sludge permits separately from the NPDES program, such as through solid waste programs that manage land disposal, then it must submit a program that EPA will evaluate using the procedures set forth in 40 CFR Part 501.

In order for EPA to approve a State Sludge Management Program, the State must have the authority to address all sewage sludge management practices used in the State, including all federal facilities. A complete State Sludge Management Program submitted for approval under Part 501 shall have the following as a minimum:

1. The authority to require compliance by any person (including federal facilities) who uses or disposes of sewage sludge with standards for sludge use or disposal, (issued under 40 CFR Part 503);

2. The authority to issue permits that apply and ensure compliance with the applicable requirements of Section 405 (NPDES Permits) of the Clean Water Act to any POTW or other treatment works treating domestic sewage;

3. Provisions for regulating the use or disposal of sewage sludge by non-permittees (non-NPDES permittees);

4. The authority to take actions to protect public health and the environment from any adverse effects that may occur from toxic pollutants in sewage sludge; and

5. The authority to abate violations of the State sludge program, including civil and criminal penalties and other means of enforcement.

In the document State Sludge Management Program Guidance Manual, EPA explains and expands the above five requirements to include the following state responsibilities and needed authorities for the state to be able to:

- Regulate all sludge use and disposal methods proposed to be managed under the program;
- Require compliance with sludge standards by any user or disposer;
- Abate hazards to public health and the environment caused by improper sludge transportation, storage, or disposal;
- Issue permits implementing Federal sludge standards to treatment works treating domestic sewage;
- Require submission of sludge use and disposal information by permit applicants;
- Require submission of information from the regulated community;
- Modify, revoke, and reissue or terminate permits for cause;
- Require public and governmental access to information;
- Require members of permitting agency to meet a conflict-of-interest provision;
- Enter, inspect, and sample to determine compliance with applicable regulations and permits;
- Abate violations of the sludge management program;

- Seek injunctive relief where warranted; and
- Seek civil and criminal penalties against violators.

Under Part 501, each State agency responsible for program activities must have complete authority over facilities or practices subject to its jurisdiction. Sludge management activities include: (a) sludge treatment, processing and storage; and (b) sludge use and disposal as described in Part 503, such as: land application, distribution and marketing, monofills, incineration, surface disposal, and other sludge use and disposal practices.

In the context of these discussions, the following definitions from 40 CFR Part 503 may be useful:

Subpart B-Land Application of Sewage Sludge

This subpart applies to the application of sewage sludge to either agricultural or non-agricultural land and to any person who uses, disposes of, or distributes sewage sludge by or for application to either agricultural or non-agricultural land. Subpart B(m) defines land application to be the application of liquid, de-watered, dried, or composted sewage sludge to the land. Sewage sludge may be sprayed or spread onto the surface of the land, injected below the surface of the soil, or incorporated into the soil. This use includes:

- agricultural land used for growing crops or for pasture for grazing animals.
- land dedicated solely for the disposal of sludge and not to benefit from its nutrient value.
- forest land where sludge is applied to provide nutrients to the soil.
- land application for the purposes of reclaiming land disturbed by mining activities.

Subpart C-Distribution and Marketing

This subpart applies to the distribution and marketing of sewage sludge, to any person who distributes and markets sewage sludge, and to any person who uses sewage sludge that is distributed and marketed. Sewage sludge which is applied to either agricultural or non-agricultural land in compliance with Subpart B is not subject to this subpart.

Subpart D-Sludge Monofills

This subpart applies to the disposal of sewage sludge in monofills accepting only sewage sludge, to sewage sludge monofills, and to any person who disposes of sewage sludge in a monofill.

Subpart E-Surface Disposal Sites

This subpart applies to the disposal of sewage sludge on surface disposal sites, to surface disposal sites, and to any person who disposes of sewage sludge on a surface disposal site. Subpart E(j) defines surface disposal site to be an area of land on which only sewage sludge is placed for a period of 1 year or longer. Surface disposal sites do not have a vegetative or other cover. These sites usually occur at POTWs and consist of a lagoon surrounded with an earthen berm.

Subpart G-Incineration

This subpart applies to the incineration of sewage sludge in an incinerator that only fires sewage sludge, to sewage sludge incinerators, and to any person who disposes of sewage sludge in a sewage sludge incinerator.

State program evaluation

In the preceeding paragraphs the history and the requirements for a sludge program were discussed. In the next paragraphs, the State's authority to implement the program will be analyzed. This will be accomplished by comparing the Part 503 activities against the existing State statutes and regulations within the jurisdiction and responsibilities of the CIWMB, SWRCB/RWQCB, DTSC, and the ARB. The CIWMB authorities are contained mainly in PRC Divisions 30 and 31, and CCR Title 14, Division 7; while SWRCB and RWQCBs authorities relevant to sludge management are based on the Water Code Divisions 1 and 2, CCR Title 23, Chapter 15, and RWQCB Basin Plans. DTSC authorities are contained in CCR Title 22. The ARB authorities are contained in HSC Div. 26.

The matrix presented in Appendix 1 was prepared to aid with the assessment of authorities of the CIWMB and SWRCB, and local agencies to regulate the five sludge disposal methods identified by EPA. Based on this assessment, the following observations were made with respect to the five categories for sludge disposal in Part 503:

1. Land Application (40 CFR Part 503, Subpart B)

   Land application of sludge can be and is regulated by both the RWQCBs and the CIWMB. The RWQCBs monitor (but not necessarily regulate) sludge processing within the POTWs and regulate land disposal where the application of sludge threatens to impact water quality. The CIWMB does not regulate POTWs but it can regulate all land disposal of sludge through its Solid Waste Facility (SWF) permits program provided that sludge is determined to be a waste. There appears to be little regulatory authority by the RWQCBs or the CIWMB in situations where sludge is marketed. In those cases sludge is not considered a waste and cannot be regulated by the CIWMB, and unless there is a threat to water quality, it cannot be regulated by the SWRCB.

A notable section of Subpart B is an EPA requirement that a POTW is required to enter into an agreement with a sludge distributor or applier to meet specified requirements. The RWQCBs could enforce this requirement but the CIWMB has no authority to require this of a POTW operator. The CIWMB might, however, have the authority to require the applicator to enter into a contractual agreement.

2. Distribution and Marketing (40 CFR Part 503, Subpart C)

The RWQCBs have adequate authority to regulate sludge treatment, handling, and disposal activities that occur within the confines of the POTW. Once the material leaves the POTW, Water Board authority extends only to activities where there is a threat to water quality. In addition, the authority of the CIWMB is broad enough to adequately regulate the processing and disposal of sludge if it is composted or land disposed. However, neither agency appears to have clear authority to regulate sludge that is meant to be marketed and not disposed. The current lack of a legal determination distinguishing a waste from a product will undoubtedly cause confusion in the attempts to regulate distribution and marketing. The Department of Food and Agriculture has limited responsibility and authority to regulate marketed sludge. This authority extends only so far as to require labels on packaging warning that the contents contain a sewage sludge product.

3. Monofill Disposal (40 CFR Part 503, Subpart D)

Activities under Subpart D would be regulated in the same manner as activities under subpart B, discussed above.

4. Surface Disposal (40 CFR Part 503, Subpart E)

Activities in Subpart E would be regulated in the same manner as Subpart B, discussed above.

5. Incineration (40 CFR Part 503, Subpart G)

Under Subpart G, owners or operators of sewage sludge incinerators must comply with the relevant federal Clean Air Act requirements in addition to other requirements specified in Subpart G. The CIWMB and SWRCB have limited authority to implement the requirements of this subpart. The Air Resources Board and the local Air Pollution Control Districts have the legal authority and responsibility to regulate sewage sludge incinerators. Their authority extends to the regulation of ash and gasseous emissions to the atmosphere. Sludge storage and handling prior to incineratin can be regulated by the CIWMB.

Discussion

Each agency (CIWMB, ARB & SWRCB) has adequate regulatory authority to fully regulate its respective areas; in some areas there is even overlap of responsibility. The Department of Food and Agriculture also has a small regulatory role.

The SWRCB, through the RWQCBs and using DTSC guidelines, regulates land application of sludge through its Waste Discharge Requirement (WDR) process and the delegated federal NPDES program. The functions of permitting, monitoring, and enforcement are fully developed to regulate activities which impact or threaten to impact the water quality (both surface and groundwater) of the State.

The RWQCBs also have authority to permit and regulate the discharge of wastes to land in those situations where there may be a threat to water quality. These land discharges include dedicated land disposal, landfill disposal, and agricultural land disposal of wastes including sludge.

The CIWMB regulates solid wastes through its statutory authority to issue permits and enforce permit conditions. With respect to landfills, both the RWQCB and the CIWMB regulate the activities involved. The RWQCB sets and enforces waste discharge standards and the CIWMB sets and enforces operational standards. This system has existed harmoniously with little duplication of effort for years. A regulatory area of uncertainty which developed with the increased regulatory powers granted by AB 939 to the CIWMB, is the process to regulate disposal of sludge. The RWQCB's monitor sludge processing activities within the boundaries of the POTWs and regulate land disposal activities. The CIWMB has historically had no authority within the POTW, but has had authority to regulate the disposal of sludge to land, thus creating an overlapping authority. Now that the authority exists for the CIWMB to regulate composting operations, the CIWMB authority may extend to the composting operations within POTW boundaries.

The ARB regulates sludge incinerators by prescribing air emission standards and ash quality standards.

The DTSC regulates sludges which have been found to be hazardous by Title 22, Article 11 criteria and also provides guidance to other State agencies writing permits to manage sludges containing human pathogens.

The Department of Food and Agriculture regulates sludge only in so far as to require packaging labelling.

The RWQCBs have the authority to regulate all sludge disposal to land activities where water quality is threatened, but do not have the functional capability to do so. Due to severe budgetary and staffing shortfalls, land disposal of sludge is regulated on only a limited basis. Regulation of sludge disposal to landfills is routinely done through WDRs which are required before the CIWMB can issue a SWF permit.

Dedicated land disposal and disposal to land other than landfills are more loosely permitted based on whether there is knowledge of the activity, the perceived threat to water quality, and the RWQCB staff workload. Thus, many small POTWs discharge sludge to land unknown to the RWQCBs and, of the ones that are discovered, not all receive WDRs for the sludge activity because of a high staff workload and the perceived low threat to water quality. This approach would not be acceptable to EPA since the EPA program requires that all sludge disposal activities be permitted, monitored, and enforced.

The CIWMB has a similar predicament since historically, sludge activities were not separately permitted and staff workloads have prevented field personnel from investigating all known sludge sites or search for undocumented disposal activities. As sites are identified, the CIWMB is attempting to bring all unpermitted disposal sites into the SWF permitting program. The CIWMB does have the authority to permit, monitor, and enforce any permit conditions for these sludge activities.

State Program Designations

Neither agency has the ability or authority to assume **sole responsibility** for the full EPA program. As described above, each agency has authority and responsibility to permit and enforce in differing areas of sludge disposal. The SWRCB is limited to enforcing those activities in which there is a threat or perceived threat to water quality. While the CIWMB has not historically issued permits related to water quality issues, the CIWMB does have the statutory authority to regulate all aspects of solid waste management pertaining to impacts to air, land and water quality if necessary. The CIWMB regulates waste disposal to land activities and does not issue WDRs for land disposal. The RWQCBs cannot regulate land disposal activities where no threat to water quality exists. These differences, which include statutory differences, prevent either agency from assuming full independent responsibility for the full program.

One approach to the sole agency designation might be to have one agency apply for full program designation as the lead agency with the other agency providing support (backed by an MOU or other legal agreement). Each agency would continue to exercise its own statutory authority with the lead agency responsible for coordinating with the EPA. Staff at the SWRCB currently favor this approach.

Another approach might be to have both agencies apply to EPA in a dual capacity as **co-applicants**. With this arrangement, both agencies would continue to permit and enforce in those areas where their statutory authority already exists. Three difficulties with this approach would have to be worked out. One is the area of overlapping regulatory responsibilities, another is in regards to the sludge activities that neither agency or no other agency currently regulates, and the third is the current lack of funding for the SWRCB. The issues of overlapping responsibilities and funding are obvious but, activities that are not regulated by any state agency might benefit from examples. EPA states that all sludge activities must be regulated and lists at least six separate sludge activities, plus an "other" category, that a state must be able to regulate in order to receive state program approval. One of the listed activities, distribution and marketing, is not adequately regulated by any single state agency or combination of state agencies.

Timeframe

The Federal mandate to regulate sludge disposal through a state program (Part 501) does not become effective until after the sludge quality regulations (Part 503) are finalized. Current EPA Region 9 schedules indicate that finalization of the Part 503 regulations has once again been postponed and the best estimate for finalization is now July 1992.

a:sludge.5

Appendix 1

ACTIVITY UNDER PART 503: Land Application, Subpart B	CIWMB/LEA	SWRCB/RWQCB
1) Can agency require compliance with Part 503 regulations and standards?	Yes. 40 CFR 503.12 requires POTWs to enter into a legal agreement with distributor or applier to meet Subpart B requirements, and also requires another legal agreement between distributor and applier.	Yes. RWQCB regulates POTW thru NPDES permit (Porter-Calogne WQC Act Ch.5.5 Section 13370 et. seq.) or thru WDR (Ch.4 Section 13260, P-C WQCA).
2) Can agency issue permits under CWA Section 405 (NPDES) covering Part 503 standards?	No.	Yes. (See above) Thru issuing NPDES permit.
3) Can agency regulate sludge use and disposal by non (NPDES) permittees?	Yes. CIWMB can regulate composting facilities and establish standards for sludge used by State agencies on public lands etc. (PRC 42240, 42242, & 42243) Booz-Allen Rpt. asserts that land application can be permitted as solid waste disposal under AB 939. CIWMB jurisdication does not cover the provisions as outlined in 503.12.	Yes. (See above) Thru issuing WDR to non NPDES permit.
4) Can agency take action to protect public health and environment from adverse effects of sludge?	Yes. If POTW can not be regulated under AB 939. The alternative is to regulate the distrubtor. CIWMB can also regulate land application site. But, no regulation today.	Yes. NPDES and/or WDR can provide for this protection.
5) Can agency abate violations of Part 503 regulations via civil and criminal penalties and other enforcement actions?	Yes.	Yes. P-C WQC Act has provisions for enforcement actions.

ACTIVITY UNDER PART 503: Distribution, Marketing, Subpart C	CIWMB/LEA	SWRCB/RWQCB
1) Can agency require compliance with Part 503 regulations and standards?	No. (See Land application) 40 CFR 503.22 requires POTW to enter agreement with distributors unless POTW is the distributor. CIWMB traditionally does not regulate POTW. However, policy change should be made to include POTW under its jurisdiction, as composting facility.	Yes. (See Land application)
2) Can agency issue permits under CWA Section 405 (NPDES) covering Part 503 standards?	No.	Yes. (See Land application)
3) Can agency regulate sludge use and disposal by non (NPDES) permittees?	Not until POTW can be regulated by CIWMB. (See Land application). Distributor, however, can take advantage of incenting in PRC Section 42100 42N8 for marketing their product.	Yes. (See Land application)
4) Can agency take action to protect public health and environment from adverse effects of sludge?	Not until POTW is regulated by CIWMB.	Yes. (See Land application)
5) Can agency abate niolations of Part 503 regulations via civil and criminal penalties and other enforcement actions?	Not until POTW is regulated by CIWMB.	Yes. (See Land application)

ACTIVITY UNDER PART 503: Monofil Disposal, Subpart D	CIWMB/LEA	SWRCB/RWQCB
1) Can agency require compliance with Part 503 regulations and standards?	Yes. 40 CFR 503.32 requires owner/op. compliance with NPDES plus other promising specified. AB 939 can regulate monofils and implement Subpart D provisions (except NPDES). Existing Title 14 regulation, however, must be revised to incorporate specific requirements under 503.32. PRC Section 40508 designates CIWMB as agency for the purpose of implementing federal act affecting S.W.	Yes. In addition to NPDES and WDR (See Land application) RWQCB regulates monofils under Chapter 15 Title 23. The WRCB may need to revise Chapter 15 to incorporate 503.32 provisions.
2) Can agency issue permits under CWA Section 405 (NPDES) covering Part 503 standards?	No.	Yes. (See Land application)
3) Can agency regulate sludge use and disposal by non (NPDES) permittees?	Yes. (See above)	Yes. (See Land application) (See above concerning Chapter 15 regulations).
4) Can agency take action to protect public health and environment from adverse effects of sludge?	Yes. (see above)	Yes. (See Land application)
5) Can agency abate violations of Part 503 regulations via civil and criminal penalties and other enforcement actions?	Yes. (See above)	Yes. (See Land application)

ACTIVITY UNDER PART 503: Surface Disposal, Subpart E	CIWMB/LEA	SWRCB/RWQCB
1) Can agency require compliance with Part 503 regulations and standards?	Yes. Although as in Subpart D, 40 CFR 503.42 requires owner/operator to comply with NPDES, the CIWMB can impose the other provisions of Subpart E. This could be considered an open dump and as such may not be covered under AB 939.	Yes. (See Monofill).
2) Can agency issue permits under CWA Section 405 (NPDES) covering Part 503 standards?	No.	Yes. (See Land application)
3) Can agency regulate sludge use and disposal by non (NPDES) permittees?	Yes. (See above)	Yes. (See Land application)
4) Can agency take action to protect public health and environment from adverse effects of sludge?	Yes. (See above)	Yes. (See Land application)
5) Can agency abate violations of Part 503 regulations via civil and criminal penalties and other enforcement actions?	Yes. (See above)	Yes. (See Land application)

ACTIVITY UNDER PART 503: Incineration, Subpart G	CIWMB/LEA	SWRCB/RWQCB
1) Can agency require compliance with Part 503 regulations and standards?	Yes. CIWMB regulates operational standards at incineration facilities as well as disposal of ash in landfill. (Title 14 regulations and standards).	RWQCB regulates sludge quality allowed to be fired or incinerated via pretreatment and other standards imposed by NPDES or WDR. Also, Title 23 Chapter 15 designates the disposal site based on classification.
2) Can agency issue permits under CWA Section 405 (NPDES) covering Part 503 standards?	No.	Yes. NPDES permits on POTWs can impose limits on quality of sludge for incineration. However, NPDES permits do not cover incineration.
3) Can agency regulate sludge use and disposal by non (NPDES) permittees?	N/A	Yes. Thru issuing WDR to non (NPDES) permits.
4) Can agency take action to protect public health and environment from adverse effects of sludge?	Yes. (See 1 above)	Yes. (See 1 above)
5) Can agency abate violations of Part 503 regulations via civil and criminal penalties and other enforcement actions?	Yes. (See 1 above)	Yes. (See 1 above)

a:bob/steve

Appendix 2

4.7 PROGRAM DESCRIPTION CHECKLIST

I. PROGRAM SCOPE

A. Will the State's program regulate:

__ 1. Sludge-only monofills
__ 2. Co-disposal landfills
__ 3. Land application
__ 4. Distribution and marketing
__ 5. Incineration
__ 6. Surface disposal
__ 7. Other (Specify: _____)

B. If the program will regulate landfills, does the submission specify the following:

1. Sludge-only monofills

__ a. Municipal
__ b. Privately owned

2. Co-disposal landfills

__ a. Municipal
__ b. Privately owned

C. If the program will regulate land application, does the submission specify the following:

__ 1. Agriculture
__ 2. Silviculture
__ 3. Grazing lands
__ 4. Reclaimed lands
__ 5. Dedicated land disposal sites
__ 6. Other (Specify: e.g., highway medians, parks, golf courses)

__ D. Will the State's program regulate Federal facilities? Will the State's program require permits for facilities other than treatment works treating domestic sewage? If so, which facilities or persons?

__ E. Is the submission's description of the program's scope clear and comprehensive?

II. PROGRAM ORGANIZATION AND ADMINISTRATIVE STRUCTURE

__ A. Will the State program be administered by more than one agency/ department?

__ B. Are two (or more) agencies responsible for one sludge use and disposal method?

__ C. Does the submission include an organizational chart?

__ D. Does the chart indicate each agency/department responsible for each regulated disposal method listed in the scope?

__ E. Does the organizational chart or the submission clearly designate the lead agency that will report to EPA?

F. Does the chart specify positions responsible for the following:

__ 1. Review of permit application
__ 2. Permit issuance
__ 3. Inspection and monitoring
__ 4. Compliance tracking
__ 5. Enforcement

__ G. Does the submission include a narrative of the State's program organization?

__ H. Is the narrative description consistent with the organizational chart?

__ I. Does the narrative clearly state the sludge use and disposal methods for which each agency is responsible?

__ J. Is interagency/interdepartmental coordination described?

__ K. Are coordination activities adequate to provide comprehensive reporting to EPA?

__ L. Does the submission describe the role of local agencies?

III. RESOURCES

__ A. Does the submission specify the work years to be provided by each agency/department to administer this program?

__ B. Does the submission contain charts showing all positions responsible for implementation of the program?

C. Does the description include personnel for the following:

__ 1. Permit preparation
__ 2. Inspections
__ 3. Sampling
__ 4. Analysis
__ 5. Data review
__ 6. Enforcement
__ 7. Legal
__ 8. Clerical

__ D. Are the work years to be provided sufficient to accomplish the activities described?

E. Does the submission specify the equipment to be provided by each agency/department for the following:

__ 1. Sampling equipment
__ 2. Analytical equipment
__ 3. Vehicles
__ 4. Data management system
__ 5. Safety equipment

__ F. Does the equipment appear sufficient to accomplish the activities described?

__ G. Does the submission provide an itemized estimate of costs to establish and administer this program for the first two years?

__ H. Does the level of itemization contain distinct costs for each program activity described in Item C above?

__ I. Are the costs consistent with the personnel, equipment, and administrative activities described?

__ J. Does the submission describe the sources and amounts of funding to meet the costs for the first two years?

IV. PERMITTING PROCEDURES

A. Permit application:

__ 1. Does the submission clearly describe how treatment works will be required to submit a permit application?
__ 2. Does the submission contain permit application form(s) that cover each sludge use and disposal method?
3. Does the permit application require all information required by 40 CFR Parts 123 or 501?

__ a. Activities conducted by the applicant which require it to obtain a permit
__ b. Name, mailing address, and location of the treatment works treating domestic sewage for which the application is submitted
__ c. Operator's name, address, telephone number, ownership status, and status as Federal, State, private, public, or other entity
__ d. Whether the facility is located on Indian lands
__ e. List of all permits or construction approvals applied for or received
__ f. Topographic map extending one mile beyond the property boundaries of the treatment works, depicting the location of the sludge management facilities, water bodies within 1/4 mile outside of the property boundary, and wells used for drinking water
__ g. Any sludge monitoring data the applicant may have, including available groundwater monitoring data with the description of the well locations and approximate depth to groundwater
__ h. Description of the applicable sludge use and disposal practices (including, where applicable, the location of any sites where the applicant transfers sludge for treatment and/or disposal, as well as the name of the applicator of contractor who applies or distributes the sludge, if different from the applicant)

__ i. Information on each land application site, demonstrating its suitability on a land application site selection plan which, at a minimum:
- Describes the geographical area covered by the plan
- Identifies site selection criteria
- Describes how sites will be managed
- Provides the permitting authority advance notice and opportunity to object
- Provides for public notice

__ j. Annual sludge production volume

__ k. Any information required to determine the appropriate standards for permitting under 40 CFR Part 503

__ l. Any other information deemed necessary

__ 4. Are the data required in permit application(s) appropriate and adequate to develop permit limits and requirements?

B. Permit development and contents:

__ 1. Does the program description include a copy of a permit form for each sludge use and disposal method to be regulated?

__ 2. Does the permit form contain the required contents and standard conditions specified by 40 CFR 123 or 501?

__ 3. Does the program description clearly indicate that fact sheets will be developed for each Class I facility permit?

__ 4. Does the program description clearly describe the review process for prepared permits?

C. Permit issuance:

1. Does the permit review/approval process include:

__ a. EPA review/approval

__ b. Administrative review/approval

2. Does the program description clearly establish time frames and identify personnel positions and responsibilities?

__ a. Permit application

__ b. Permit review and issuance of draft permit

__ c. Final permit issuance

__ d. Permit appeal

__ 3. Does the program description clearly describe the State's public notice/public hearing process for permits to be issued?

4. Does this process include:

__ a. Formal public notice in newspaper

__ b. Is the newspaper circulated in the geographic area affected

__ c. Comment time period

__ d. Procedures for commenting

__ 5. Does the submission describe the State's procedures to appeal the permit?

IV. COMPLIANCE TRACKING

__ A. Does the submission state that all Class I facilities will be inspected at least annually?

__ B. Does the submission state the frequency that each sludge use and disposal practice will be sampled?

__ C. Does the submission state the frequency that all other facilities (non - Class I) will be inspected and sampled?

__ D. Is the frequency adequate to ensure a compliance determination?

E. Does the submission describe the type of sampling and analyses which will be performed by the State for each sludge use and disposal method to be regulated:

__ 1. Monofills
__ 2. Co-disposal landfills
__ 3. Land application
__ 4. Distribution and marketing
__ 5. Incineration
__ 6. Surface disposal
__ 7. Other (Specify: _____)

__ F. Are the sampling methods described consistent with applicable regulations?

__ G. Are the analysis methods described consistent with applicable regulations?

__ H. Does the submission identify the laboratories to be used or are capable of conducting the analyses?

__ I. Does the submission include copies of sampling and analytical documentation forms and chain-of-custody forms?

__ J. Does the submission describe procedures to review State compliance monitoring data and facility self-monitoring data?

__ K. Do the review procedures include referral procedures for violations identified?

__ L. Does the program description describe the data management system for tracking permit expiration, self-monitoring reports, violations, and enforcement?

V. ENFORCEMENT

A. Does the submission provide a plan for taking enforcement actions in response to violations?

__ 1. Delineation of roles of the technical and legal staff
__ 2. Procedures to compile background information to support the enforcement action
__ 3. Procedures for interaction with other affected programs
__ 4. Time frames for conducting technical evaluation and determining appropriate response

__ 5. Procedures to compile all material to serve as compliance history and support for any future actions
__ 6. Tracking system to follow the progress of the enforcement action
__ 7. Guidelines, including time frames, for escalating the enforcement action
__ 8. Procedures to close out the enforcement action when compliance is achieved.

B. Does the plan describe which violations will result in the following:

__ 1. Warning notices
__ 2. Administrative orders
__ 3. Administrative penalties
__ 4. Compliance schedules
__ 5. Civil penalties
__ 6. Criminal penalties
__ 7. Termination of permit

__ C. Does the plan specify time frames to respond to violations and the personnel position and responsibilities?

__ D. Does the plan specify time frames for permittee opportunity to respond?

__ E. Does the submission describe procedures for public notice of enforcement actions?

__ F. Does the plan provide procedures for reinstating terminated permits?

VI. INVENTORY

__ A. Does the submission include an inventory of all municipal and nonmunicipal treatment works subject to regulation?

B. Does this inventory include:

__ 1. Name
__ 2. Location
__ 3. Ownership status (e.g., public, private or Federal)
__ 4. Sludge use or disposal practices
__ 5. Annual sludge production volume
__ 6. Applicable permit number(s) (NPDES, UIC, RCRA, Clean Air Act, State)
__ 7. Compliance status

__ C. Does the submission include an inventory of all other sludge disposal sites not included in Item VI.B. above? (This list need not include sites which meet distribution and marketing requirements.)

D. Does this inventory include:

__ 1. Name
__ 2. Location
__ 3. Permit number(s)
__ 4. Source of sewage sludge

__ E. If the submission does not include comprehensive inventories, does it include the information required under Item VI.B.1 and 2 above?

__ F. If the submission provides only this partial inventory, does it include a detailed plan for completing the inventory within five years?

__ G. Does the submission describe in detail the procedures to develop and maintain an inventory?

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
April 8, 1992

AGENDA ITEM 8

ITEM: Consideration of Concurrence in a Revised Solid Waste Facilities Permit for Stanton Recycling and Transfer Station, Orange County

BACKGROUND:

Facility Facts

Project:	Revised permit for construction and operation of a 40,000 square feet (s.f.) enclosed waste processing facility designed to recover a minimum of 25% of all processed tonnage.
Facility Type:	Large Volume Transfer Station
Name:	Stanton Recycling and Transfer Station, Facility No. 30-AB-0013
Location:	11232 Knott Avenue Stanton, California
Setting:	Land use within 1,000 feet of this facility consists of residential and light industrial
Operational Status:	Active, permitted
Permitted Daily Capacity:	1800 tons per day
Waste Types:	Mixed residential and commercial refuse
Area:	10.7 acres
Property Owner:	City of Stanton and CR&R, Inc.
Building/Equipment Owner:	CR&R, Inc.
Operator:	CR Transfer, Inc.
LEA:	County of Orange Health Care Agency Public Health Services Environmental Health Division

SUMMARY:

Site History The Stanton Recycling and Transfer Station is an existing large volume transfer station which has been in operation since 1961. The facility was granted its first Solid Waste Facility Permit (SWFP) on April 27, 1979. The permit was last revised on August 31, 1988. The site and the transfer station were previously owned by the County of Orange. On December 15, 1984, the real property and the transfer station were sold to the City of Stanton and CR&R, Inc. The City and CR&R, Inc. now own 5.065 and 5.647 acre sections of the 10.7 acre site, respectively. The building and equipment are owned by CR&R, Inc. The transfer station is currently operated by CR Transfer, Inc.

Project Description The transfer station is located on an approximately 10.7 acre site, in the City of Stanton, Orange County. Land to the north and east of the site is primarily rent occupied multiple family dwellings within the city limits of Stanton. Land on the west of the site, across Knott Avenue, is primarily rent occupied multiple family dwellings within the city limits of Cypress. Land to the south of the site is primarily light industrial and is within the city limits of Garden Grove.

The facility serves the commercial and residential transfer needs of the Cities of Buena Park, Costa Mesa, Cypress, Garden Grove, La Palma, Los Alamitos, Newport Beach, Rossmoor, Seal Beach, Stanton, and Westminster. The operating hours of the facility are Monday through Sunday from 6:00 a.m. to 6:00 p.m. The facility is closed on major holidays.

The old facility consist of a 36,425 s.f. enclosed metal building that utilizes a ramp dump system of transferring solid waste from collection vehicles into open top transfer trailers. The addition to this facility includes a 40,000 s.f. enclosed metal building. The new building will be attached to the west side of the old transfer station resulting in a totally enclosed building with two sections. The old east section of the building is for dumping incoming loads of waste and the new west section is for recycling and resource recovery.

The transfer station and recycling facility include a computerized scale and scalehouse for weighing vehicles. The metal buildings also contain a truck pit for loading transfer trucks with refuse. There is a separate ramp that leads into the east section of the building for unloading of waste.

The facility includes an employee office building with an adjacent mechanic garage and truck repair area. The employee office area has restrooms and lockers. There is a mobile home structure which houses an overnight security guard. There is also a large storage area for storing drop-off refuse containers, as well as a vehicle fuel pump station for refueling vehicles. The new resource recycling building section will contain the following equipment: a trommel, conveyors, overhead magnets, balers, and storage bins.

The facility is currently permitted to receive and process 1800 tons per day of mixed municipal waste. The facility only accepts non-hazardous solid waste. No liquids or special wastes are accepted at the site. The site is open to the general public.

Refuse vehicles enter the facility from Knott Avenue. They stop at the scale house outside the building and are weighed. The vehicles then proceed to the unloading area, inside the enclosed metal building, where all processing and sorting take place. Site personnel direct each driver to a particular unloading area. After unloading, vehicles exit the metal building and the site through the entrance gate. The waste is then pushed by a tractor onto a floor level conveyor belt system that moves the waste into a large trommel. The trommel sorts the incoming waste according to size. Refuse exits the trommel onto one of several conveyors where workers hand sort the refuse. Recyclables are removed according to type: paper, plastic, cardboard, metal cans, etc. The recyclables are placed into metal bins and then baled by a baler. Wastes which are not removed from the conveyor system for recycling continue on the conveyor system onto the tipping floor of the old building. The remaining waste is pushed onto the transfer vehicles with a bulldozer. Transfer vehicles take the waste to Santiago Canyon Landfill, Alpha Olinda Canyon Landfill, or Bee Canyon Landfill. The recyclable materials are stored on-site until taken to market.

<u>Environmental Controls</u> Litter is controlled by fence placement around the facility's perimeter and by manual litter collection. On a daily basis, at the end of transfer activities and more often if required, a street sweeper is used to clean the site of litter. Also, transfer vehicles hauling waste to the landfill will be covered to prevent littering.

Vectors and odors are controlled by cleaning out the transfer vehicles after each load to prevent the accumulation of waste materials. In addition, the exteriors of the vehicles are washed weekly in insure cleanliness. No waste material will remain on the tipping floor for more than 48 hours. The tipping floor will be completely cleared weekly.

Waste water is disposed of according to applicable city and county regulations. The waste water disposal system includes a clarifier system that meets Orange County Sanitation District requirements. Water from within the transfer building and truck washing area is sent to the sanitary sewer. In accordance with Orange County Sanitation District, no waste water discharge is required, just a rainwater diversion valve.

To mitigate noise at the new facility, all doors will be closed during operating hours and no traffic will pass on the west side of the facility. Also, workers will be supplied with ear protection devices.

Dust is controlled by restricting unloading operations to the interior of the building. Open areas around the site will be paved and landscaped to reduce dust. Inside the facility employees will use a hose to apply a light water spray to control any dust raised during the unloading and processing of waste. The tipping floors will be washed daily to prevent the buildup of dust and residue. All tipping areas will be within the building. The site will be surrounded by a six foot high concrete block wall with a six foot high corrugated metal screen panel on top of the block wall. The wall will reduce the potential of dust blowing beyond the perimeter of the site. Workers in the tipping area will wear dust masks.

All employees in the material recovery facility will wear appropriate respiratory protection. The building is properly ventilated with wall fans per the Uniform Building Code.

All buildings meet all applicable fire safety codes and are fully fire sprinklered.

Resource Recovery Operations The operation goal is to recover a minimum of 25% of the incoming waste. Resource recovery operations consist of removing the recyclables from the waste stream by use of personnel who hand sort and salvage wastes. Wastes received are loaded onto a conveyor system and the following items are recovered: ferrous metal; aluminum; scrap metals; glass; plastics; and paper. The equipment used in the resource recovery process include conveyors, a trommel, balers, and metal storage bins.

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 February 21, 1992, the last day the Board could act is April 21, 1992.

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

1. Conformance with County Plan

   The LEA has determined that the facility is in conformance with the latest revision of the Orange 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 City of Stanton General Plan. Board staff agrees with said findings.

3. Consistency with Waste Diversion Requirements

   Board Planning and Assistance Division staff evaluate proposed permits, pursuant to PCR 44009, to determine if the proposed project would impair or substantially prevent the achievement of waste diversion goals. Based on considerations of available information, staff determined that the issuance of the proposed permit would neither prevent nor substantially impair achievement of mandated waste diversion goals. The analysis used in making this determination is included as attachment 4.

4. California Environmental Quality Act (CEQA)

   State law requires the preparation and certification of an environmental document and Mitigation Monitoring and Implementation Schedule (MMIS).

   The City of Stanton Planning Department prepared a Supplemental Environmental Impact Report (SEIR) (SCH #90010501), for the proposed project. As required by the California Environmental Quality Act, the Environmental Impact Report (EIR) identified the project's potential significant and/or adverse environmental impacts and provided mitigation measures that would reduce those impacts to a less than significant levels. Board staff reviewed the

SEIR and provided comments to the City on September 12, 1990. The City prepared and submitted an adequate response to comments. The project was certified as approved by the Lead Agency on October 22, 1990, and a Notice of Determination (NOD) was filed.

An MMIS was submitted to the Board. Potential environmental impacts and mitigation measures associated with the Stanton Recycling and Transfer Station are identified and incorporated in the MMIS (Attachment 5).

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

5. Conformance with State Minimum Standards

In January 1992, the LEA determined that the facility's design and operation are in compliance with the State Minimum Standards for Solid Waste Handling. On February 21, 1992, the LEA issued to the facility a Stipulated Order of Compliance and Agreement (SOCA) for operation outside the terms and conditions of the 1988 Solid Waste Facility Permit (SWFP). The construction and operation of the 40,000 s.f. material recovery facility is a significant change that requires a revision of the SWFP. The SOCA allows the facility to continue to operate during the permit revision process. Board concurrence with the proposed permit will correct this violation.

Board staff conducted an inspection of the site on March 13, 1992, and found several violations of the State Minimum Standards for Solid Waste Handling. At the time this item was prepared, compliance staff had not made a determination regarding the correction of the violations. Staff will be present at the April 8, 1992, Committee meeting to provide information regarding the compliance status of this facility.

STAFF RECOMMENDATIONS:

Because a revised Solid Waste Facility Permit is proposed, the Board must either concur or object with the proposed permit as submitted day the LEA.

Staff recommends that the Board adopt Permit Decision No.92-

concurring in the issuance of Solid Waste Facilities Permit No. 30-AB-0013, provided the LEA certifies the violations of the State Minimum Standards have been corrected.

ATTACHMENTS:

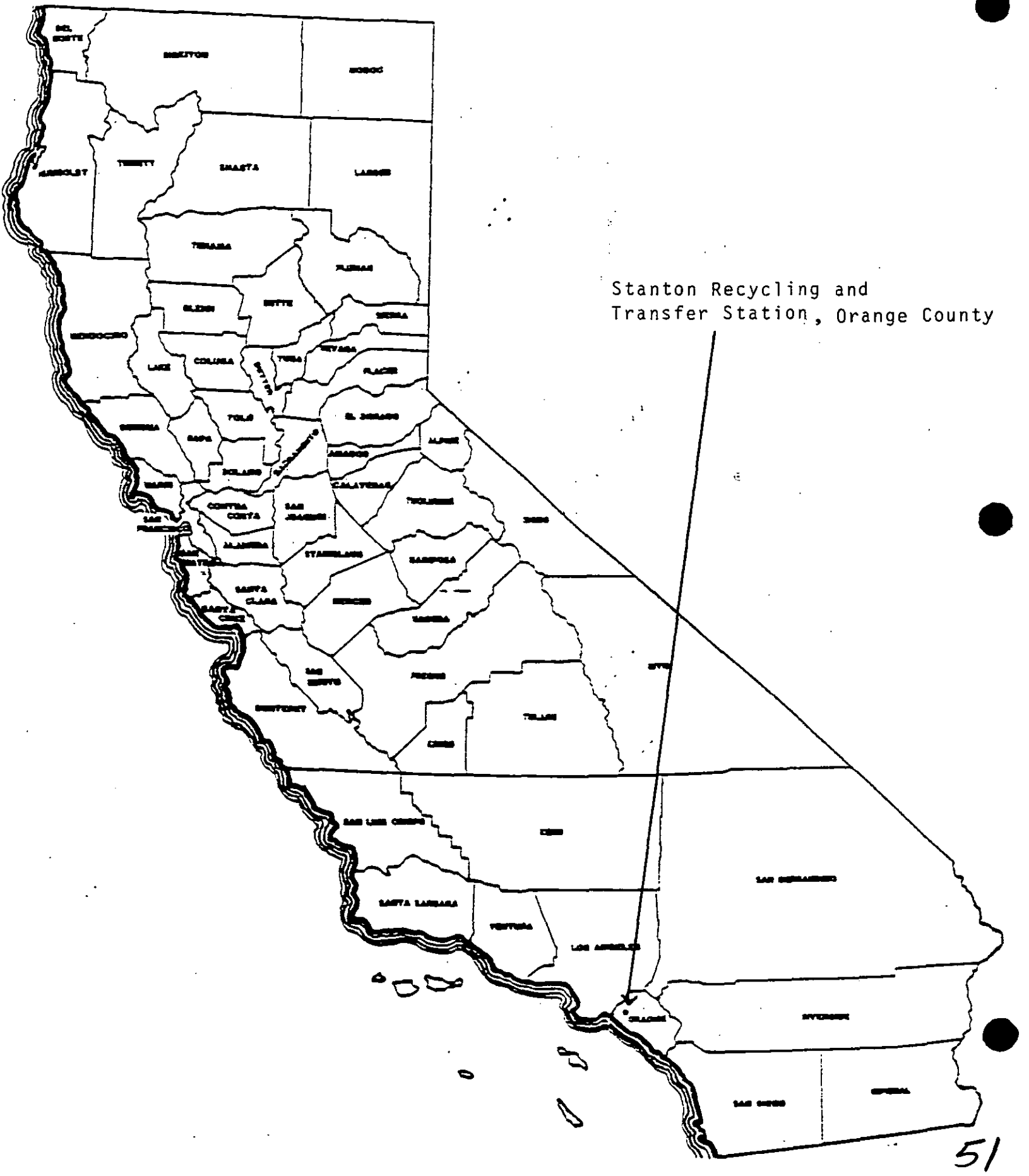
1. Location Map
2. Site Location
3. Permit No. 33-AA-0008
4. Finding of Conformance with AB2296
5. Mitigation Monitoring and Implementation Schedule
6. Permit Decision No. 92-28

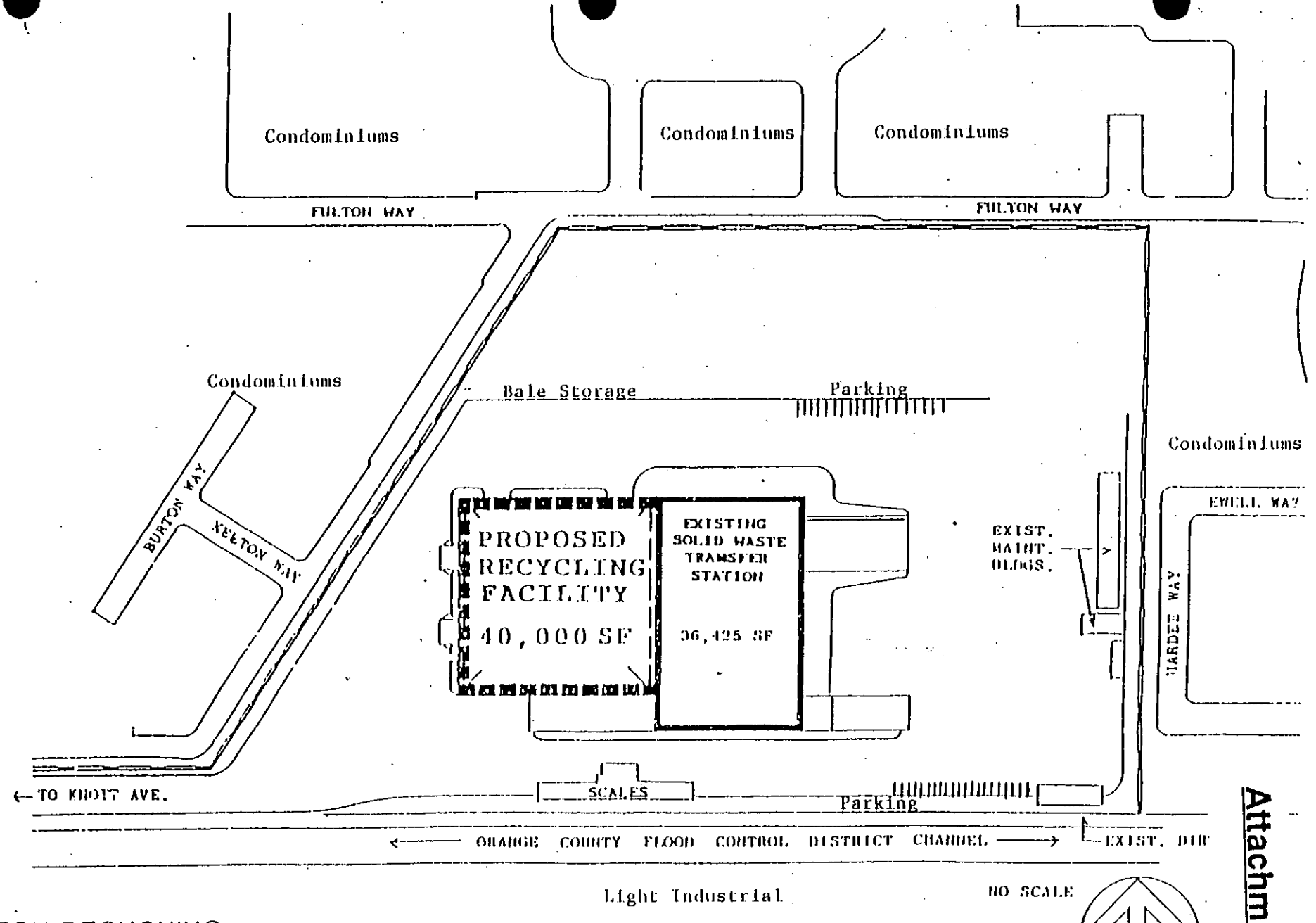
Prepared By: Chris Deidrick CD/Suzanne Talams ST Phone: 255-2586

Approved By: Martha Vázquez Phone: 255-2453

Legal Review: CS Date/Time: 3-30-92

Attachment 1





STANTON RECYCYING
AND TRANSFER STATION

11232 KNOTT AVE.
STANTON, CA 90680

SITE LAYOUT

Attachment 2

52

Attachment 3

COUNTY OF ORANGE

RECEIVED
FEB 21 1992
By mt

TOM URAM
DIRECTOR

L. REX EHLING, M.D.
HEALTH OFFICER

ENVIRONMENTAL HEALTH DIVISION
ROBERT E. MERRYMAN, R. S. MPH
DEPUTY DIRECTOR

MAILING ADDRESS: P.O. BOX 355
SANTA ANA, CA 92702

HEALTH CARE AGENCY
PUBLIC HEALTH SERVICES
ENVIRONMENTAL HEALTH DIVISION
2009 E. EDINGER AVENUE
SANTA ANA, CALIFORNIA 92705
(714) 667-3700

February 14, 1992

Proposed for April Meeting

Rosslyn Stevens
Waste Management Specialist
Permits Branch
California Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, CA 95826

Subject: Stanton Recycling and Transfer Station File No: 30-AB-0013

Dear Ms. Stevens:

Enclosed is a copy of the Stanton Recycling and Transfer Station proposed solid waste permit. I request that the proposed permit be placed on the Permitting and Enforcement Committee's agenda for the April 8th meeting.

Please review the proposed permit and if you have any changes please let me know by telephone so that we can make them promptly and in time to meet the Board's agenda deadline. Also, we will be responding to your comments on the Report of Station Information within the next week. Any changes to the RSI should not change the proposed permit.

Should you have any questions please call Joe Maturino at (714) 667-3723.

Sincerely,

Patricia Henshaw

Patricia Henshaw, REHS
Supervising Hazardous Waste Specialist
Solid Waste Local Enforcement Agency
Environmental Health Division

PH:JM:mm

PE TING PERMIT FOR FACILITIES ECEIVING SOLID WASTE	TYPE OF FACILITY: Transfer Station	FACILITY/PERMIT NUMBER: 30-AB-0013
AME AND STREET ADDRESS OF FACILITY tanton Recycling and Transfer Station 1232 Knott Avenue tanton. CA 90680	NAME AND MAILING ADDRESS OF OPERATOR C R Transfer 11292 Western Avenue Stanton. CA 90680	
RMITTING ENFORCEMENT AGENCY range County Health Care Agency ivision of Environmental Health	CITY/COUNTY Orange County	

PERMIT

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

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

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

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

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

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

PROVED:	AGENCY ADDRESS County of Orange Health Care Agency Environmental Health Division 2009 E. Edinger Avenue Santa Ana, CA 92705	
APPROVING OFFICER Robert E. Merryman, Director NAME/TITLE		
SEAL	AGENCY USE/COMMENTS	
	PERMIT RECEIVED BY CWMB FEB 21 1992	CWMB CONCURRANCE DATE
	PERMIT REVIEW DUE DATE	PERMIT ISSUED DATE 54

STANTON RECYCLING AND TRANSFER STATION 30-AB-0013

FINDINGS

1. Description of the facility design and operation.

   A. The Stanton Recycling and Transfer Station is an existing large volume transfer station owned by the city of Stanton and CR Transfer, Inc. The transfer station is operated by CR Transfer, Inc.

   B. The transfer station and recycling facility is located at 11232 Knott Avenue, in the city of Stanton. This facility occupies 11 acres. The Report of Station Information contains a legal description of the property, site location maps, layout and zoning of surrounding land.

   C. The transfer station and recycling facility consists of a computerized scale and scalehouse for weighing vehicles. There is a totally enclosed metal building with two sections, one section for dumping incoming loads of waste and one section used for recycling and resource recovery. The metal building also contains a truck pit for loading transfer trucks with refuse. There is a ramp that leads into the unloading section of the metal building.

      There is an employee office building with an adjacent mechanic garage and truck repair area. The employee office area has restrooms and lockers. There is a mobile home structure which houses an overnight security guard. There is a large storage area for storing drop-off refuse containers. There is a vehicle fuel pump station for refueling vehicles. The new resource recycling building section houses the following equipment; a trommel, conveyor, overhead magnets, balers, and storage bins.

      The design capacity is 3600 tons per day. The permitted daily tonnage is 1800 tons per day.

   D. The facility only accepts non-hazardous solid waste. The waste consists of mixed residential and commercial refuse. No liquid or special waste is accepted at the site. The general public is allowed to bring waste to the site.

   E. The facility is permitted to receive and process 1800 tons per day of mixed waste. The facility is designed to accept and process 3600 tons per day.

   F. Refuse vehicles enter off Knott Avenue into the facility. They stop at the scale house and are weighed. They proceed to the unloading area which is inside the enclosed metal building where all processing and sorting takes place. The vehicles are directed by site personnel as to where on the landing to unload. After unloading, vehicles exit the metal building and exit the site on the same road they entered. The waste is then pushed by a tractor onto a floor level conveyor belt system that moves the waste into a large trommel. The trommel sorts the incoming waste according to size. Refuse exits the trommel onto one of several conveyors where workers hand sort the refuse. Recyclables are

removed according to type of recyclable material, paper, plastics, cardboard, metal cans etc. The recyclables are placed into metal bins and then baled by a baler. Wastes which are not removed from the conveyor system for recycling continue on the conveyor back into the original unloading area where they exit the conveyor system. The remaining waste are then pushed onto transfer vehicles with a bulldozer. Transfer vehicles take the waste to a local landfill. The recyclable materials are stored on-site and taken to markets.

G. Resource recovery consists of removing recyclables from the waste stream by use of personnel who hand sort and salvage wastes. Wastes received are loaded onto a conveyor system and the following items are recovered; ferrous metals, aluminum, scrap metals, glass, plastics, and paper. The equipment used in the resource recovery process include conveyors, a trommel, balers, and metal storage bins. All resource recovery is conducted within a metal building to control noise, dust, litter, and odors.

Any hazardous waste identified with the household waste such as batteries, or oil shall be handled in a manner approved by the enforcement agency and the California Integrated Waste Management Board.

H. This facility has a hazardous waste screening policy and load checking program to identify and remove hazardous waste which may be present in the incoming waste stream. A sign is posted at the entrance stating no hazardous wastes are accepted. The scale house personnel log the trucks entering the station and do an inspection of the incoming vehicles. On the unloading area, an attendant as well as the equipment operators inspect the incoming loads for any hazardous wastes. If hazardous waste is identified, it is removed from the unloading area. It is either moved to a secured storage area on-site and labeled as hazardous materials or the site manager will call American Environmental, phone (714) 828-6320 to arrange for identification and removal. CR & R provides training for its employees in the identification, control, and handling of hazardous materials. Personnel protective equipment is worn by on-site employees such as hard hats, red colored vests, plastic face shields, and gloves. Training is conducted in both English and Spanish. In emergencies the phone number 911 will be used for police and fire departments. Other related emergency numbers are listed on page 12 of the Report of Station Information. The EPA identification number is CAD 000054787882. All hazardous waste incidents will be logged into a log form and kept on the premises. Additional measures may be required upon request by this agency or the California Integrated Waste Management Board.

I. At this time no changes are anticipated in the design or operations of this facility within the next five years. Any changes not sanctioned by this permit may be subject to CEQA review.

J. The operating hours of the facility are Monday through Sunday from 6:00 a.m. to 6:00 p.m. The facility is closed on major holidays.

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

A. Report of Station Information, dated November 25, 1991.

B. Environmental Impact Report dated December 4, 1984, SCH #84082206. Supplemental EIR dated October 8, 1990, SCH #90010501.

C. City of Stanton General Plan Amendment APG 84-2 dated February 14, 1984.

D. City of Stanton Planning Commission Resolution No. 84-10 dated February 14, 1984.

E. Orange County Sanitation District Permit for discharge to the sewer.

F. City of Stanton Ordinance No. 590 and 591, Chapter 20.39, Solid Waste Transfer District, Title 20 of the Stanton Municipal Code.

3. The following findings are required pursuant to Public Resources Code Sections 50000 and 50000.5;

   A. This permit is in conformance with the latest revision of the Orange County Solid Waste Management Plan.

   B. This facility is consistent with and designated in the city of Stanton General Plan, AGP84-2, approved February 14, 1984.

4. The design and operation of this facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the Local Enforcement Agency in January of 1992.

5. The city of Stanton City Council has made a written finding that surrounding land use is compatible with the facility operation.

6. An Environmental Impact Report was prepared in 1984, SCH #84082206 and a Supplemental EIR was prepared on October 8, 1990, SCH #90010501.

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 including all mitigation measures given in any certified environmental documents filed pursuant to Public Resources Code Section 21081.6.

3. Additional information concerning this facility must be provided if required by the Local Enforcement Agency.

Prohibitions

The following actions are prohibited at this facility:

1. The acceptance of hazardous waste.

2. The acceptance of liquid waste wastes, containerized or not.

3. Scavenging by the public.

4. Acceptance of sewage sludge or septic tank pumpings.

Specifications

1. No significant change in the design of operation of the facility is allowed without a revision of this permit.

2. This facility has a permitted daily capacity of 1800 tons of solid waste per operating day. It shall not receive more than 1800 tons per day unless the operator first obtains a revision of this permit.

3. A change of operators of this facility will require a new permit.

4. 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.

5. The exterior roll down metal doors facing the adjacent apartment complex shall remain closed during operating hours to limit noise.

6. Traffic entering and exiting the site shall not pass on the west side of the facility so as to limit noise levels.

7. This revision of this permit supercedes the permit originally issued on August 31, 1988.

Provisions:

1. This permit is subject to review and may be suspended, revoked, or modified at any time for sufficient cause.

2. A copy of the most recent printing of the State Minimum Standards for Solid Waste Handling and Disposal, and a copy of this and all other permits issued for the operation of this facility must be kept at the site. These documents must be available for review by authorized representatives of the Local Enforcement Agency or the California Integrated Waste Management Board.

3. A copy of the most recent inspection report resulting from an inspection of the facility by representatives of the Local Enforcement Agency must be maintained at the site.

4. Appropriate safety equipment shall be available for all persons working within the transfer facility and must be used when necessary.

Self-Monitoring

1. A quarterly monitoring report is to be submitted to the Local Enforcement Agency. The report shall contain daily totals of tonnage and vehicles using the facility.

2. The results of the hazardous waste screening program shall also be included in the monitoring report.

3. A log of special occurrences, (fires, explosions, accidents, hazardous wastes, etc.), shall be maintained and reported to the LEA on a quarterly basis, in accordance with the monitoring report schedule.

4. The monitoring report shall be submitted to the Local Enforcement Agency in accordance with the following schedule:

Reporting Period	Report Due
January thru March	May 1
April thru June	August 1
July thru September	November 1
October thru December	February 1

Attachment 4

State of California

California Environmental Protection Agency

Memorandum

To: Chris Deidrick
Permits Branch

Date: March 16, 1992

From: John Nuffer
Local Assistance Branch, South Section
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Subject: **Review of Facility's Conformance with AB 2296--Proposed Permit for Stanton Recycling and Transfer Station, Facility No. 30-AB-0013**

Summary of Findings: The expansion of the Stanton Recycling and Transfer Station, as described in permit application dated February 21, 1992, complies with the requirements of Public Resources Code (PRC) Sections 44009, 50000(a), and 50000.5 (a).

Project Description: The project proposes to construct a 40,000 square foot waste processing facility. The facility will include a trommel, conveyor, overhead magnets, and balers.

Consistency with Waste Diversion Requirements (PRC Section 44009):

Public Resources Code (PRC), Section 44009 prohibits the issuance of permits for new or expanded solid waste facilities when there is substantial evidence that issuance of the permit would "prevent or substantially impair achievement of the requirements prescribed in PRC Section 41780 (city and county waste diversion requirements)."

In order to determine the project's consistency with PRC 44009, the following criteria were applied:

1) Is the proposed project consistent with planned diversion programs; and

2) Does the project design take into account full implementation of the programs that will meet the diversion goals?

The project will play an integral part in implementing the City's Source Reduction and Recycling Element.

1) The proposed project is consistent with planned diversion programs.

   a) The City is committed to using the Recycling and Transfer Station as a materials recovery facility to achieve its AB 939 goals (Page 93, SRRE).

   b) The City selected the use of the transfer station for materials recovery as its number one recycling program (Page 102, SRRE).

   c) The Recycling and Transfer Station is expected to divert 9,695.25 tons or 26% of all City waste by 1995. This will represent more than three-quarters of all the material which will be recycled and composted by the City in 1995. The Station is also expected to divert 19,319.83 tons or 47% of all City waste by the year 2000. This will represent 82% of all material diverted by the City in that year.

2) The project design takes into account full implementation of the programs that will meet the diversion goals.

   a) The City of Stanton has an agreement with CR Transfer, operator of the facility, that commits the City's entire waste stream to the facility until February 1, 2001.

   b) The expansion of the Recycling and Transfer station is identified in the Source Reduction and Recycling Element (SRRE) (Page 91, SRRE). The diversion of yard and wood waste, and other commodities are planned with the expansion.

Issuance of the proposed permit would not prevent or substantially impair achievement of the City of Stanton's waste diversion goals of 33.71% by 1995 and 57.08% by the year 2000.

Consistency with County Solid Waste Management Plan (PRC Section 50000(a)):

PRC Section 50000 prohibits the establishment or expansion of a solid waste facility, which will result in a significant increase in the amount of waste handled at the facility, unless the facility has been identified and described in the latest County Solid Waste Management Plan (CoSWMP).

The Stanton Recycling and Transfer Station is consistent with the Orange County CoSWMP dated 1989. The facility is identified and described on page 3-7.

Consistency with General Plan (PRC Section 50000.5(a)):

PRC Section 50000.5(a) requires that any new or expanded solid waste facility be consistent with the applicable city or county general plan. In order to be deemed consistent, the following two conditions must be met:

1) The facility must be located in a land use area designated or authorized for solid waste facilities in the general plan; and

2) The adjacent land uses must be compatible with the establishment or expansion of the solid waste facility.

The expanded facility will be consistent with the City's general plan. The facility is designated as a "SWT" (Solid Waste Transfer) use in the general plan. According to an ordinance adopted by the City Council on February 28, 1984, the facility "is compatible with surrounding uses and will have no adverse effects."

Conclusions: The proposed expansion of the Stanton Recycling and Transfer Station will not prevent or substantially impair the City from achieving its waste diversion goals. The project is consistent with the latest CoSWMP. It is also consistent with the Stanton general plan.

If you have any questions or comments, please call me at 255-2310.

TABLE 1.3-1

Summary Impact/Mitigation Table

Issue	Potential Impacts	Mitigation Measures	Comments
Air Quality	Temporary emissions of dust during construction.	Utilize dust control measures required by South Coast AQMD Rule 403.	Potential impact reduced to level of non-significance.
	Odor nuisance during facility operations.	Enclose recycling operation within building structure; compliance with South Coast AQMD Rule 402.	Potential impact reduced to level of non-significance.
Noise	Noise from facility operations.	Enclose recycling operation within building structure; utilize north facing truck doors for entry and exit of recycling trucks; keep doors closed at all times except for vehicle entry and exit.	Potential impact reduced to level of non-significance; noise levels meet standards called for in Stanton Noise Ordinance.
	Noise from recycle truck operations.	Route all trucks handling recycled materials along south project boundary, around east face of the transfer station to entry and exit doors on recycle building.	Potential impact reduced to level of non-significance; noise level meets standards called for in Stanton Noise Ordinance.
Aesthetics	Unhindered views of new recycling building from neighboring residences to west and north.	Fill gaps in existing landscape screen with Eucalyptus Citriodora (or equivalent). Install fully automatic irrigation system for all new trees.	Views of new building obscured; impacts reduced to level of non-significance.
Traffic/ Circulation	Project traffic accessing to and from Knott Avenue at Hardee Way.	Install traffic signal at intersection per warrant criteria.	Potential traffic impact at intersection reduced to level of non-sigificance.

TABLE 1.4-1

Mitigation Monitoring

Mitigation Measure	Implementation Timing	Agency Responsible For Monitoring	Method of Reporting/ Assuring Compliance
Dust control measures as required by AQMD Rule 403	Construction	AQMD as requested; City of Stanton if made a permit condition.	AQMD report as requested; observation by City.
Odor control compliance with AQMD Rule 402	Operations	AQMD as requested	AQMD report as requested
Utilize north doors for recycling bldg. entry/exit; doors closed at all other times	Operations	City of Stanton via CRT	Quarterly reports to City by CRT; observation by City inspector.
Route recycled material trucks along south project boundary and easterly of transfer station	Operations	City of Stanton via CRT	Quarterly reports to City by CRT; observation by City inspector.
Fill gaps in existing landscape screen with trees as specified; install fully automatic irrigation system for new trees	Construction	City of Stanton	Project plans; observation by City inspector.
Install traffic signal at Knott Ave. entry to project site (Hardee Way)	In accordance with warrants	City of Stanton	Approved plans and contract for signal installation

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
Permit Decision No. 92-28
April 29, 1992

WHEREAS, the County of Orange Health Care Agency, 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 Stanton Recycling and Transfer Station; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 30-AB-0013.

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 April 29, 1992.

Dated:

Ralph E. Chandler
Executive Director

STATE OF CALIFORNIA Pete Wilson, Governor

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, California 95826

Jesse Huff, Chairman
Sam Egigian, Member
Paul Relis, Member

Wednesday, April 22, 1992
10:00 a.m.
meeting of the

PERMITTING AND ENFORCEMENT COMMITTEE

of the
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

8800 Cal Center Drive
Sacramento, CA 95826

AGENDA

Note: o Agenda items may be taken out of order.
o If written comments are submitted, please provide 20 two-sided copies.

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

Page

1. CONSIDERATION OF CONTRACTS AND INTERAGENCY AGREEMENTS

2. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR BADLANDS SANITARY LANDFILL, RIVERSIDE COUNTY 1

3. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR SANTIAGO CANYON SANITARY LANDFILL, ORANGE COUNTY 46

Page

pulled 4. ~~CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR LOPEZ CANYON LANDFILL, LOS ANGELES COUNTY~~ 81

5. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A NEW SOLID WASTE FACILITIES PERMIT FOR WHITE FEATHER FARMS COMPOSTING FACILITY, RIVERSIDE COUNTY (material not available until closer to date of meeting)

6. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR LANCASTER SANITARY LANDFILL AND RECYCLING CENTER, LOS ANGELES COUNTY 126

7. CONSIDERATION OF THE CERTIFICATION AND DESIGNATION OF THE ENVIRONMENTAL HEALTH DIVISION OF THE RIVERSIDE COUNTY HEALTH DEPARTMENT AS THE LOCAL ENFORCEMENT AGENCY (LEA) FOR RIVERSIDE COUNTY 165

pulled 8. ~~CONSIDERATION OF THE CERTIFICATION AND DESIGNATION OF THE CITY OF VERNON HEALTH DEPARTMENT AS THE LOCAL ENFORCEMENT AGENCY (LEA) FOR THE CITY OF VERNON~~ 170

9. CONSIDERATION OF METHODS FOR INCLUDING FACILITIES IN THE INVENTORY OF SOLID WASTE FACILITIES WHICH VIOLATE STATE MINIMUM STANDARDS 176

pulled 10. ~~CONSIDERATION OF FACILITIES EVALUATION REPORT FOR THE CITY OF WEST COVINA LOCAL ENFORCEMENT AGENCY JURISDICTION~~

pulled 11. ~~CONSIDERATION OF FACILITIES EVALUATION REPORT FOR THE COUNTY OF SAN BERNARDINO LOCAL ENFORCEMENT AGENCY JURISDICTION~~

not pulled ~~pulled~~ 12. ~~CONSIDERATION OF APPROVAL OF PERMIT DESK MANUAL~~ 183
work to incorp LEA comments.

13. COMMITTEE BRIEFING ON CAL-EPA'S PERMITTING CONSOLIDATION PROPOSAL (oral report only)

14. OPEN DISCUSSION

15. ADJOURNMENT

ADDENDUM

THE FOLLOWING ITEM HAS BEEN ADDED TO THE AGENDA AS #13A:

13A. DISCUSSION AND CONSIDERATION OF BOARD POLICY IMPLEMENTING PUBLIC RESOURCES CODE SECTION 44009, WHICH REQUIRES THE BOARD TO OBJECT TO THE ISSUANCE OF A SOLID WASTE FACILITY PERMIT IF THE FACILITY WOULD PREVENT OR SUBSTANTIALLY IMPAIR THE ACHIEVEMENT OF THE WASTE DIVERSI[illegible] REQUIREMENTS MANDATED BY PUBLIC RESOURCES CODE SECTION 41780 186

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee

April 22, 1992

AGENDA ITEM 2

ITEM:	Consideration of Concurrence in the Issuance of a Revised Solid Waste Facilities Permit for the Badlands Sanitary Landfill, Riverside County

BACKGROUND:

Facility Facts

Project:	Revised Solid Waste Facilities Permit to increase the permitted tonnage from 440 to 1400 tons per day
Facility Type:	Area Fill
Name:	Badlands Sanitary Landfill Facility No. 33-AA-0006
Location:	31125 Ironwood Avenue Moreno Valley, Riverside County
Setting:	Surrounding land use is open space and includes a portion of De Anza Cycle Park
Operational Status:	Active facility with a remaining site life of 15 years
Permitted Daily Capacity:	1400 tons per day
Volumetric Capacity:	13,680,000 cubic yards
Area:	141 acre portion of 1081 acre parcel
Owner:	County of Riverside
Operator:	County of Riverside Waste Management Department
LEA:	County of Riverside Department of Health

SUMMARY:

Site History The Badlands Sanitary Landfill began accepting wastes in 1978, but was not permitted by the Local Enforcement Agency (LEA) until June 21, 1979. A Solid Waste Facilities Permit (SWFP) was concurred in by the CIWMB on July 20, 1979. The daily average disposal rates for the past four years have been: 1987 - 210 tons per day (tpd), 1988 - 343 tpd, 1989 - 410 tpd, and 1990 - 416 tpd. It is estimated that there are 930,000 tons of waste in place. As of January, 1992, the remaining capacity was estimated to be 6.73 million tons, or approximately 13.68 million cubic yards. The site is scheduled to remain in service until the year 2006.

The area of the facility is 1081 acres, of which 141 acres are being developed as a single Waste Management Unit. Of the 141 acres, 33 acres are currently under fill. The proposed permit would increase the allowable daily tonnage from 97 to 1400 tons per day. Currently, the site is accepting approximately 440 tons per day. This increase in tonnage per day is a violation of the terms and conditions of the permit, Public Resources Code (PRC) Section 44014(b). The tonnage increase has been addressed by the LEA as a significant change through the issuance of a Notice and Order (N&O) on December 1, 1989, stating that a revised permit is needed to remain in compliance with the PRC. The original N&O set a 270 day deadline for the operator to acquire a revised permit. An additional 120 day extension was granted on September 1, 1990.

The facility currently serves the Moreno Valley area. It only accepts non-hazardous solid waste that includes: municipal solid waste, approved agricultural wastes, construction/demolition wastes, tires, approved industrial wastes, inert materials, dead animals, and contaminated soils that have been cleared for disposal by the local Regional Water Quality Control Board (RWQCB).

The land surrounding the Badlands landfill consists of vacant open space, mountains ranging from 2000-2400 feet, low density residential uses (mobile homes), and the De Anza motorcycle park.

The facility is currently operating under Waste Discharge Requirements (Board Order No. 91-105) adopted by the Santa Ana Regional Water Quality Control Board on July 16, 1991. A Cleanup and Abatement Order (C & A No. 91-69) was signed by the Executive Officer of the RWQCB on June 24, 1991. The Cleanup and Abatement Order to the site required the following conditions:

1. Sloping all surfaces of the landfill to promote rapid drainage away from and off of

the landfill. This will prevent ponding and infiltration of water into the refuse.

2. Installing downspout pipes or equivalent features to allow flow of water from the top of the landfill without causing erosion into refuse, which can result in large amounts of water entering the refuse.

3. Designing the above two features to carry rainwater which would result from a maximum intensity storm.

The Cleanup and Abatement Order stipulated a November 29, 1991 deadline for compliance. The operator has performed a significant amount of work in grading the land around the fill area in order to mitigate the impacts of stormwater on the site. CIWMB staff performed an inspection of the site on March 19, 1992 and observed the operator using equipment to bring the site into compliance with drainage and erosion violations. The operator was complying with the Notice and Order issued on October 24, 1991, working diligently to correct the drainage problems on site. The CIWMB staff commend the operator and the LEA on making progress toward bringing the site into full compliance.

Project Description The area fill method is used at this facility. Incoming wastes are identified by type at the weighing scale, a fee is collected at the fee collection building, and then the wastes routed to the active work face for unloading. Wastes are unloaded under the scrutiny of the traffic director and are then spread and compacted in layers. At the end of each operating day, the active cell is covered with six inches of compacted soil. Cells form progressing terraces until the grades defined by the site grading plan are established.

The facility is open from 8:00 a.m. to 4:30 p.m., Monday through Saturday. Operations are not conducted before sunrise or after sunset.

Environmental Controls The landfill surface is drained by maintaining a drainage gradient and by drainage ditches on the side of the landfill to convey off-site runoff away from filled areas.

Erosion is generally controlled by regulating the velocity of rainfall runoff. The intermediate cover of the landfill is graded to drain nuisance sheet flow. During more severe storms, compacted dirt cover is susceptible to erosion. Interceptor berms and other methods of surface control are used to minimize erosion by cutting off long reaches of flow to drain into

strategically located downdrains, thus reducing the resultant flow rate and velocity.

Refuse is pushed, compacted and covered throughout the day in order to minimize odors from the landfill. Fugitive dust is mitigated through the use of a 4000 gallon water truck fitted with spray discharge nozzles. The water for dust control is obtained from a fire hydrant located on the corner of Ironwood Avenue and Theodore Street. No significant numbers of vectors have been observed at the site to date; however, with the increase in tonnage in the future the operator will pay close attention to keeping all of the refuse covered as soon as it is placed. The operator has hired Refuse Control Coordinators to take care of any potential litter problems.

There are four groundwater monitoring wells installed at the site, and seven gas probes. The groundwater wells are sampled on a quarterly basis, and the Riverside County Waste Management Department has commissioned a study to determine the hydrogeologic conditions at the site.

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. The permit was originally submitted on February 25, 1992; however, the LEA resubmitted the permit on March 4, 1992. The last day for the CIWMB to act on this permit is May 4, 1992.

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 Riverside 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 Riverside County General Plan. Board staff agrees with said finding.

3. Consistency with Waste Diversion Requirements

Board Planning and Assistance Division staff evaluate proposed permits, pursuant to PRC 44009, to determine if the proposed project would impair or substantially prevent the achievement of waste diversion goals. Based on considerations of available information, staff determined that the issuance of the proposed permit would neither prevent nor substantially impair achievement of mandated waste diversion goals. The analysis used in making this determination is included as Attachment 4.

4. California Environmental Quality Act (CEQA)

State law requires the preparation and certification of an environmental document and Mitigation Monitoring and Implementation Schedule (MMIS). The Riverside County Planning Department prepared a Negative Declaration (ND) (SCH # 90020749) for the proposed project. As required by CEQA, the ND identified the potential adverse environmental effects and appropriate mitigation measures for the proposed project. The Riverside County Planning Department approved the Negative Declaration and filed a Notice of Determination on November 19, 1990.

A Mitigation Monitoring and Implementation Schedule (MMIS) has been submitted to the Board. Potential environmental impacts and mitigation measures associated with the site's operations are identified and incorporated into the MMIS (Attachment 5).

After reviewing the environmental documentation for the project, Board staff has determined that CEQA has been complied with, and that the ND is adequate and appropriate for the Board's use in evaluating the proposed project. The Notice of Determination for the Negative Declaration is included as Attachment 8.

5. Conformance with State Minimum Standards

On March 19, 1992, CIWMB staff conducted an inspection of the Badlands Sanitary Landfill in conjunction with the LEA. The facility was in violation with State Minimum Standards for solid waste handling. Specifically, the three violations of Title 14, Chapter 3 of the California Code of Regulations (CCR) were noted by Board staff and include:

Section 17658 - Site Security
Section 17708 - Drainage and Erosion Control

Section 17710 - Grading of Fill Surfaces

Several motorcycle tracks were observed at the landfill. The De Anza motorcycle park is near the landfill and unauthorized entry by motorcyclists is a continuing problem. The dirt berm that had been built by the operator to discourage unauthorized entry by motorcyclists was washed away by the recent heavy rains.

On the second lift's bench (southeast side of the fill) cover was eroded and waste was exposed. In addition, the bottom of the downdrain needs to be repaired. Furthermore, the grading of the same bench was still based on previous drainage plans. Since the drainage plan has been redesigned, the downdrain at the base of the grade was removed, causing erosion down to waste in this area. The inspector noted that the operator was repairing this problem on the day of the inspection.

6. Conformance with Closure and Post-Closure Maintenance Plans

A Preliminary Closure and Post-Closure Maintenance Plan must be submitted to the CIWMB by June 30, 1994. Riverside County Waste Management Department established an Enterprise Fund and Escrow Agreement as a Financial Assurance Mechanism for the costs of Closure and Postclosure Maintenance for the Badlands Sanitary Landfill. The mechanism meets the requirements of Title 14, California Code of Regulations (CCR), Division 7, Chapter 5, Article 3.5, Section 18285 for providing adequate financial assurance. The CIWMB Financial Assurance Section staff report is included as Attachment 7.

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. 92- concurring in the issuance of a Solid Waste Facilities Permit No. 33-AA-0006.

ATTACHMENTS:

1. Location Map
2. Site Map
3. Permit No. 33-AA-0006

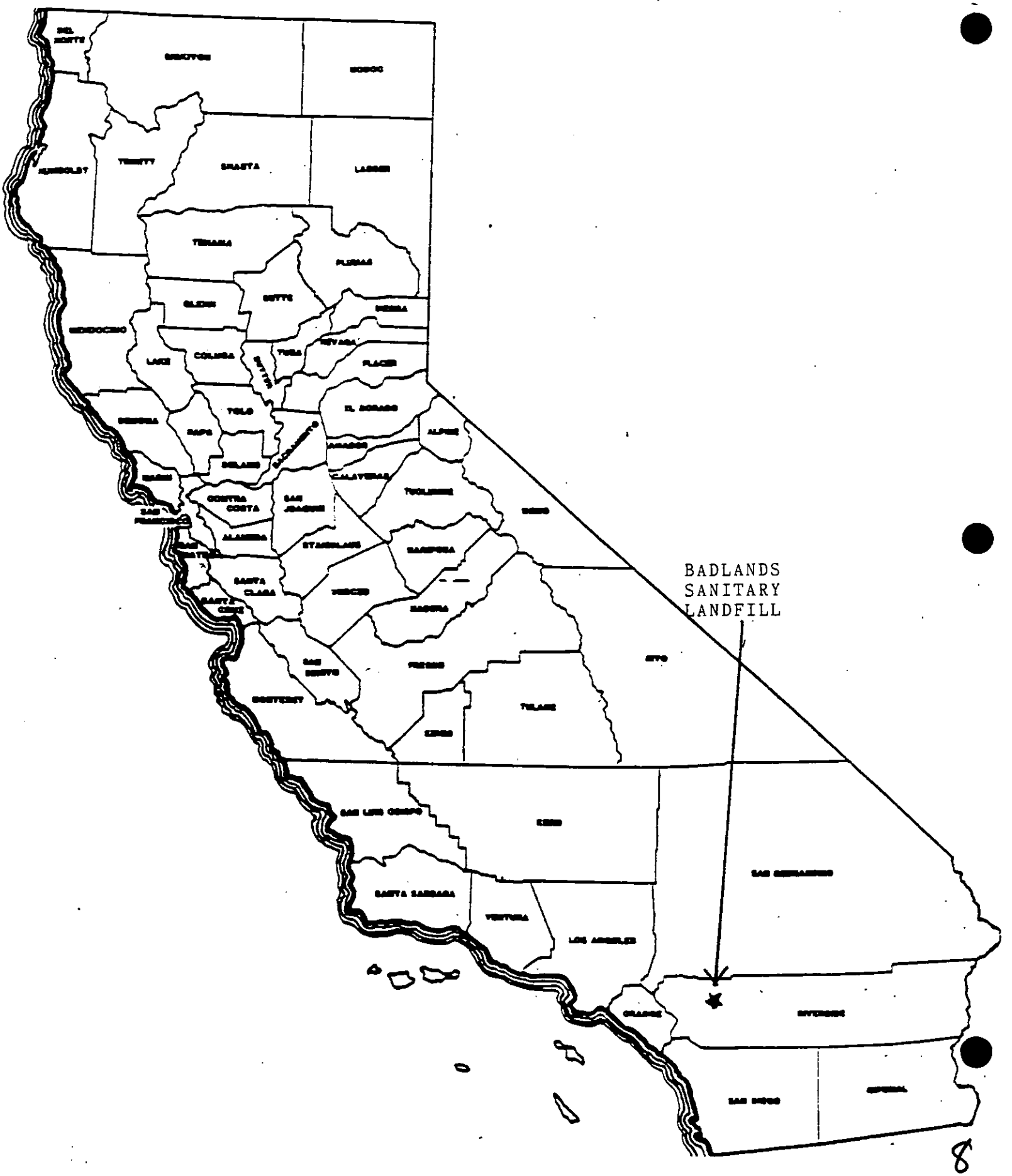
4. AB 2296 Conformance
5. Mitigation Monitoring and Implementation Schedule
6. LEA correspondence waiving 60 day requirement
7. CIWMB Financial Assurance Section memo
8. Notice of Determination
9. Permit Decision No. 92-29

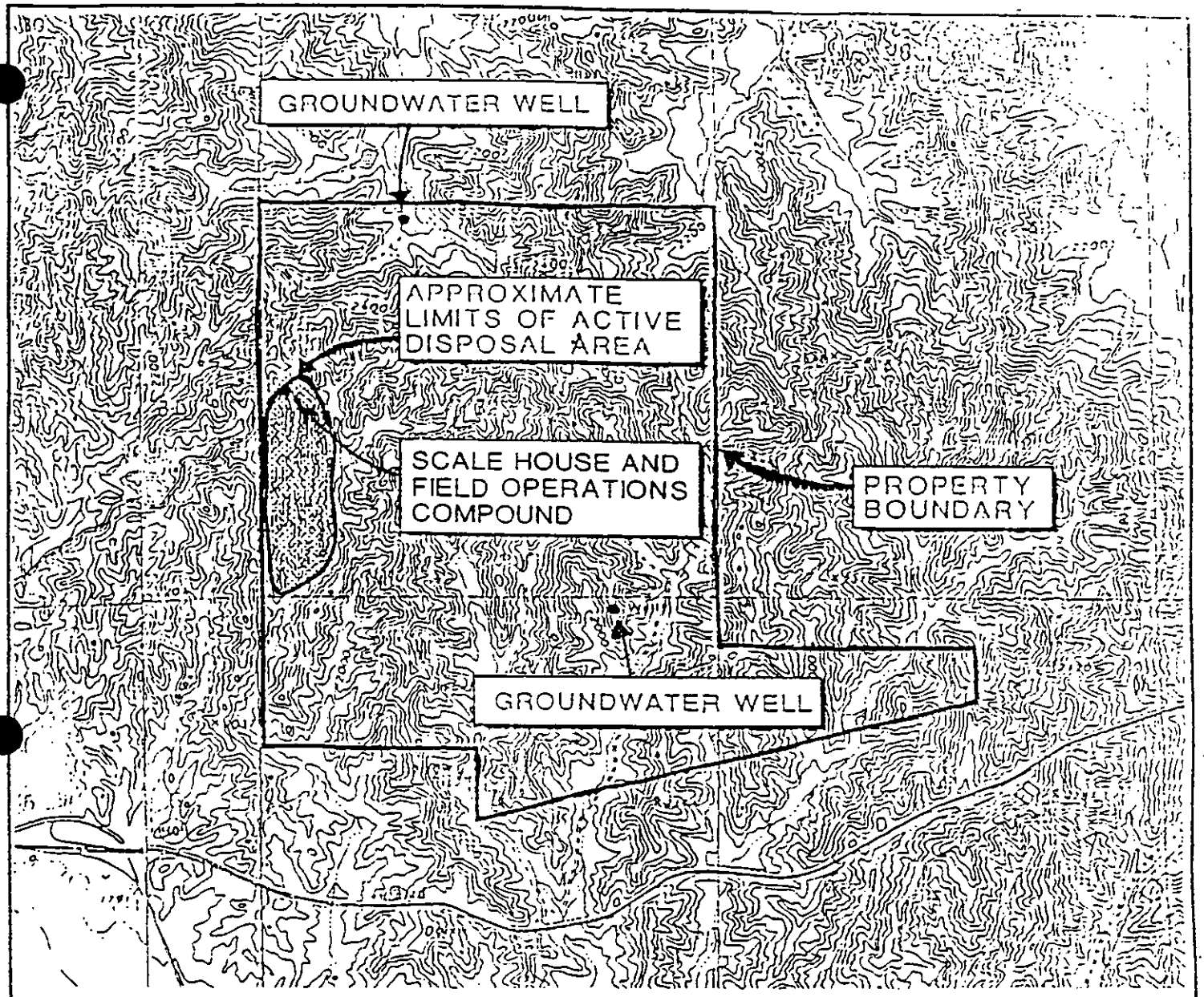
Prepared by: Paul Sweeney/Phillip Moralez Phone: 255-2577

Approved by: Martha Vazquez Phone: 255-2453

Legal Review: _____ Date/Time 4-9-92

ATTACHMENT 1





EXPLANATION

—2000— CONTOUR INTERVAL 20 FEET

ADAPTED FROM U.S. GEOLOGICAL SURVEY
EL CASCO 7.5 QUADRANGLE MAP, 1979
SUNNYMEAD 7.5 QUADRANGLE MAP, 1979

N

SCALE:	SOURCE:

COUNTY OF RIVERSIDE

WASTE MANAGEMENT DEPARTMENT

BADLANDS SANITARY LANDFILL

STRUCTURE LOCATIONS

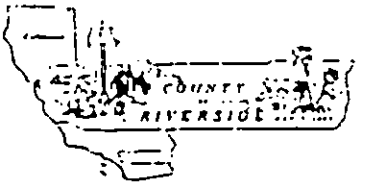


FIGURE 7

ATTACHMENT 3

OPERATING PERMIT FOR FACILITIES RECEIVING SOLID WASTE	TYPE OF FACILITY: Sanitary Landfill	FACILITY/PERMIT NUMBER: 33-AA-0006
NAME AND STREET ADDRESS OF FACILITY: Badlands Sanitary Landfill, 31125 Ironwood Ave., Moreno Valley, California	NAME AND MAILING ADDRESS OF OPERATOR: Riverside County Waste Management Dept., 11728 Magnolia Ave., Suite A, Riverside, CA 92503	
PERMITTING ENFORCEMENT AGENCY: Local Solid Waste Management Enforcement Agency for the County of Riverside	CITY/COUNTY: County of Riverside	

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: Local Solid Waste Management Enforcement Agency for the County of Riverside, County Health Department, 4065 County Circle Drive, P.O. Box 7600, Riverside, CA 92513-7600	
APPROVING OFFICER: John M. Fanning, Chairman, LEA (NAME/TITLE)		
SEAL	AGENCY USE/COMMENTS	
	PERMIT RECEIVED BY CWMB: FEB 25 1992	CWMB CONCURRANCE DATE
	PERMIT REVIEW DUE DATE	PERMIT ISSUED DATE

CWMB (Rev. 7/84)

PROPOSED PERMIT FOR BADLANDS SANITARY LANDFILL

FINDINGS

1. The following describe the design and operation of the facility as authorized by this permit:

   A. Badlands Sanitary Landfill, 31125 Ironwood Avenue, Moreno Valley, California, is owned by Riverside County and operated by the Riverside County's Waste Management Department.

   B. The site occupies 1081 acres including all of Section 32, Township 2 South, Range 2 West; the north half of Section 5 and the northwest quarter of Section 4, Township 3 South, Range 2 West, San Bernardino Baseline and Meridian in Riverside County, California. Maps showing the general location and details of on-site structures within 1000 feet of the perimeter of the property are shown in the Report of Disposal Site Information, Badlands Sanitary Landfill, dated January 1992. This is a Class III landfill. Of the 1081 acres, 141 acres are being developed as a single wast management unit. Currently 33 acres of the 141 acres actively in use are under fill with the remaining 108 acres scheduled to be landfilled according to the fill sequence described in the Report of Disposal Site Information.

   C. The physical plant begins with the lockable gates at the entrance to the facility. A partially paved access road leads from the gates to a fee collection building near the highest point at the site, and continues to the active work area. A railroad boxcar is adjacent to the fee collection building, and serves as storage and office space. The area around the boxcar is the equipment compound and maintenance area.

   D. This facility receives non-hazardous wastes which include:

      1. municipal solid wastes
      2. approved agricultural wastes
      3. construction/demolition wastes
      4. tires
      5. approved industrial wastes
      6. inert materials
      7. dead animals

   E. This facility receives an average of 440 tons of waste per operating day. Peak loading is anticipated to reach 1,400 tons per day within five years. The facility shall receive no greater than 1,400 tons per operating day. (Negative Declaration E.A. No. 35310, pages 1, 9, and 10)

4065 County Circle Dr., Riverside, CA 92503 ▪ P.O. Box 7600, Riverside, CA 92513-7600 Fax # 358-4529

The current waste management unit has an estimated remaining capacity of 6.73 million tons as of January 1992, and will be filled to grade by 2006. (Computed from information in the Report of Disposal Site Information, January 1992, pages 10 & 11)

F. The area method of landfilling is used at this facility. Wastes are weighed at the fee collection building, and then routed to the active work face where they are discharged. Wastes are spread, compacted by layers, and confined to the cell using heavy equipment. At the end of each operating day, the active cell is closed with six inches of compacted soil. Cells are combined into progressing terraces until the grades defined by the site grading plan are established.

G. Resource recovery and salvaging operations are not currently conducted at this facility. However, the County has prepared a County Integrated Waste Management Plan to meet the requirements of AB 939. As a part of this plan, programs will be implemented to reduce the quantity of wastes requiring disposal at all County landfills.

H. Hazardous wastes are not accepted at this facility. Hazardous wastes shall be handled in a manner approved by the Local Solid Waste Management Enforcement Agency and the California Integrated Waste Management Board as per Title 22, California Code of Regulations.

In-coming wastes are identified by type at the weighing scale by the fee collectors. In addition, after being routed to the working face, the wastes are unloaded under the scrutiny of the traffic director.

Hazardous wastes are not accepted at this facility. Any hazardous waste inadvertently discharged at this facility shall be handled according to the "Protocol for Handling of Improperly Disposed of Hazardous Waste at Class III County Solid Waste Facilities" (see attachment 1).

I. Within the next five years, the operator may increase the hours of operation to begin as early as 6:00 a.m. and end as late as 8:00 p.m.; it being stipulated that the site would not operate except during daylight hours. This contingency is addressed in the Negative Declaration, E.A. No. 35310. See Specification #7 for implementation details.

J. The facility is open from 8:00 a.m. to 4:30 p.m., Monday through Saturday. Operations must not be conducted before sunrise or after sunset. The facility is closed on New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day.

2. The following agencies and documents condition operation and use of this facility, and are adopted by reference.

A. Report of Disposal Site Information dated January 1992.

B. California Regional Water Quality Control Board - Santa Ana Region: Waste Discharge Requirement No. 91-105, dated July 19, 1991.

C. South Coast Air Quality Management District exemption from Rule 1150.1, letter dated September 8, 1989.

D. Riverside County Planning Department, Environmental Assessment (Negative Declaration and Mitigation Measure Monitoring Program) Number 35310, State Clearing House Number 90020749, adopted November 13, 1990.

3. The following findings are required pursuant to PRC sections 44009, 50000 and 50000.5:

   A. The Riverside County Solid Waste Management Plan, as amended in October 1989, identifies the Badlands Sanitary Landfill.

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

   C. This facility was found to be consistent with, and shown to be designated in, the Riverside County Comprehensive General Plan by the Riverside County Planning Department in a letter dated July 23, 1990.

4. The design and operation of this facility is in compliance with the State Minimum standards for Solid Waste Handling and Disposal as determined by the LEA on January 16, 1991.

5. This facility is in conformance with applicable fire standards by complying with the State Public Resources Code Section 4373 and 4374 which requires that any solid waste facility for which a permit is required shall be maintained with a clearance of flammable material for a minimum distance of 150 feet from the periphery of any exposed flammable solid.

6. The Riverside County Planning Department has made a written finding that this facility is compatible with surrounding land uses in a letter dated July 23, 1990.

7. A Notice of Determination was filed with the State Clearinghouse (SCH #90020749) on November 19, 1990 by the Riverside County Board of Supervisors for Negative Declaration, E.A. No. 35310.

CONDITIONS

Requirements:

1. This facility must comply with State Minimum Standards for Solid Waste Handling and Disposal, California Code of Regulations, Title 14.

2. The facility must comply with all federal, state, and local requirements and enactments; including all mitigation measures given in Environmental Assessment Number 35310 filed pursuant to Public Resources Code, Section 21081.6.

3. Any additional information must be provided as required by the Local Solid Waste Management Enforcement Agency.

4. The Local Solid Waste Management Enforcement Agency may require the installation of monitoring probes to detect gas migration. If needed, a landfill gas control system shall be installed.

Prohibitions:

The following actions are prohibited at this facility:

a. disposal of hazardous or designated wastes
b. scavenging
c. open burning
d. disposal of liquid wastes
e. disposal of infectious wastes
f. disposal of sludge from waste water treatment facilities
g. night time operations
h. discharging of explosives or detonation of explosive devices
i. acceptance of any waste material after the proposed grade has been reached
j. allow standing water to collect on covered fill surfaces

Specifications:

1. The operator will meet State Waste Tire Storage And Disposal Standards, California Code of Regulations, Title 14, Chapter 3, Article 5.5.

2. All waste received at this facility, with the following exceptions, shall be covered with six inches of compacted cover material at the end of every operating day:

   a. Tree limbs, tree root balls and tires shall be covered with six inches of compacted cover within 60 days of receipt.

   b. Asphalt and concrete that is not contaminated with any other waste may be stockpiled in quanitites and at a location approved by the LEA for the purpose providing a safe surface for wet weather operations.

3. The operator is prohibited from making any change which would cause the design or operations of the facility to violate the terms or conditions of this solid waste facility permit. Such a change would be considered a significant change, and would require a permit revision.

4. This facility has a permitted capacity of 1400 tons per operating day, and shall not receive more than this amount without first obtaining a revision of the permit from the Local Solid Waste Management Enforcement Agency.

5. Dead animals must be covered with a minimum of six inches of compacted cover material immediately upon receipt.

6. The Waste Management Depart of Riverside County is the authorized operator of this facility. The LEA shall be notified by the Waste Management Department at least 120 days prior to any proposed change in operator for this facility.

7. The operating hours of the facility will be allowed as follows:

   Between the hours of 8:00 a.m. and 4:30 p.m., Monday through Saturday, with the exception of holidays. The operator may, upon approval of the LEA, expand the hours of operation on Monday through Saturday to 6:00 a.m. to 8:00 p.m.; it being stipulated that the facility would not operate except during daylight hours.

8. Copies of any plans describing a proposed structure or feature not included in a current Report of Disposal Site Information shall be submitted no later than 120 days in advance of construction of the structure or feature. On final approval of the plans by all responsible agencies, the approved plans are to be submitted as an amendment to the Report of Disposal Site Information or as part of a revised Report of Disposal Site Information.

Provisions:

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

Closure/Postclosure Maintenance:

1. All documentation relating to the preparation of the closure and post closure maintenance costs shall be retained by the operator and shall be available for inspection by the Board or the LEA at reasonable times.

2. The **Preliminary Closure/Postclosure Maintenance Plan** for this facility shall be submitted with the next **Application for Permit Review** per Public Resources Code Section 43503 and California Code of Regulations Section 18213. This application is to be filed with the LEA no later than 120 days prior to the fifth anniversary of the issuance of this solid waste facilities permit.

Monitoring Program:

1. The following environmental measurements shall be reported to the LEA on a **quarterly** basis:
   a. water quality monitoring reports
   b. leachate monitoring reports
   c. items required under mitigation measures monitoring program as outlined in environmental assessment #35310
   d. landfill gas migration and emission reports
   e. a record of any cuts made to natural terrain where fill has been placed, and the depth to groundwater

2. The following environmental measurements shall be reported to the LEA on a **monthly** basis:
   a. number of vehicles utilizing the site
   b. area of site utilized
   c. quantities and types of wastes received
   d. quantities of dead animals and tires received
   e. a log of special occurrences; i.e. fires, explosions, accidents, hazardous wastes, injuries
   f. records of the hazardous waste screening program (when implemented)

ATTACHMENT 4

State of California | **California Environmental Protection Agency**

M e m o r a n d u m

To : Paul Sweeney **Date: March 27, 1992**

From : John S. Brooks
John S. Brooks
Local Assistance

Subject: Badlands Landfill Proposed Solid Waste Facilities Permit No. 33-AA-0006 Conformance Findings Required by AB 2296

Research:

To gather the necessary information for determining a facilities conformance with AB 2296, Local Assistance staff contact the LTF staff and the LEA for information. Staff review the County's CoSWMP and all applicable SRREs that have been submitted for review. In addition, we review applicable portions of the RDSI, correspondence showing consistency with the General Plan, the permit and contact the applicant as necessary.

Finding of Consistency with Waste Diversion Goals (PRC Section 44009):

Approval of the proposed permit for the Badlands Landfill would not prevent nor impair achievement of the waste diversion requirements.

Source Reduction and Recycling Element:

The facility was identified in the County unincorporated area SRRE. The facility currently provides disposal for 100% of Moreno Valley. Moreno Valley has 126,300 people according to the Department of Finances 1991 Population Estimates for California Cities and Counties this represents a 9.5% increase from 1990. The Moreno Valley Economic Development Department is projecting that by the year 2010, Moreno Valley will have a population of 243,635 (Moreno Valley SRRE).

Local Task Force:

Board staff have contacted LTF staff (County Staff) to find out how this facility fits in with Riverside's overall Integrated Waste Management plans. The LTF has reviewed the proposed project and finds it necessary to provide adequate disposal in the region. The LTF in Riverside is proposing to develop a

series of MRFs and processing facilities that will receive and process all waste before it is taken to its ultimate disposal site. They are in the process of formalizing the system concept now. When the facilities come on-line it will reduce the amount and types of materials disposed of at the landfills

Facility Information:

This facility is approved to receive:
1. municipal solid wastes
2. approved agricultural waste
3. construction/demolition wastes
4. tires
5. approved industrial wastes
6. inert materials
7. dead animals

The facility currently receives an average of 440 tons-per-day and expects to receive a peak loading of 1,400 tons-per-day within five years. The amount of waste disposed in 1990 ranged from a low of 38 TPD to a maximum of 871 TPD. Due to the high growth in Moreno Valley and wide daily fluctuations in disposal they are projecting a need for 1400 TPD. In addition, four area landfills are projected to close in the next few years and it is anticipated that a portion of the waste will be diverted to this site. There are no diversion programs planned or on-going at this site. There are no flow control agreements between the operator (Riverside County) and the jurisdictions.

Summary:

Approval of the permit would not prevent nor impair the achievement of the waste diversion goals for those jurisdictions that use the Badlands Landfill.

Conformance with CoSWMP:

The facility is identified and described in the most recently adopted Riverside County Solid Waste Management Plan on page 11-9 (October, 1989).

Conformance with the General Plan:

A letter (July 23, 1990) was submitted from the Riverside County Planning Department showing the facility was found to be consistent with the existing zones identified in the Riverside County Comprehensive General Plan.

Riverside County Waste Management Department
Badlands Landfill Mitigation Measure Monitoring Program
Negative Declaration/Environmental Assessment No. 35316
July 1990

Mitigation Measure:	Erosion control and maintaining slope stability
Agency or Individual Responsible for Implementation:	The Riverside County Waste Management Department
Timing:	Before the period of heaviest seasonal rainfall, the Riverside County Waste Management Department will regrade all fill areas which show signs of inadequately maintained slopes or differential settlement. This must be completed by November 1 of each year, in order to comply with Regional Water Quality Control Board (RWQCB), Santa Ana Region, standards. More frequent regrading will be implemented upon the recommendation of the Riverside County Local Solid Waste Enforcement Agency (LEA) and the RWQCB.
Monitoring Work Program:	The Riverside County Waste Management Department provides monitoring reports to the Regional Water Quality Control Board, Santa Ana Region, on a quarterly basis including an erosion control and regrading program. One site visit at the time of final inspection should

be conducted to ensure compliance. Annual monitoring should occur (or more frequently) upon specific LEA or RWQCB recommendation.

Funding: Operations budget of the Riverside County Waste Management Department. Long-term maintenance will be performed by the said Department or successors in interest.

Standards for Success: Frequent monitoring of Riverside County landfill sites by the LEA and RWQCB will ensure that adequate slope stability, erosion control, and proper drainage are maintained. Failure to comply with either agency's standards can result in the revoking of the Solid Waste Facilities Permit or Waste Discharge Permit and the subsequent closure of the landfill. Site inspection should be made for as long as the approved land use or the site facility permit remains.

Mitigation Measure: Mitigating fire hazards

Agency or Individual Responsible for Implementation: Riverside County Waste Management Department

Timing: Adequate fire control will be provided on a daily basis by site crews equiped with a water-truck and heavy equipment, and by segregating hot loads. Fire prevention will be maintained by following public

resources guidelines and through frequent site inspections by the LEA and Riverside County Fire Department. At these times the adequacy of fire prevention equipment will be determined. The LEA will determine if fire prevention measures and equipment are sufficient on-site before the issuance of a revised Solid Waste Facilities Permit. Implementation should occur before the issuance of the said permit.

Monitoring Work Program: The LEA and Facility Engineers should check fire codes and fire prevention measures and make a site inspection before the issuance of a revised permit. One site visit at the time of final inspection should be conducted to ensure compliance. Monthly monitoring should occur.

Funding: Operations budget of the Riverside County Waste Management Department. Long-term maintenance will be performed by the said Department or successors in interest.

Standards for Success: Operational techniques used to prevent fires (such as proper compaction and the use of a fire truck) should be performed on a daily basis and whenever necessary to mitigate the potential for fire hazards and should occur as long as the approved land use remains.

Mitigation Measure:	Monitoring for groundwater quality and leachate occurrence
Agency or Individual Responsible for Implementation:	Riverside County Waste Management Department
Timing:	The Riverside County Waste Management Department will submit Solid Waste Water Quality groundwater test reports to the Regional Water Quality Control Board, Santa Ana Region, as mandated by its waste discharge requirements to determine if pollutants from the landfill are leaching into groundwater on or off-site. Implementation will initially occur on a quarterly basis but may be modified to a different interval by the Water Quality Control Board during the life of the facility permit.
Monitoring Work Program:	Facility Engineers and the Regional Water Quality Control Board, Santa Ana Region, should closely evaluate the water quality monitoring reports based on samples taken from groundwater wells around and adjacent to the site weighed against the regional basins water quality objective procedures. One site visit at the time of final inspection should be conducted to ensure compliance. Quarterly monitoring should occur, or at a frequency to be determined by the RWQCB.

Funding:	Operations budget of the Riverside County Waste Management Department. Long-term maintenance will be performed by the said Department or successors in interest.
Standards for Success:	The Riverside County Waste Management Department operates in compliance with Regional Water Quality Control Board Waste Discharge Requirements, in accordance with regional basin water quality objectives. If significant amounts of contaminants from the landfill are found to be leaching into the groundwater at or near the site, the Waste Management Department will arrange for an appropriate remediation program.
Mitigation Measure:	Mitigating the occurrence of household hazardous and commercial hazardous (toxic) wastes at the landfill
Agency or Individual Responsible for Implementation:	Riverside County Waste Management Department
Timing:	Upon the issuance of the revised Solid Waste Facilities Permit for the landfill, the Hazardous Materials Branch-Environmental Health Services Division, of the Riverside County Health Department will proceed with plans to implement a waste load checking program at the landfill. Implementation should occur after California Integrated Waste Management Board

adoption of the permit revision.

Monitoring Work Program:	A Specialist from the Environmental Health Services Division will make periodic checks of waste loads entering the landfill to determine if any household hazardous or commercial hazardous (toxic) wastes are entering the landfill. One site visit at the time of final inspection should be conducted to ensure compliance.
Funding:	Operations budget of the Riverside County Waste Management Department. Long-term maintenance will be performed by the said Department or successors in interest.
Standards for Success:	If found, household hazardous waste will be isolated from other landfilling cells and will be collected and transported away from the site as part of the Environmental Health Services Division household hazardous waste collection program. If commercial hazardous waste is identified, the Environmental Health Services Specialist present will identify the hazardous waste type and conduct an investigation for the responsible party. If the situation is not an emergency, such as those that involve non-poisonous and non-flammable materials, the hazardous waste will be collected, cordoned off in a remote area, and treated. If an emergency situation does exist, a qualified

hazardous waste disposal company will be called in immediately to collect the commercial hazardous waste and transport it safely to a hazardous waste treatment or disposal facility.

Mitigation Measure: Mitigating the potential for environmental hazards associated with nuisance wastes

Agency or Individual Responsible for Implementation: Riverside County Waste Management Department

Timing: The Waste Management Department's procedures for the acceptance, refusal, and handling of nuisance wastes will be examined by the LEA before the issuance of a revised Solid Waste Facilities Permit. Implementation should occur before the issuance of the said permit and monthly thereafter.

Monitoring Work Program: Facility Engineers will check operations reports and landfill cell areas to determine if the amount of nuisance wastes received is at an acceptable level, and if the mitigation measures being used are effective. Nuisance wastes will be segregated at the site and buried immediately. Facility Engineers will refuse entry, have tested, and certify the origin of questionable waste materials. The LEA will also determine the sufficiency of such procedures. One site visit at the time of final inspection should

be conducted to ensure compliance. Monthly monitoring should occur and more frequently as required.

Funding: Operations budget of the Riverside County Waste Management Department. Long-term maintenance will be performed by the said Department or successors in interest.

Standards for Success: The Waste Management Department operates under the requirements of State Water Resources Control Board Guidelines Title 23, Subchapter 15, and County Ordinance 536 which specify wastes types to be received and procedures for their acceptance. Additional measures, such as refusing entry, pre-notifying the Operator, and separation from the waste stream for nuisance wastes will continue to be employed by the Waste Management Department and should occur for as long as the approved land use remains.

Mitigation Measure: Controlling fugitive dust

Agency or Individual Responsible for Implementation: Riverside County Waste Management Department

Timing: The LEA will review operational procedures and the spraying of fugitive dust via water-truck, and will incorporate these procedures in the Solid Waste Facilities Permit conditions. Implementation should occur before the issuance

	of the said permit and monthly thereafter.
Monitoring Work Program:	The LEA and Facility Engineers should check operations procedures and make a site inspection before the issuance of a revised permit. One site visit at the time of final inspection should be conducted to ensure compliance. Monthly monitoring should occur.
Funding:	Operations budget of the Riverside County Waste Management Department. Long-term maintenance will be performed by the said Department or successors in interest.
Standards for Success:	Operational techniques used to mitigate dust (such as spraying by a water-truck) should be performed on a daily basis and whenever necessary to mitigate the potential for dust generation and should occur as long as the approved land use remains.
<u>Mitigation Measure</u>:	Noise attenuation devices
Agency or Individual Responsible for Implementation:	Riverside County Waste Management Department
Timing:	Increases in the number of vehicles requiring the use of noise attenuation devices is concurrent with landfill operation procedures. Environmental equipment used should be in accordance with California Occupational Safety and Hazard

Authority (OSHA) or Federal OSHA requirements prior to use by the Operator. Noise suppressors such as mufflers must be incorporated with landfill machinery. Implementation should occur at the time of need associated with the development of the landfill.

Monitoring Work Program:

Sound or noise measurements in terms of decibles per second shall be done at least once a year at various distances from landfill machines in order to ensure noise levels to be within California OSHA standards. One site visit at the time of final inspection should be conducted to ensure compliance. Annual monitoring should occur.

Funding:

Operations budget of the Riverside County Waste Management Department. Long-term maintenance will be performed by the said Department or successors in interest.

Standards for Success:

Noise attenuation devices should be incorporated into all machinery, prior to operation, for use at the landfill site for as long as the approved land use remains.

<u>Mitigation Measure</u>:

Operational set-backs

Agency or Individual Responsible for Implementation:

Riverside County Waste Management Department

Timing:	The LEA will review operational procedures and the use of set-backs to mitigate landfill noise and will determine if this procedure is sufficient before the issuance of a revised Solid Waste Facilities Permit and monthly thereafter. Implementation should occur, when required, and at the time of need associated with the development of the landfill.
Monitoring Work Program:	The Operator will review development plans to ensure that sufficient buffers and set-backs exist between the landfill and noise sensitive or residential areas. The LEA and Facility Engineers should check field operations and make a site inspection before the issuance of a revised permit. One site visit at the time of final inspection should be conducted to ensure compliance. Monthly monitoring should occur.
Funding:	Operations budget of the Riverside County Waste Management Department. Long-term maintenance will be performed by the said Department or successors in interest.
Standards for Success:	Frequent inspections by the LEA and supervision in design maintenance by Facility Engineers will ensure that adequate set-backs are provided in order to mitigate noise impacts from landfill operations. Operational

	set-backs or alternative terrain barriers should be used as long as the approved land use remains.
Mitigation Measure:	Gas migration monitoring
Agency or Individual Responsible for Implementation:	Riverside County Waste Management Department
Timing:	The Waste Management Department will submit test results on samples obtained from probes located around the landfill to the South Coast Air Quality Management District (SCAQMD) to determine whether landfill gas (such as methane) is migrating beyond the site boundary. Implementation should occur quarterly or at a frequency required by the SCAQMD during the life of the permit.
Monitoring Work Program:	Facility Engineers, the SCAQMD, and the LEA should review test results on air samples from probes and determine whether landfill gas is migrating beyond the site boundary or emitting through the landfill cover in a significant concentration that may pose a hazard to the surrounding community. Periodic reviews of design and monthly inspections should occur to determine the sufficiency of landfill gas monitoring probes.
Funding:	Operations budget of the Riverside County Waste Management Department. Long-term maintenance

will be performed by the said Department or successors in interest.

Standards for Success:

Migrating methane gas should not exceed the State Standard of 25% of the lower explosive limit. Surface emissions of methane gas should not exceed 500 parts per million in accordance with SCAQMD Rule 1150.1. Laboratory test results of air samples, monthly LEA inspection, and SCAQMD required monitoring of landfill gas migration and surface emission by the Waste Management Department should occur in order to ensure the immediate detection of any migrating gases at an unacceptable level of concentration which could impact public health and safety. Air quality monitoring should occur as long as the approved land use remains.

Mitigation Measure:

Stand-by equipment

Agency or Individual Responsible for Implementation:

Riverside County Waste Management Department

Timing:

Upon the break-down of equipment operating at the site, the Waste Management Department maintains additional equipment and funding that will enable the Department to immediately replace faulty equipment allowing operations to continue at the landfill, without interruption. Implementation should occur at the time of

need associated with the development of the landfill, or as required.

Monitoring Work Program:

The Waste Management Department will keep stand-by equipment sufficiently maintained and readily available (including a low-buoy and stand-by driver) in case of emergency. Waste Management staff will determine the sufficiency and operating ability of each piece of equipment. The Operator will review development plans to ensure that an increase in daily waste loads received at the landfill will require an increase in maintenance of on-site equipment. Monthly monitoring should occur.

Funding:

Operations budget of the Riverside County Waste Management Department. Long-term maintenance will be performed by the said Department or successors in interest.

Standards for Success:

The Waste Management Department purchases new equipment upon the recommendation of the LEA, Facility Engineers, and Site Supervisors, ensuring that equipment on-site is of a high standard and in good working condition. This will ensure the longevity of stand-by equipment. Stand-by equipment should be an approved requirement for as long as the approved land-use remains.

Mitigation Measure:	Odor and vector control
Agency or Individual Responsible for Implementation:	Riverside County Waste Management Department
Timing:	Facility Engineers in conjunction with the Site Supervisor and the LEA will determine if the present practice of compacting and covering refuse at the site is sufficient to control vectors and odors, before the issuance of a revised Solid Waste Facilities Permit. Implementation should occur before the issuance of the said permit and monthly thereafter.
Monitoring Work Program:	Facility Engineers and the LEA should check daily operations reports and make a site inspection before the issuance of a revised permit to ensure that the Waste Management Department is operating in compliance with Title 14 of the State Code of Regulations which regulates the compaction and cover frequency of waste materials. The LEA will determine, upon monthly inspections, if vectors or odors are causing any problems to public health and safety. Monthly monitoring should occur.
Funding:	Operations budget of the Riverside County Waste Management Department. Long-term maintenance will be performed by the said Department or successors in interest.

Standards for Success:	Operational techniques used to mitigate odor and vectors at the landfill site (such as frequent compaction and covering of waste materials) should be performed on a daily basis and whenever necessary to mitigate the potential for odor and vectors and should occur as long as the approved land use remains.
Mitigation Measure:	Litter control
Agency or Individual Responsible for Implementation:	Riverside County Waste Management Department
Timing:	The LEA will review litter control practices at the landfill, both on and off-site, to determine the effectiveness of litter pick-up and the sufficiency of labor for performing this task before the issuance of a revised Solid Waste Facilities Permit. Implementation should occur before the issuance of the said permit and monthly thereafter.
Monitoring Work Program:	The LEA and the Waste Management Department's Refuse Control Coordinator should check operations reports and make a site inspection to determine if there are any visual impacts at or near the landfill caused by wind-blown litter. These monitoring measures should be completed before the issuance of a revised

permit. One site visit at the time of final inspection should be conducted to ensure compliance. Monthly monitoring should occur.

Funding: Operations budget of the Riverside County Waste Management Department. Long-term maintenance will be performed by the said Department or successors in interest.

Standards for Success: Litter control will be performed by the Refuse Control Coordinator and his litter control crew on weekdays, and on weekends by participants of the weekend work release program (Sheriff's Department) supervised by the litter control crew. Litter control should be performed on a daily basis and whenever necessary to mitigate the potential for litter on and off-site and should occur as long as the approved land use remains.

<u>Mitigation Measure</u>: Notifying the Regional Water Quality Control Board, Santa Ana Region, of changes in operation

Agency or Individual Responsible for Implementation: Riverside County Waste Management Department

Timing: The Regional Water Quality Control Board, Santa Ana Region, will review operational changes at the landfill and will determine if such changes (such as an increase in daily waste loads received)

	by the Operator are in compliance with Waste Discharge Orders for the site before the issuance of a revised Solid Waste Facilities Permit. Implementation should occur before the issuance of the said permit and thereafter upon operational changes at the site.
Monitoring Work Program:	The Regional Water Quality Control Board, Santa Ana Region, should periodically inspect the site to ensure that Waste Discharge Requirements are being met and that there are no unknown operational changes being implemented which require approval. One site visit at the time of final inspection should be conducted to ensure compliance. Annual monitoring should occur.
Funding:	Operations budget of the Riverside County Waste Management Department. Long-term maintenance will be performed by the said Department or successors in interest.
Standards for Success:	Reports containing operational changes will be submitted to the Regional Water Quality Control Board, Santa Ana Region, when required, for as long as the approved land use remains.
<u>Mitigation Measure</u>:	On-site access and unloading mitigation
Agency or Individual Responsible for	

Implementation:	Riverside County Waste Management Department
Timing:	The LEA will determine if on-site traffic mitigation procedures are adequate in preventing either unsafe conditions or an impacted circulation flow before the issuance of a revised Solid Waste Facilities Permit. Implementation should occur before the issuance of the said permit and monthly thereafter.
Monitoring Work Program:	Facility Engineers and the LEA should check dirt access roads (to the fill area) to see if they are designed properly and are safe for vehicle handling. The unloading area of the landfill should be big enough to provide easy access. Signage and operator direction shall provide for safe and efficient entrance to, unloading, and exit from the landfill. One site visit at the time of final inspection should be conducted to ensure compliance. Monthly monitoring should occur.
Funding:	Operations budget of the Riverside County Waste Management Department. Long-term maintenance will be performed by the said Department or successors in interest.
Standards for Success:	Operational techniques used to mitigate access

flow to the landfill unloading areas should be performed on a daily basis and whenever necessary to mitigate the potential for unsafe operating conditions and should occur as long as the approved land use remains.

Mitigation Measure:	Safety
Agency or Individual Responsible for Implementation:	Riverside County Waste Management Department
Timing:	The LEA will review operational procedures concerning landfill safety and will check daily operations reports to assure that there are no current safety hazards associated with the operation of the landfill before the issuance of a revised Solid Waste Facilities Permit. Implementation should occur before the issuance of the said permit and monthly thereafter.
Monitoring Work Program:	The LEA, Facility Engineers, and the County Safety Officer should review operations reports, accident reports, and make a site visit before the issuance of a revised permit. One site visit at the time of final inspection should be conducted to ensure compliance. Monthly monitoring should occur.
Funding:	Operations budget of the Riverside County Waste Management Department. Long-term maintenance will be performed by the said Department or successors in interest.

Standards for Success:	The County Safety Officer reviews operational procedures and accidents at the landfill and recommends changes to promote safety. The Waste Management Department maintains safe and upgraded equipment and requires that equipment operators be periodically tested and attend monthly "tailgate" safety meetings.
Mitigation Measure:	Safety measures for above-ground fuel storage tanks
Agency or Individual Responsible for Implementation:	Riverside County Waste Management Department
Timing:	Facility Engineers and the LEA will determine the safety of above-ground fuel storage tanks before the issuance of a revised Solid Waste Facilities Permit. Implementation should occur before the issuance of the said permit and monthly thereafter.
Monitoring Work Program:	Above-ground fuel storage tanks will be frequently tested to ensure that there is no leakage. Tests are made before filling each tank with fuel. The LEA and Facility Engineers should check operations reports and make a site inspection before the issuance of a revised permit.
Funding:	Operations budget of the Riverside County

Waste Management Department. Long-term maintenance will be performed by the said Department or successors in interest.

Standards for Success:

Operational techniques used to mitigate the potential for above-ground fuel storage tank leakage (such as the use of a secondary containment liner) will be used to prevent spillage that could contaminate ground water or impact public health and safety, and should occur as long as the approved land use remains.

Mitigation Measure:

Post-closure trust fund agreement and financial liability

Agency or Individual Responsible for Implementation:

Riverside County Waste Management Department

Timing:

The Riverside County Waste Management Department will provide a financial mechanism for the arrangement of trust fund agreements for the closure and 15-year postclosure of Riverside County landfills. The Waste Management Department will also provide assurance that adequate financial resources will be available in times of emergency, such as responding to a personal injury or property damage claim against the said Department in its operation of solid waste disposal facilities. Legislation concerning solid waste disposal

facilities should be implemented as required.

Monitoring Work Program:	The California Integrated Waste Management Board will monitor the Waste Management Department's progress in meeting legislation affecting solid waste disposal facilities. This determination will be made when the Waste Management Department applies for a revised permit and more frequently as required.
Funding:	Operations budget of the Riverside County Waste Management Department. Long-term funding will be performed by the said Department or successors in interest.
Standards for Success:	The Riverside County Waste Management Department will act in compliance with legislation regarding solid waste disposal facilities, whenever possible to ensure that beneficial improvements in operation can be implemented as soon as possible to assure public health and safety. This should occur for as long as the approved land use remains.

ATTACHMENT 6

COUNTY OF RIVERSIDE DEPARTMENT OF HEALTH

LOCAL SOLID WASTE MANAGEMENT ENFORCEMENT AGENCY

February 26, 1992

RECEIVED
MAR 04 1992
By MGA

Martha Vazquez, Permitting
California Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, CA 95826

Re: Proposed Permit for Badlands Sanitary Landfill (33-AA-0006)

Dear Ms. Vazquez:

Per your request, transmitted by Suzanne Talams on February 25, 1992, the Local Solid Waste Management Enforcement Agency for Riverside County (LEA) resubmits the proposed permit for Badlands Sanitary Landfill, and requests its inclusion on the Board's April agenda.

From our discussion with Ms. Talams, resubmission of the proposed permit is necessary so the Board can act on the proposed permit at the requested time and remain within the Board's statutory time limit.

It is our goal to smoothly and efficiently process solid waste facilities permits. To this end, we will transmit future proposed permits 65 days in advance of the last scheduled Board meeting before the expiration of the 120 day permit processing period. However, by following this filing procedure the LEA may have considerably less than 55 days to prepare a proposed permit.

If you have any questions regarding this letter, please call me at (714) 275-8980.

Sincerely,

Gary L. Root

Gary L. Root, R.E.H.S.
Program Manager, LEA

SLS:MTK:mw

cc: Robert Nelson, Director, Waste Management Department

FACILITY FILE CARBON COPY
ORIGINAL TO FILE # 33-AA-0006
SUBMITTED BY MGA DATE 3-5-92
COPY TO SLT/PS
COPY TO BG/PW
COPY TO AC

4065 County Circle Dr., Riverside, CA 92503 ■ P.O. Box 7600, Riverside, CA 92513-7600 Fax # 358-4529
recycled paper

ATTACHMENT 7

State of California | **Environmental Protection Agency**

Memorandum

Date: March 19, 1992

To: Paul Sweeney
Permits Branch

From: Nancy Jestreby
Financial Assurances Section
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Subject: Financial Responsibility for Badlands Sanitary Landfill, Facility No. 33-AA-0006

The Financial Assurances Section has completed its evaluation of the Enterprise Fund and Escrow Agreement established by Riverside County Waste Management Department, and submitted as a financial assurance mechanism for the costs of closure and postclosure maintenance for the Badlands Sanitary Landfill, Facility No. 33-AA-0006. The mechanism meets the requirements of Title 14, California Code of Regulations (CCR), Division 7, Chapter 5, Article 3.5, section 18285 for providing adequate financial assurance.

If you have any questions, or need additional information regarding this evaluation, please call me at 255-2441.

cc: Albert Johnson, Closure Section

Notice of Determination

ATTACHMENT 8

To: X Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

___ County Clerk
County of _____

From: (Public Agency) Riverside County Planning D
4080 Lemon Street, 9th Floor
Riverside, CA 92501
(Address)

Subject:
Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Badlands Landfill Permit Revision
Project Title

90020749	Cindy Engel	(714) 275-3256
State Clearinghouse Number (If submitted to Clearinghouse)	Lead Agency Contact Person	Area Code/Telephone/Extension

31125 Ironwood Avenue, Moreno Valley, California
Project Location (include county)

Project Description: The Riverside County Waste Management Department is applying for a Solid Waste facilities permit that would increase the maximum allowable daily tonnage delivered to the landfill, from the currently permitted 97 tons per day to an average of 440 tons per day and a maximum of 1400 tons per day. Additionally an increase in operating hours is proposed. Hours could extend from 6:00 a.m. to 8:00 p.m., though the site would only operate during daylight hours.

This is to advise that the Riverside County Planning Department (☒ Lead Agency ☐ Responsible Agency) has approved the above described project on June 29, 1990 (Date) and has made the following determinations regarding the above described project:

1. The project [☐ will ☒ will not] have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☒ were ☐ were not] made a condition of the approval of the project.
4. A statement of Overriding Considerations [☐ was ☒ was not] adopted for this project.
5. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval is available to the General Public at:
Riverside County Planning Dept., Special Projects Section
4080 Lemon Street, 9th Floor, Riverside, CA 92501

Signature (Public Agency)	Date	Title
	November 15, 1990	Planning Consultant

GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
NOV 19 1990
FILED AND POSTED BY

Date received for filing at OPR:

43

Revised October 1989

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

FROM: Waste Management / Planning Department SUBMITTAL DATE: November 13, 199

SUBJECT: Adoption of a Negative Declaration for Environmental Assessment No. 35310 for the Proposed Badlands Landfill Permit Revision

RECOMMENDED MOTION: Adoption of a Negative Declaration for Environmental Assessment No. 35310 based upon the findings incorporated in the Initial Study and the conclusion that the proposed project will not have a significant effect upon the environment.

JUSTIFICATION: The Badlands Landfill is currently operating under a permit from the Local Solid Waste Management Enforcement Agency (LEA) for Riverside County which allows an average daily tonnage of 97 tons per day to be delivered to the landfill. Waste currently delivered to the landfill exceeds this limit. For this reason, the Waste Management Department has been notified by the LEA to institute a Solid Waste Facilities Permit revision to recognize an average daily tonnage of 440 tons per day and a maximum daily tonnage of 1400 tons per day anticipated to be delivered to this site over the next five years. Additionally, an increase in operating hours is proposed; hours could extend from 6:00 a.m. to 8:00 p.m., though the site would only operate during daylight hours. (CONT'D.)

Joseph A. Richards,
Planning Director

Robert A. Nelson
Director
Waste Management Department

JA:ldl

cc: CAO

C.A.O. RECOMMENDATION:

FINANCIAL IMPACT:

Administrative Officer Signature

Prev. Agn. ref. Depts. Comments Dist. AGENDA NO

FORM 11 (Rev. 12/82)

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
Permit Decision No. 92-29
April 29, 1992

WHEREAS, the County of Riverside, 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 Badlands Sanitary Landfill; 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 Riverside 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. 33-AA-0006.

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 April 29, 1992.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
PERMITTING AND ENFORCEMENT COMMITTEE
April 22, 1992

AGENDA ITEM 3

ITEM: Consideration of Concurrence in the Issuance of a Revised Solid Waste Facilities Permit for Santiago Canyon Landfill, Orange County.

BACKGROUND:

Facility Facts:

Project:	Revised permit for a change in property boundaries, increase in fill area, extension of site life, also increase in tonnage. The revised permit incorporates the addition of recycling facilities, a decrease in operating hours, and implementation of a hazardous waste load checking program.
Facility Type:	Class III Sanitary Landfill
Name:	Santiago Canyon Sanitary Landfill Facility No. 30-AB-0018
Location:	3099 Santiago Canyon Road, Unincorporated Area of Orange County, California
Setting:	Land uses within 1000 feet of this facility are zoned A-1 (General Agriculture). The adjacent and surrounding area is designated as either open space or used for agriculture
Operational Status:	Active, Permitted
Permitted Maximum Daily Capacity:	4900 tons per day
Volumetric Capacity:	26,000,000 cubic yards.
Area:	184.65 acres
Owner:	The Irvine Company
Operator:	County of Orange Integrated Waste Management Department
LEA:	County of Orange Division of Environmental Health

Summary:

Site History Santiago Canyon Sanitary Landfill is a Class III solid waste disposal site located in an unincorporated area of Orange County about five miles east of the City of Orange.

The Santiago Canyon Landfill commenced operations in 1967. It serves the communities of East Central Orange County which includes Villa Park portions of the City of Orange and Santa Ana, and the unincorporated areas of Orange Park Acres, El Modena, and Cowen Heights.

The landfill lies completely within property owned by the Irvine Company. The County of Orange Integrated Waste Management Department operates the landfill. Operations began at the site in 1967 and on August 22, 1979 the Local Enforcement Agency (LEA) issued a Solid Waste Facilities Permit (SWFP) to the Orange County Solid Waste Management Division (now the County of Orange Integrated Waste Management Department) to operate the site. The current SWFP is for a site of approximately 160 acres of which 120-130 acres are currently being used for landfilling.

The proposed permit will increase the area of the landfill from 160 acres to 184.65 acres. The permitted daily tonnage will increase from 850 tons per day to 4900 tons per day.

The facility currently receives nonhazardous solid waste from residential, commercial, industrial, and agricultural sources. Special wastes include bulky appliances, furniture and catch basin debris. Hazardous and liquid wastes are not accepted at this site.

Other changes at this facility which are incorporated through the permit revision include the addition of a vehicle weighing scale, the installation of groundwater monitoring wells, the implementation of a more stringent load check program, and the installation of a landfill gas collection system and flare station.

Compliance History The Santiago Canyon Sanitary Landfill is presently operating under a Cleanup and Abatement Order (C&A No. 91-68) issued by the Santa Ana Regional Water Quality Control Board (RWQCB) on June 24, 1991. During the annual state inspection in December, 1991, Board staff cited the facility in violation of Title 14, Section 17704 - Leachate Control. The inspector also noted during this inspection that the site was not in compliance with RWQCB's C&A No. 91-68.

The C&A was issued because leachate seeps from the toe of the landfill were degrading groundwater quality. These seeps are believed to be contaminated with constituents derived from landfilled refuse. The site currently has an approved interim collection system for the major seep in this area. In addition to the leachate seeps, the C&A addressed the problems associated with the landfill design. The LEA and the RWQCB have determined that the design is not adequate to protect the facility from a 100-year storm event.

Permitting and Compliance Division staff met with the operator, the LEA, the RWQCB in February, 1992 to discuss the status of the Order. At that time the operator was directed by the RWQCB to submit a workplan detailing methods to bring the site into compliance with the Cleanup Order. The operator has complied with this requirement and the RWQCB commented on the workplan in an April 1, 1992 letter (Attachment 7). The letter states that the workplan is acceptable provided its proposed schedule is adjusted to conform with both the closure plan submittal dates and new Article 5 requirements.

On March 31, 1992 Board staff accompanied the LEA and the RWQCB during their inspection of the facility. At the time of the inspection, RWQCB staff found that the site was not in compliance with its Cleanup and Abatement Order. During this inspection the LEA also documented a continuing violation of 14 California Code of Regulation (CCR) 17708 - Drainage and Erosion Control. Communications with the RWQCB have established that the RWQCB should act as the lead agency in directing the necessary remediation work at this site.

Summary of Permit Consideration Issues A recommendation regarding Board concurrence in the proposed permit is not included as part of this agenda item. Board staff have determined that there is long term remediation and corrective action work necessary at this facility to mitigate the water quality problems associated with this landfill. Staff are awaiting verification of the facility's satisfactory progress in establishing compliance with the Cleanup and Abatement Order prior to making a recommendation.

Project Description The existing structures at the landfill consist of several buildings housing an office, employee showers, restrooms, eating area, lockers, and washbasins. Bottled water is provided for drinking. Potable water is also stored in a metal tank adjacent to the office buildings.

There is a hazardous waste storage area on-site for wastes detected through the load check program. These hazardous wastes

There is a hazardous waste storage area on-site for wastes detected through the load check program. These hazardous wastes include household hazardous wastes and hazardous wastes whose source cannot be identified. The storage area is fenced and has a roof and asphalt concrete floor.

Refuse vehicles enter the landfill on paved access roads and are weighed. Waste is unloaded adjacent to the working face and is spread and compacted in layers until an approximate height of 20 feet is reached. Compaction of refuse is accomplished by repeated passes of landfill compactors or crawler tractors. At the end of the working day the refuse is covered with a minimum of six inches of soil. Fill areas remaining inactive for 180 days are covered with 12 inches of compacted soil. The finished face of the landfill will have slopes that typically range from approximately a 2:1 to 3:1 horizontal to vertical ratio. Every 40 feet vertically (or two lifts), a 15-20 foot wide bench is constructed to provide improved slope stability, drainage, and access for maintenance.

This site has a hazardous materials control program. The program consists of on-site Landfill Refuse Inspectors (LRI) who perform random checks of vehicles and inspect loads for the presence of hazardous materials. If the generator is known, the hazardous material is returned to the generator. Any hazardous waste found for which the generator is not identifiable is collected, categorized, and stored in a specially constructed storage area. The operator contracts with a licensed hazardous waste disposal firm to remove and ensure proper disposal of the collected materials. At no time will any of the materials be stored on-site for more than 90 days. Signs are posted at the entry of the site which indicate hazardous or liquid materials are not accepted at the landfill.

This facility receives waste six days a week from Monday through Saturday. Transfer trucks enter from 6:00 a.m. to 4:00 p.m. Commercial vehicles and the public enter from 7:00 a.m. to 4:00 p.m. Site personnel work at the site from 6:00 a.m. to 6:00 p.m., Monday through Saturday. On Sundays, laborers work at the site collecting litter and performing general housekeeping tasks. Security is provided at the site by a private security firm when the landfill is closed.

<u>Environmental Controls</u> The landfill presently has six groundwater monitoring wells, with twelve additional wells proposed for installation in 1992. To control the formation of leachate, the operator plans on pumping one of the monitoring wells in order to attempt to mitigate the impacts of an on-site underground spring. Should this method prove unacceptable, then

additional extraction wells shall be installed. A more permanent leachate collection system is being designed to replace the existing, temporary system.

The landfill gas collection system was built by excavating a four foot deep by two foot wide trench into the refuse. A one foot bed of two inch natural gravel is placed in the bottom of the trench and alternating ten feet lengths of fifteen inch and twelve inch polymer coated corrugated metal pipe are then laid in the trench. Two feet of the twelve inch pipe is placed within the fifteen inch pipe to form a "broken pipe" collector. The trench is then filled with two more feet of gravel. A geo-textile is then placed over the trench to prevent fines from entering the trench. The trench is then covered with a one foot layer of clean compacted soil. The six Phase I collector lines were placed approximately at the 1,080 feet to 1,100 feet elevation. Three Phase II lines have been laid at the 1,150 foot elevation. The landfill collector lines are spaced 250 feet apart in the horizontal direction. The landfill gas condensate is collected in a sump at the low points of the header system and then pumped into a storage tank. The condensate is then transported off site to a treatment and disposal facility.

The drainage design for this facility is based on return flows from an 100 year storm event. The methodology used for the design was outlined in the 1986 Orange County Hydrology Manual. The time of closure condition was chosen as the design case, as it will represent the most extreme case in stormwater flows. It is expected that as the landfill settles, grades will decrease in steepness and consequently, reduce peak run-off. The surface of the landfill is sloped to prevent ponding and promote run-off of water. Surface downdrains direct water away from the landfill disposal area. In addition, an interceptor ditch which runs around the periphery of the fill area provides an interim drainage system for all run-off from fill slopes.

The final grading plan for Santiago Canyon Landfill incorporates a permanent drainage system which is designed for a 100-year, 24 hour storm. The design will direct storm water off the refuse area and onto controlled channels as quickly as possible. Downdrains, positioned on newly graded slopes, will direct flows gathered by bench ditches to a perimeter drainage system located off the refuse area. The flows will then be conveyed through a sedimentation pond prior to leaving the site.

ANALYSIS:

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to Public Resources Code (PRC) Section 44009, the Board has 60 calendar days to concur or object to the issuance of a Solid Waste Facilities Permit. Since the permit was received on March 16, 1992, the last day the Board could act is May 15, 1992.

The following required findings have been met:

1. Conformance with County Plan

   The LEA has determined that the facility is found in the April, 1989 County Solid Waste Management Plan. Board staff agrees with said determination.

2. Consistency with General Plan

   The LEA determined that the landfill was found to be consistent with and designated in Component II of the Land Use Element of the Orange County General Plan. Board staff agrees with said finding.

3. Consistency with Waste Diversion Requirements

   Staff of the Board's Planning and Local Assistance Division make an assessment, pursuant to PRC Section 44009, to determine if the record contains substantial evidence that the proposed project would impair the achievement of waste diversion goals. Based on available information, staff have determined that the issuance of the proposed permit should neither impair nor substantially prevent the County of Orange from achieving its waste diversion goals. The analysis used in making this determination is included as Attachment 4.

4. California Environmental Quality Act (CEQA)

   State law requires the preparation and certification of an environmental document. The Orange County Planning Department prepared an Environmental Impact Report (EIR) (SCH# 89090612) for the proposed project. The project was certified as approved by the Lead Agency and a Notice of Determination was filed on July 16, 1990 (Attachment 5).

   A Mitigation, Monitoring, and Implementation Schedule (MMIS) has been submitted to the Board. Potential environmental impacts and mitigation measures associated with the project are identified and incorporated in the MMIS (Attachment 6).

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

5. Closure and Post Closure Maintenance Plan

The operator submitted Closure and Postclosure documentation pursuant to Section 43501(a) and (b). In February, 1992, Board staff deemed the Preliminary Closure and Post Closure Maintenance Plans submitted for this facility complete.

The operator has submitted the required documents for the establishment of an enterprise fund pursuant to Section 43501(a)(2). Financial Assurance Branch staff determined that the enterprise fund established for the Closure and Postclosure Maintenance costs of this facility met the requirements of Title 14, CCR, Section 18285.

6. Conformance with State Minimum Standards

The Santiago Canyon Sanitary Landfill is presently operating under a Cleanup and Abatement Order (C & A No. 91-68) issued by the Santa Ana Regional Water Quality Control Board (RWQCB) on June 24, 1991. On December 9, 1991, Board staff inspected the facility and cited a violation of Title 14, Section 17704 - Leachate Control. The inspector also noted that the site was not in compliance with C & A No. 91-68.

The C & A was issued because leachate seeps from the toe of the landfill were degrading water quality in the area. The LEA and the RWQCB have determined that the design is not adequate to protect the facility from a 100-year storm event. The site currently has an approved interim collection system for the major seep in this area. This interim system is not adequate to deal with the leachate problems at the site. The operators are working with RWQCB staff to design a collection system for the entire site as part of the C&A Order.

Permitting and Compliance Division staff met with the operator, the LEA, the RWQCB in February, 1992 to discuss the status of the Order. At that time the operator was directed by the RWQCB to submit a workplan detailing methods to bring the site into compliance with the Cleanup Order. The RWQCB commented on its review of the workplan in an April 1, 1992 letter (Attachment 7). This letter states that the workplan is acceptable provided its proposed schedule is

adjusted to conform with both the closure plan submittal dates and new Article 5 requirements.

On March 31, 1992 Board staff accompanied the LEA and the RWQCB during their inspection of the facility. At the time of the inspection, RWQCB staff found that the site was not in compliance with its Cleanup and Abatement Order and the LEA documented a continuing violation of 14 CCR 17708 - Drainage and Erosion Control.

Board staff have determined that there is long term remediation and corrective action work necessary to mitigate the water quality problems associated with this landfill. Communications with the RWQCB have established that the RWQCB should act as the lead agency in directing the operator's remediation work at this site.

Both the LEA and RWQCB staff will be present at the April 22, 1992 Permitting and Enforcement Committee meeting to answer questions regarding the ongoing violation of Title 14, CCR, Section 17704 - Leachate Control and the status of the Cleanup and Abatement Order.

DISCUSSION:

The LEA has submitted a proposed permit to the Board. Because a Solid Waste Facilities Permit has been proposed, the Board must either object to or concur with the proposed permit as submitted by the LEA. Staff has reviewed the proposed permit and its supporting documentation and have found that the proposed permit is acceptable for consideration of concurrence. However, staff remain concerned about progress made toward bringing the site into compliance with its Cleanup and Abatement Order and the continued violations of 14 CCR 17704 and 17708.

Staff have determined that the current and continuing remediation work performed by the operator to correct deficiencies cited by the RWQCB, the LEA, and Board staff has been inadequate to satisfy the requirements of the June 1991 Cleanup and Abatement Order. As a result, the RWQCB required the operator to submit a workplan to bring the site into compliance with the Order. This workplan has expanded the scope of the original Order to include closure plans and new Article 5 Requirements administered by the RWQCB.

As of the date this item was prepared, Board staff had not had opportunity to make a detailed evaluation of the workplan to determine whether the plan is consistent with state standards pursuant to PRC Section 44009.

Staff also need verification of the facility's satisfactory progress in remediation. Staff will present an analysis of the facility's compliance status at the April 22, 1992 CIWMB Permitting and Enforcement Committee meeting.

BOARD OPTIONS:

The Board has three possible options in the consideration of the proposed Solid Waste Facilities Permit for the Santiago Canyon Landfill.

1. The Board may concur in the proposed permit as submitted by the LEA. This option would be appropriate if staff are able to verify compliance with State standards prior to the Board meeting.

2. The Board may object to the proposed permit and submit its objections to the permit to the enforcement agency for its consideration. This option would be appropriate if it is determined that the facility is not consistent with State standards pursuant to PRC Section 44009.

3. The Board may take no action on the proposed permit as it was submitted. If the Board elects to take no action and fails to concur or object in writing within 60 days of receipt of the proposed permit from the LEA, PRC Section 44009 states that the Board shall be deemed to have concurred in the issuance of the permit as submitted.

ATTACHMENTS:

1. Location Map
2. Site Map
3. Permit No. 30-AB-0018
4. AB 2296 Conformance
5. Notice of Determination
6. Mitigation, Monitoring, and Implementation Schedule (MMIS)
7. RWQCB letter, dated April 1, 1992

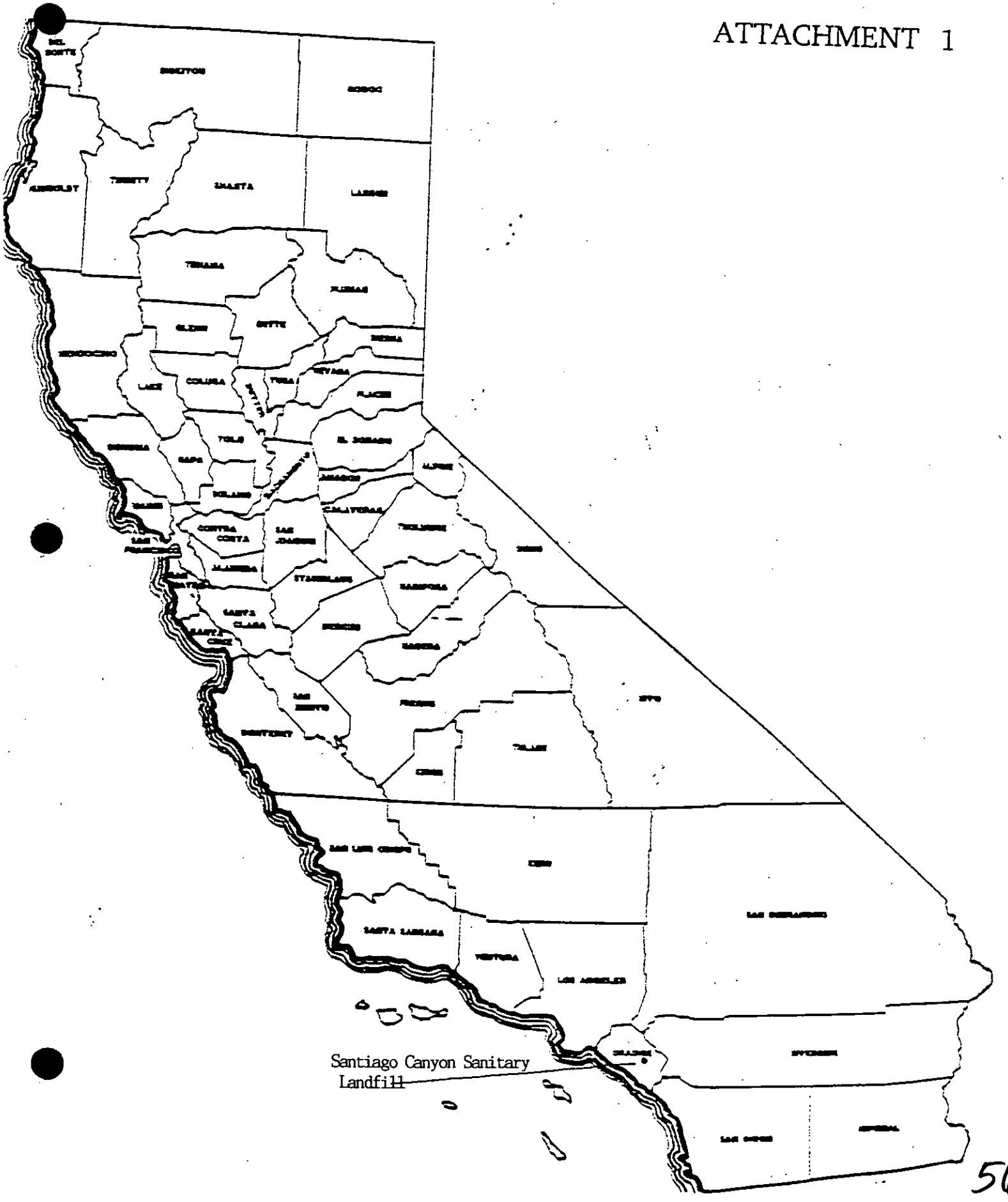
PS R Stevens 4/14/92

Prepared by: Paul Sweeney/Rosslyn Stevens Phone: 255-2577

Approved by: Phillip J. Moralez/Martha Vázquez Phone: 255-2453

Legal Review: KFC Date: 9-14-92 0943

ATTACHMENT 1

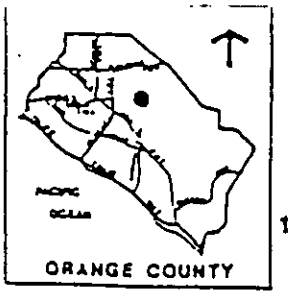


Santiago Canyon Sanitary Landfill

South Borrow Site I

GA 125-11

COUNTY OF ORANGE / EMA

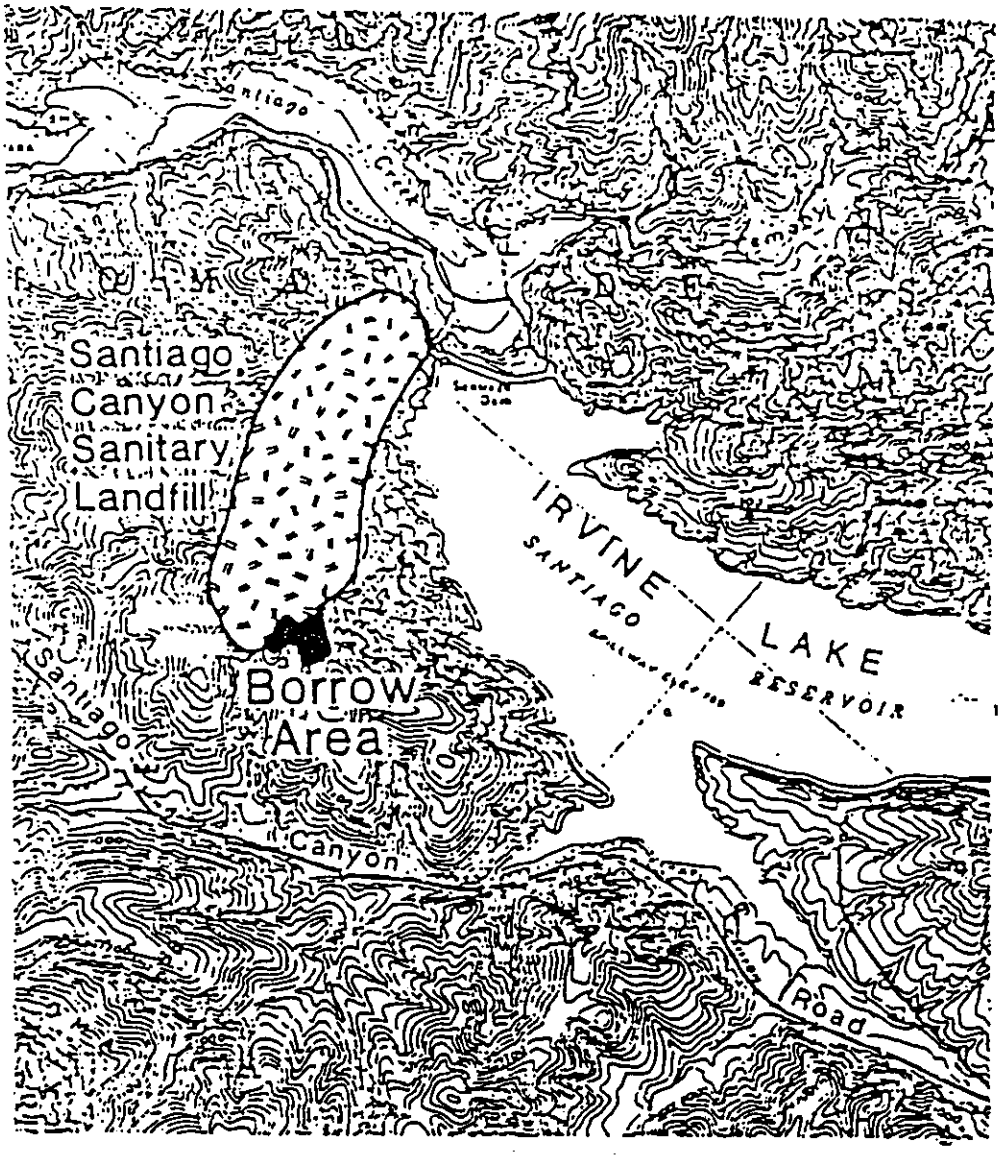


LOCATION MAP

NORTH

1 Inch - 1/2 mile

ATTACHMENT 2



LOCATION MAP

ATTACHMENT 3

OPERATING PERMIT FOR FACILITIES RECEIVING SOLID WASTE

TYPE OF FACILITY	FACILITY/PERMIT NUMBER
Landfill Class III	30-AB-0018

NAME AND STREET ADDRESS OF FACILITY	NAME AND MAILING ADDRESS OF OPERATOR
Santiago Canyon Sanitary Landfill 3099 Santiago Canyon Road Orange County, CA	County of Orange Integrated Waste Management Department 1200 N. Main St., Suite 201 Santa Ana, CA 92701

PERMITTING ENFORCEMENT AGENCY	CITY/COUNTY
Orange County/Division of Environmental Health	Orange County

PERMIT

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

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

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

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

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

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

APPROVED:

APPROVING OFFICER

Robert E. Merryman, Director
NAME/TITLE

AGENCY ADDRESS

County of Orange
Division of Environmental Health
2009 E. Edinger Ave.
Santa Ana, CA 92705

SEAL

AGENCY USE/COMMENTS

PERMIT RECEIVED BY CWMB	CWMB CONCURRANCE DATE
MAR 16 1992	
PERMIT REVIEW DUE DATE	**PERMIT ISSUED DATE**
	58

SANTIAGO CANYON SANITARY LANDFILL OPERATING PERMIT

FINDINGS:

1. Description of the facility's design and operation:

This permit is a revision of the existing Solid Waste Facility Permit (SWFP: 30-AB-0018; 6-29-1979) for the Santiago Canyon Sanitary Landfill. The permit addresses the Five-Year Permit Review and the Five-Year Periodic Facility Reviews required by the California Public Resources Code (PRC) Division 30, Part 4, Chapter 3, Sections 44001 et seq. and the California Code of Regulations (CCR), Title 14, Division 7, Chapter 5, Article 3, Sections 18200 et seq.

The Santiago Canyon Landfill is an existing unlined 184.65 acre Class III facility. The land is owned by the Irvine Company and the site is operated by the County of Orange, Integrated Waste Management Department. It is located in the unincorporated area of Orange County approximately 5 miles East of the city of Orange since then.

This permit addresses the following design and operational changes that have occurred since the submittal of the original Report of Disposal Site Information (RDSI) dated August 5, 1977 and Negative Declaration dated August 3, 1977:

* The adoption of updated Waste Discharge Requirements, Order No. 89-34, by the California Regional Water Quality Control Board, and cleanup and Abatement Order No. 91-68, Santa Ana Region dated May 12, 1989. (Refer to Appendix B, Exhibit 3 of the Periodic Site Review, Santiago Canyon Landfill, dated July 1991).

* A tonnage increase from an original 850 tons per day in 1979 to 4,900 tons per day today, (Refer to Negative Declaration No. IP90-26, state clearinghouse number 90010643 dated July 16, 1990, located in RDSI Appendix B, Exhibit 1, Volume 1, dated July, 1991). The increase to 4,900 tons per day is the peak allowed for future growth and is included in the move CEQA documents.

* The addition of a scale to facilitate the measurement of refuse, (refer to RDSI page 2, Section 4 and RDSI Volume II Appendix E, page 3-Categorical Exemption, dated May 14, 1985).

* The construction of new groundwater monitoring wells (refer to RDSI page 20-21 Section K, dated July 1991).

* The implementation of a more stringent hazardous waste inspection program (refer to RDSI page 5-6)

* Increase of leased acreage from 160 acres to 184.65 acres, (CEQA documents IP-89-009 dated April 25, 1989, Negative Declaration, refer to RDSI Volume II Appendix E, Exhibit C and IP 90-44 Appendix D, Exhibit B).

* Installation of a landfill gas collection and a flare station (refer to RDSI Volume II Appendix E- page 2, EIR #515 state clearinghouse No. 90090612; certified 1990).

A. The owner of the land is the Irvine Company located at:

The Irvine Company Phone (714) 720-2000
Community Development Division
P.O. Box 1
550 Newport Center Drive
Newport Beach, CA 92660

The operator of the site is:

County of Orange Phone (714) 568-4160
Integrated Waste Management Department
1200 N. Main St.
Suite 201
Santa Ana, CA 92701

B. The Santiago Canyon Landfill is located at 3099 Santiago Canyon Road, Orange County, CA.

The Landfill consists of portion of blocks 38, 39, 69, and 70 of Irvine Subdivisions, T.45, R.8W, S.B.B., and M. of the USGS Topo Map Black Star Canyon Quadrangle, (refer to Map in RDSI dated Jul;y 1991, Volume II, Appendix C, Figure 5. The site consists of 184.65 acres of land. The fill area is show in RDSI Volume II, Appendix C, Figure 7. The fill area consists of approximately 130 acres which have been used for disposal.

C. Access to the site is off of Santiago Canyon Road which is a paved highway. The entrance is paved and the on-site perimeter roads are hardpacked dirt.

The entry road has a scale for weighing vehicles and a scalehouse to house employees who collect fees and computerized fee collection equipment.

There are buildings with an office and employee showers, restrooms, eating area, lockers, and washbasins. Bottled waters provided for drinking. Potable water is also trucked and stored in a metal tank adjacent to the office building. There are groundwater wells on the site and landfill gas monitoring probes. A landfill gas collection system and flare station has been built and is operational, (refer to RDSI Volume II, Appendix C, Figure 16.)

There is a Hazardous Waste Storage area on-site for collected househould hazardous wastes that cannot be identified as to generator source. The EPA Hazardous Waste and Generator Number for Santiago Canyon Landfill is CAD 981679087. The storage area is fenced and has a roof and asphalt concrete floor.

The design capacity of the site is 4900 tons per day, (refer to Appendix B, Exhibit 1, Negative Declaration No. IP 90-26, SCH #90010643). The average daily tonnage accepted is 3,000 tons per operating day, (refer to RDSI, Volume I, page 12, Section B.1.).

D. The Santiago Canyon Landfill is operated as a class III Sanitary Landfill, in compliance with Federal, State, and local standards. The California Regional Water Quality Control Board, Santa Ana Region, in the May 12, 1989 Waste Discharge Requirements, order No. 89-34, allow for the disposal of non-hazardous solid and inert wastes. Waste received at the site include the following;

a) Residential refuse
b) Commercial and Industrial Waste
c) Demolition waste

Special waste such as grease trap pumpings, liquids, septic tank pumpings, sewage sludge, infectious waste, commercial or industrial hazardous waste, are not accepted for disposal.

E. The site currently accepts approximately 3,000 tons per operating day of non-hazardous solid wastes, (refer to RDSI Volume I, page 12, Section B.1.).

The design capacity of the site is 26,000,000 cubic yards (refer to RDSI Volume I, page 13, Section C). As of April 30, 1991, approximately 19,000,000 cubic yards of waste were in place. As of April 30, 1991, 7,000,000 cubic yards of capacity remains. Each cubic yard is approximately equivalent to 1,2000 pounds.

F. Design and operation of the facility are described by the Report of Disposal Site Information and the Periodic Site Review, each dated July, 1991 and are hereby made a part of this finding.

Santiago Canyon Landfill is a sanitary landfill using the area-fill method of disposal operation.

Vehicles loaded with refuse enter the landfill facilities and are weighed. Paved access roads are provided to allow vehicles to access the disposal site. The refuse is unloaded adjacent to the working slope face and is spread and compacted in layers to an approximate height of 20 feet. Compaction of refuse is accomplished by repeated passes of landfill compactors or crawler tractors. At the end of the working day the refuse is covered with a minimum of 6" of soil or other approved alternative cover. Faces that remain inactive for 180 days are provided with intermediate cover of 12 inches of compacted soil. This refuse and cover material constitutes a cell. The finished front face of the landfill will typically, slope from approximately 2:1 to 3:1 (horizontal:vertical). Every 40 feet vertically (or two lifts), a 15-20 foot wide bench is constructed in the front face of the landfill, to provide improved slope stability, drainage, and access for maintenance. (Refer to page 2 of RDSI).

G. Salvaging is conducted at the site by a private contractor whose name, address and phone number is on file. Materials that are recovered for recycling or salvaging are :
(See Exhibit 2, RDSI)

1. Mixed scrap metal
2. Stainless steel
3. Heavy steel
4. Brass and bronze
5. Copper

6. Aluminum
7. Cardboard
8. Textiles
9. Appliances
10. Mattresses
11. Junk Batteries

Hazardous waste such as batteries shall be handled in a manner approved by the enforcement agency and the California Integrated Waste Management Board.

H. This site has a hazardous materials control program, (See page 5 of RDSI). The program consists of on-site Landfill Refuse Inspectors that perform random checks of vehicles and inspect loads for the presence of hazardous materials. If the generator is known, the hazardous material is returned for proper disposal. Any hazardous waste found for which the generator is not indentifiable, is immediately collected, categorized, and properly stored in a specially constructed storage area. The operator contracts with a licensed hazardous waste disposal firm to remove and ensure proper disposal of the collected materials. At no time will any of the materials be stored on-site more than 90 days. The EPA Hazardous Waste Generator Number is CAD 981679087. Phone number to call in emergency is Sheriff (714) 647-1830 and Orange County Control I (One) (714) 834-2127.

A training program for Landfill Refuse Inspectors consists of a 40 hour hazardous materials identification and handling class sponsored by the Rancho Santiago Community College and a medical waste management course sponsored by the Orange County Health Care Agency.

Signs are posted at the entry of the site which indicate hazardous or liquid materials are not accepted at the landfill.

Additional measures concerning hazardous wastes may be required upon request of this enforcement agency or the Board.

I. Anticipated changes in design or operation in the next five years include the following items;

1). The possibility of using an alternative daily cover other than 6" of soil. This may require a change in the existing permit and CEQA review, (See Periodic Site Review page 24.)

2). The site is scheduled to close within 5 years, in late 1995 or early 1996, (See Periodic Site Review , page 2.)

3). A leachate recovery and control system will be designed and installed to meet the requirements of the Regional Water Quality Control Board. This project is subject to environmental review.

J. Operating hours are the following:

Transfer trucks enter from 6:00 a.m. to 4:00 p.m. Commercial vehicles and the public enter from 7:00 a.m. to 4:00 p.m. Site personnel work at the site from 6:00 a.m. to 6:00 p.m. This schedule is from Monday thru Saturday. On Sundays, laborers work at the site.

The landfill is closed to commercial haulers and the public on Sundays and major holidays, (See page 2 of RDSI).

The site is scheduled to reach capacity and close in late 1995 or early 1996.

K. Security is provided by a contractor during periods when the site is unmanned.

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

A. Waste Discharge Requirements (order No. 89-34, dated May 12, 1989, California Regional Water Quality Control Board, Santa Ana Region.) Included in this order is a Monitoring and Reporting Program, No. 89-34.

B. Report of Disposal Site Information Santiago Canyon Landfill, Station No. 25, dated 07/91, Volumes I and II, and Periodic Site Review dated 07/91.

C. Notice of Determination, Negative Declaration, State Clearinghouse No. 90010643, dated 07/16/90, (RDSI Appendix B-1).

D. Orange County Fire Department, Public Resource Code 4373 and 4374, approval letter dated 05/02/91, (RDSI Appendix B, Exhibit 9).

		Appendix D RDSI Exhibit
E.	Negative Declaration (IP 90-44), Southeast Borrow Site, dated 10/12/90	B
F.	Negative Declaration (IP 89-009), South Borrow Site Area 2, dated 04/25/89	C
G.	Negative Declaration (IP 87-087), South Borrow Site Area 1, dated 01/25/88	D
H.	Environmental Impact Report 515, Landfill Gas Flare Station, dated 05/22/90	E
I.	Lease Agreement - The Irvine Company and County of Orange dated 05/31/67	F
J.	First Amendment to Lease Agreement, dated 05/16/89	G
K.	Second Amendment to Lease Agreement, dated 05/22/90	H
L.	Grading Permit, Southwest Borrow Site #GA9011210001, dated 04/08/91	I
M.	Permit to Construct, Landfill Gas Flaring Station, #173205, dated 03/20/91	J
N.	Permit to Construct, Landfill Gas Flaring Station, #180332 dated 06/29/89	K
O.	Permit to Construct, Condensate Collection and Storage System #239401, dated 01/23/91	L

3. The following findings are required pursuant to Public Resources Code (PRC):

   A. PRC 44010

      This permit is consistent with the criteria, guidelines and standards adopted by the California Integrated Waste Management Board.

   B. PRC 50000

      The latest edition (April 1989) of the Orange County Solid Waste Management Plan identifies and describes Santiago Canyon Landfill as one of the five operating landfill sites in the County, (See RDSI, Exhibit 10, Appendix B).

   C. The County of Orange, Environmental Management Agency made a determination that the facility is consistent with, and designated in the Land Use Element, Component II, approved by resolution No. 88 - 1441 PSF 88-1, dated 10/19/88, (See RDSI Appendix B, Exhibit II).

4. This facility's design and operation were in substantial compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by an inspection of the site on February 27, 1992.

5. The Orange County Fire Department, has determined the site to be in conformance with the Public Resource Code 4373 and 4374, letter dated May 2, 1991 (RDSI Appendix B, Exhibit 9). This meets requirements of PRC 44151.

6. Land use within 1,000 feet of this facility are zoned A-1 (General agriculture). The adjacent and surrounding area is designated as either open space or agriculture use in the Orange County Environmental Management Agency Advance Planning Map, (See RDSI Volume II, Appendix C figure 2 and 3 also RDSI Volume I page 11, item 18). This landfill is compatible with the surrounding land uses.

CONDITIONS

<u>Requirements:</u>

1. This facility must comply with all the State Minimum Standards for Solid Waste Handling and Disposal.

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

3. The operator will comply with all notices and orders issued by any responsible agency designated by the Lead Agency to monitor the mitigation measures contained in any of the documents referenced within this permit to Public Resources Code 21081.6.

4. Additional information concerning the design and operation of this facility must be furnished on request of the Local Enforcement Agencies' personnel.

5. At the discretion of the Local Enforcement Agency, the operator shall install additional landfill gas monitoring probes for the detection of gas migration. If needed, the landfill gas control system shall be expanded.

6. The operator shall maintain a copy of this Permit at the facility so as to be available at all times to facility personnel and to the Local Enforcement Agencies' personnel.

7. The operator shall install and maintain signs at the entrance indicating that "no hazardous or liquid wastes are accepted". These signs shall be in both English and Spanish.

Prohibitions:

The following actions are prohibited at this facility:

1. This site is subject to the prohibitions contained in the Waste Discharge Requirement (Order No. 89-34 dated May 12, 1989).

2. No medical wastes as defined in Chapter 6.1, Division 20 of the Health and Safety Code shall be disposed of at this facility.

3. No scavenging by the general public is permitted.

4. No open burning of waste is permitted.

5. No standing waster is allowed on covered fill areas.

6. Receipt of the following wastes are prohibited:

   A. Hazardous waste (or special waste), including radioactive wastes, and materials which are of a toxic nature, such as insectisides, herbicides or poisons;

   B. Liquids, oils, slurries, waxes, tars, soaps, solvents, or readily water-soluble solids such as but not limited to salts, borax, lye, caustics or acids;

   C. Pesticides containers, unless they are rendered nonhazardous by triple rinsing;

   D. Asbestos or asbestos products.

7. No polluted surface waters shall leave this site except as permitted by a National Pollution Discharge Elimination System permit issued in accordance with the Federal Clean Water Act and the California Water Code.

Specifications:

1. No significant change in design or operation from that described in the Findings section of this permit is allowed.

2. The operator shall notify the Local Enforcement Agency, in writing, of any proposed changes in the routine facility operation of changes in facility design during the planning stages.

   In no case shall the operator undertake any changes unless the operator first submits to the Local Enforcement Agency a notice of said changes at least 120 days before said changes are undertaken. Any significant change as determined by the Local Enforcement Agency would require a revision of this permit.

3. This facility has a permitted capacity of 4900 tons per day and shall not receive more than this amount of solid waste without first obtaining a revision of this permit.

4. A change in the operator would require a new solid waste permit.

5. This revision of the Solid Waste Facilities Permit supersedes the Permit that was adopted by the Orange County Solid Waste Enforcement Agency on August 22, 1979.

CONDITIONS:

Provisions

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

2. Operational controls shall be established to preclude the receipt and disposal of prohibited wastes.

   A. During the hours of operation for all landfill dumping activities, an attendant or attendants shall be present at all times to supervise the loading and unloading of the waste material.

   B. The landfill operator shall conduct a daily waste checking program, approved by the Local Enforcement Agency, to prevent and discourage disposal of hazardous waste at the disposal site. The daily waste load checking program shall consist of the following activities:

   1) The minimum number of random waste loads to be inspected daily at this landfill is three (3).

      The number of incoming loads to be inspected each day is determined by the Local Enforcement Agency and is related to the permitted daily volume of refuse received. The load selected for inspection shall be dumped upon the ground in an area apart from the active working face of the landfill. The refuse shall be spread out and visually inspected for evidence of hazardous wastes.

      Any hazardous materials found shall be set aside and placed in a secure area to await proper disposition allowing notification of the producer (if known) and the appropriate governmental agencies.

2) Visual inspection of each day's working face by landfill personnel, such as spotters, equipment operators, and supervisors for evidence of hazardous materials. Any hazardous materials thus found shall be managed as in item 1 above.

3) Landfill staff and others assigned to perform the duties required in this waste load checking program including visual inspection of the landfill working face, are to be trained to recognize hazardous waste and to perform the reporting requirements of this program. Staff are to be retrained on an annual basis. New employees are to be trained prior to being given work assignments.

3. The operator shall comply with all of the requirements of all applicable laws pertaining to employee health and safety.

4. The operator shall continue to monitor for potential leachate generation. The operator will collect, treat, and effectively dispose of the leachate in a manner approved by the Local Enforcement Agency and the California Regional Water Quality Control Board.

5. The methane gas monitoring program shall proceed and the self-monitoring reports shall continue to be submitted to the local Enforcement Agency by the operator.

Monitoring Program:

Upon receipt of the approved Solid Waste Facility Permit, the operator shall submit monitoring reports to the Local Enforcement Agency at the frequencies indicated below. The monitoring reports are delinquent 30 days after the end of the reporting period.

1. Monthly Reporting:

A. The quantities and types of hazardous wastes or medical wastes found in the waste stream and the disposition of these materials (Results of the daily Waste Load Checking program).

B. All incidents of unlawful disposal of prohibited materials and hazardous materials. The operators actions taken and the final disposal of the material.

C. All complaints regarding this facility and the operator's actions taken to resolve any justified complaints. Local Enforcement Agency one day notification is still required.

D. The operator shall maintain a log of special/unusual occurrences. This log should include but is no limited to fires, injuries, property damage, accidents, explosions, discharge and disposition of hazardous or unpermitted waste. The operator shall maintain this log at the facility so as to be available at all times to site personnel and to the Enforcement Agencie's personnel.

Report all entries in the log of special/unusual occurrences and the operator's action taken to correct these problems.

2. Quarterly Reporting: (Quarter ending March 31, June 30, September 30, December 31)

A. The types and quantities in tons of decomposable and inert wastes received <u>each day</u>. The operator shall maintain these records on the facility's premises for a minimum of one year and make them available to the Enforcement Agencie's personnel on request.

B. The number of vehicles using the facility per day and per week.

C. The results of the landfill gas migration control program.

D. The results of the leachate monitoring, collection, treatment and disposal program. The operator shall monitor for potential leachate generation as required by the Waste Discharge Requirements. If leachate is found, the operator will collect, treat, and effectively dispose of the leachate in a manner approved by the Local Enforcement Agency and the California Regional Water Quality Control Board.

E. The quantities and types of hazardous wastes, medical wastes, or prohibited wastes found and the disposition of these materials. Monthly reporting of this information is still required.

3. Annual Reporting: (year ending December 31)

   A. Topographical map showing all current fill locations.

   B. Topographical map which indicates all cuts into native material from the previous year to the present date.

ATTACHMENT 4

State of California | **California Environmental Protection Agency**

Memorandum

To: Paul Sweeney
Permitting Branch

Date: March 19, 1992

From: John Nuffer
Local Assistance Branch
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Subject: Review of Facility's Conformance with AB 2296--Proposed Permit for Santiago Canyon Sanitary Landfill, Facility No. 30-AB-0018

Summary of Findings: The design and operational changes described in the permit application dated March 16, 1992, comply with the requirements of Public Resources Code (PRC) Sections 44009, 50000(a), and 50000.5(a).

Project Description: The proposed permit for the Santiago Canyon Landfill addresses the design and operational changes that have occurred since the submittal of the original Report of Disposal Site Information (RDSI) dated August 5, 1977 and Negative Declaration dated August 3, 1977.

Consistency with Waste Diversion Requirements (PRC Section 44009):

Issuance of the permit would not prevent or substantially impair achievement of the County's waste diversion goals.

According to the County's Preliminary Draft Source Reduction and Recycling Element (SRRE), on Page 9-12, the County is in the process of developing a closure plan for the Santiago Canyon Landfill. The landfill is expected to close in 1995. The requested revision will simply bring the County's permit into conformance with existing operating conditions. Therefore, issuance of the permit will not have any material effect upon achievement of the County's waste diversion goals.

Furthermore, in a letter dated January 13, 1992 (See attached letter), the Orange County Local Task Force reported its determination that the operating permit revisions for the Santiago

Canyon Landfill will not prevent or impair achievement of the requirements of PRC Section 41780 (the AB 939 Waste Diversion Goals). The Local Task Force also stated in the letter that the Santiago Canyon Landfill is an "integral component of the Orange County Integrated Waste Management System Plan for complying with the California Integrated Waste Management Act of 1989."

Consistency with County Solid Waste Management Plan (CoSWMP) (PRC Section 50000(a):

The Santiago Canyon Landfill is consistent with the most recently adopted Orange County CoSWMP, dated April 1989. The facility is identified and described on page 3-4 of the CoSWMP.

Consistency with the General Plan (PRC Section 50000.5(b)(1)(2)):

The Santiago Canyon Landfill will be consistent with the County's General Plan.

The Orange County Environmental Management Agency has determined that the landfill was "found to be consistent with, and shown to be designated in, the Land Use Element, Component II, of Orange County's General Plan, dated October 19, 1988. The landfill is also compatible with surrounding land uses.

Conclusions:

The proposed permit for the Santiago Canyon Landfill will not prevent or impair achievement of the County's waste diversion goals. The permit is consistent with the latest CoSWMP. It is also consistent with Orange County's General Plan.

Orange County
Waste Management Commission
1200 N. Main, Suite 201, Santa Ana, CA 92701 (714) 568-4160

RECEIVED
JAN 16 1992

January 13, 1992

Mr. John Nuffer
Local Planning Division
California Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, CA 95826-3268

Dear Mr. Nuffer:

In compliance with the California Integrated Waste Management Board staff telephone request of December 16, 1991, the Orange County AB 939 Local Task Force (LTF) in its role, as defined by Public Resources Code (PRC) Section 40950, has made the determination that the operating permit revisions for the Santiago Canyon Sanitary Landfill (Permit Number 30-AB-0018), will not prevent or impair achievement of the requirements of the PRC Section 41780. The Santiago Canyon Landfill is an integral component of the Orange County Integrated Waste Management System Plan for complying with the California Integrated Waste Management Act of 1989.

Although compliance with CIWMB staff request has been expedited by the LTF, the LTF requests a formal letter from the CIWMB that provides the specific policy mandating LTF review of revised solid waste facility permits.

Should you have any questions regarding the above, please feel free to contact Vicki Wilson, Assistant Director, Orange County Integrated Waste Management Department at (714) 568-5122.

Sincerely,

Gerard B. Werner

Gerard B. Werner, Chairman
Orange County Local Task Force

cc: John D. Smith, CIWMB
Vicki Wilson, IWMD
Jan Goss, IWMD
AB 939 Local Task Force Members

75

Printed on recycled paper

ATTACHMENT 5

DATE POSTED June 15, 1990

DATE FINAL

ENVIRONMENTAL MANAGEMENT AGENCY
12 CIVIC CENTER PLAZA
P.O. BOX 4048
SANTA ANA, CALIFORNIA 92702 – 4048

RECEIVED
JUN 19 1990

NEGATIVE DECLARATION

In accordance with Orange County Board of Supervisor's policies regarding implementation of the California Environmental Quality Act, the County of Orange has conducted an Initial Study to determine whether the following project may have a significant adverse effect on the environment and on the basis of that study hereby finds:

☐ The proposed project will not have a significant adverse effect on the environment; therefore, it does not require the preparation of an Environmental Impact Report.

☒ Although the proposed project could have a significant adverse effect on the environment, there will not be a significant adverse effect in this case because the Mitigation Measures described on the reverse side of this sheet have been added to the project. An Environmental Impact Report is therefore not required.

The environmental documents which constitute the Initial Study and provide the basis and reasons for this determination are attached and hereby made a part of this document.

PROJECT:

Title: Santiago Canyon Sanitary Landfill Solid Waste Facilities Permit Revision File No: IP 90-26

Location: Eastern Orange County near the city of Orange.

Description: A proposed revision of the State Solid Waste Facility Permit for the Santiago Canyon landfill to reflect the actual projected daily operation.

Project Proponent: Orange County Integrated Waste Management Department

Division/Department Responsible for Proposed Project: Environmental Planning Division Room No. G-24

Address: 12 Civic Center Plaza, Santa Ana, CA 92702 - 4048

Contact Person: Barbara R. Shelton - CEQA Telephone: 834-3414
Ken Kvammen - Orange County Integrated Waste Management Dept. 568-4160

NOTICE:

This document and supporting attachments are provided for review by the general public. This is an information document about environmental effects only. Supplemental information is on file and may be reviewed in the office listed above. The decision-making body will review this document and potentially many other sources of information before considering the proposed project.

This Negative Declaration may become final unless written comments or an appeal is received by the office listed above by 4:30 p.m. on July 13, 1990. If you wish to appeal the appropriateness or adequacy of this document, address your written comments to our finding that the project will not have a significant adverse effect on the environment: (1) identify the environmental effect(s), why they would occur, and why they would be significant, and (2) suggest any mitigation measures which you believe would eliminate or reduce the effect to an acceptable level. Regarding item (1) above, explain the basis for your comments and submit any supporting data or references.

Dated: July 15, 1990 Barbara R. Shelton

F0250-275.3 R 8/85

County of Orange

MEMO

ATTACHMENT 6

Date: July 16, 1990

CEQA FINDING

PROJECT NUMBER: IP 90-26
PROJECT NAME: SANTIAGO CANYON SANITARY LANDFILL
SOLID WASTE FACILITIES PERMIT REVISION

Negative Declaration No. IP 90-26 satisfies the requirements of CEQA for this project and is therefore approved. It was considered and found adequate in addressing the environmental impacts for the project prior to its approval. With identified mitigation measures, the project will not have a significant effect on the environment. A mitigation monitoring program, included as Exhibit A to Final Negative Declaration IP 90-26 is hereby adopted.

Vicki L. Wilson

Authorized Representative
Orange County Integrated Waste
Management Department
1200 N. Main St., Suite 201
Santa Ana, CA 92701

BS:mgPM01-450/0194
0071321355621

77

F850-188(3/84)

Exhibit A

SANTIAGO CANYON SANITARY LANDFILL
SOLID WASTE FACILITIES PERMIT REVISION

MITIGATION MONITORING PROGRAM

Mitigation Measure	Implementing Condition or Action	Method of Verification	Timing of Verification	Responsible Person	Date Completed
Water					
1. The County shall continue to monitor groundwater quality on a regular basis.	Permit Revision	Monitoring Program	Per RWQCB Requirements	Director/ IWMD	

78

ATTACHMENT 7

STATE OF CALIFORNIA - CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

PETE WILSON, Governor

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION
2010 IOWA AVENUE, SUITE 100
RIVERSIDE, CA 92507-2409
PHONE: (714) 782-4130

RECEIVED
APR 03 1992
By MGt

April 1, 1992

Mr. Frank Bowerman, Director
Orange County Integrated Waste Management Dept.
1200 N. Main Street, Suite 201
Santa Ana, CA 92701

SANTIAGO CANYON LANDFILL: RESPONSE TO GROUNDWATER COMPLIANCE WORKPLAN

Dear Mr. Bowerman:

We have reviewed the workplan and project time schedule submitted February 26, 1992, proposing procedures for mitigating groundwater contaminant migration from the Santiago Canyon Landfill. The procedures are satisfactory provided that the following comments are incorporated into the workplan.

Design specifications for the permanent leachate control system are contingent upon results of the interim testing procedures outlined in the report. Implementation of the permanent system should be part of other elements of the Final Closure Plan. The schedule does not appear to allow time for Regional Board review of a permanent system workplan prior to commencement of the contract phase (April 1993). Please submit the proposed final design two months before the contract phase.

Additionally, your schedule for Article 5 implementation appears to be in conflict with the February 26 report text. An October 16, 1992 submittal date is projected for final Article 5 evaluation phase recommendations. However, those recommendations must be derived from analysis of your existing data and stated within the Article 5 workplan, to be submitted by July 1, 1992. Therefore, the data analysis and draft report phases indicated on your time schedule must precede, not follow, the Article 5 workplan phase. We will further address Article 5 considerations in a subsequent letter.

FACILITY FILE CARBON COPY
ORIGINAL TO FILE # 30-AB-0018
SUBMITTED BY MGL DATE 4-7-92
COPY TO RS/CD
COPY TO BV/Rmr
COPY TO AC

If you have any questions, please contact Glenn Robertson of my staff at 782-3259.

Sincerely,

Dixie B. Lass, Chief
Land Disposal Section

cc: Patricia Henshaw, Orange Co. EHD - LEA
Paul Sweeney, CIWMB, Sacramento
Bryan Stirrat, BAS Associates, Diamond Bar
Gary Lass, GeoLogic, Diamond Bar

GSR/1santgrw.ltr

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

PERMITTING AND ENFORCEMENT COMMITTEE
April 22, 1992

AGENDA ITEM 5

ITEM: Consideration of Concurrence in the Issuance of a New Solid Waste Facilities Permit for Whitefeather Farms Composting Facility, Riverside County.

BACKGROUND:

Facility Facts:

Project:	New permit for a composting facility.
Facility Type:	Composting Facility
Name:	Whitefeather Farms Composting Facility Facility No. 33-AB-0238
Location:	Edom Hill Road Cathedral City, California
Setting:	Site is located 660 feet west of Edom Hill Landfill. Other land uses within 1000 feet of this facility are zoned RE-H (Estate Residential). The adjacent and surrounding area is designated as open space.
Operational Status:	New, as yet unbuilt
Permitted Maximum Daily Capacity:	500 tons per day
Area:	10.0 acres, 7 used for composting
Owner:	Whitefeather Farms, A Limited Partnership William Baum, William Lattin, and Gerald McGue
Operator:	Whitefeather Farms, A Limited Partnership
LEA:	County of Riverside Division of Environmental Health

APR 21 1992

SUMMARY:

Site History Whitefeather Farms is a proposed new composting facility that will be located approximately one and one-half miles east of Varner Road near Cathedral City in the Coachella Valley region of Riverside County. This location is 660 feet west of the existing Edom Hill Class III landfill operated by the Riverside County Waste Management Department. Approximately 40% of the existing traffic now using the Edom Hill Landfill Site is carrying composting feedstock. On a daily average approximately 40 to 60 half-ton landscape trucks, 10-20 three-ton dump trucks, and 5-10 fifteen-ton large commercial trucks bring in material suitable for composting to the Edom Hill Landfill, where it is currently disposed. The facility is located within the city of Cathedral City.

Summary of the Permit Consideration Issues The Finding of Conformance adopted by the Riverside County Board of Supervisors on August 13, 1991 for this facility had three conditions. Board staff believe the conditions attached to a Finding of Conformance inappropriate for the Board's consideration in the context of the proposed permit as PRC Section 50000 does not support conditional Finding of Conformance approvals. If local entities wish to condition a facility, other vehicles are available, one of which is through the land use permit process.

Board staff believe that the Finding of Conformance satisfies the requirement of PRC Section 50000 which requires any new solid waste facility to be approved by the County and the majority of the cities within the County which contain a majority of the population of the incorporated area of the County. This Finding of Conformance is therefore appropriate for the Board's use in consideration of the permit. Board staff concur with the Local Enforcement Agency (LEA) that this Finding of Conformance is acceptable for Board use.

It is important to note here as well that the land use permit for this facility does not place any of the restrictions on this facility that were stipulated by the Finding of Conformance's conditions.

Project Description The proposed Whitefeather Farms Composting Facility will accept "green wastes" from landscaping concerns, municipalities, and private citizens in the Coachella Valley. The aerobic method of composting is used at this site.

Plant trimmings, lawn cuttings and tree trimmings deposited on site will be placed in rows (200' long by 25' wide by 10-15' high) for pre-drying for approximately 3 to 5 days allowing for

northwest winds. After pre-drying the material will be pulverized using two chippers. After the material is ground it will be stored in four rows (200' long by 25' wide by 10-15' high). The ground material will be aerated every 3 to 7 days based on the temperature, turned with a front loader when temperatures fall below that required for composting. No chemicals or water will be added to the feedstock. Water will be used for dust control only. Drying time for finished composting material is approximately 5 to 90 days. This period varies depending on climatic conditions and type of material.

A minimum of 60 to 200 tons of material is expected to be received per day with a maximum of 500 tons per day. Once the site is fully operational the finished dry material should amount to a minimum of 100 to 175 tons per day.

The scales, office, and parking areas will be located on the southeast corner of the site. Equipment storage is in the north mid-section of the site. The site is secured with topographical barriers, fencing and a locked gate.

The site will receive non-hazardous solid wastes, consisting primarily of grass clippings, shrubbery and woody waste material. Material generally referred to as refuse, municipal solid waste or garbage (excluding the above items) will not be accepted at the site and will be diverted for proper disposal.

The operator will visually monitor for hazardous materials that may be included in incoming loads. In the event that hazardous materials are inadvertently discharged on site, a response plan approved by the Riverside County LEA will be implemented, including notification of the LEA and Riverside County Hazardous Waste Department. A sign at the entrance to the facility will indicate that no hazardous wastes are accepted at the facility.

The site will be operated seven days a week from 7:00 a.m. to 5:30 p.m. in summer and 7:00 a.m. to 4:30 p.m. in winter. The facility will be closed on the New Year's Day, Independence Day, Memorial Day, Easter Sunday, Thanksgiving and Christmas holidays.

<u>Environmental Controls</u> The equipment operators are provided with ear plugs and ear defenders to minimize noise impacts from composting operations. All equipment purchased will meet OSHA standards for noise control. There is a buffer zone of at least 1,000 feet between the area where the equipment operates and any adjacent farms.

In the event offensive odors are generated in the drying and storage areas, the row or rows will be knocked down and spread to correct the odor problem by air drying. Whitefeather Farms is

not likely to create an offensive odor problem to adjacent property owners as the nearest residents are located over 1,000 feet from the site.

Workers will be utilized to clean-up any windblown litter along the fence and the site entrance as well as any illegally dumped waste material outside the site entrance.

A 4,000 gallon over-the road type water truck will be kept full to provide water for dust control and fire control at the site. In addition, the two on-site front-end loaders will be readily available in the event a fire occurs.

Frequent drying, spreading and rotation of the compost piles will prevent the site from becoming a habitat for insects and rodents. In the event insects or rodents become a problem, approved remediation measures will be implemented.

ANALYSIS:

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to PRC Section 44009, the Board has 60 calendar days to concur or object to the issuance of a Solid Waste Facilities Permit. Since the permit was received on March 20, 1992, the last day the Board could act is May 19, 1992.

The LEA has submitted a proposed permit to the Board. Staff has reviewed the proposed permit and supporting documentation and has made the following determinations:

1. Conformance with County Plan

   The LEA has certified that a Finding of Conformance was adopted by the Board of Supervisors on August 13, 1991 and is appropriate for use in consideration of concurrence in the issuance of this new SWFP. The LEA does not believe the conditions attached to the Finding of Conformance to be enforceable. For this reason, these conditions were not incorporated into the terms and conditions of the SWFP. For the LEA's purposes, the requirements of PRC Section 50000 were met with the adoption of the Finding of Conformance resolution by the Board of Supervisors regardless of the attachment of stipulations.

   The facility has been reviewed and has received the approval of a majority of the cities with a majority of the population either through resolutions or by not acting within the 90 day statutory time limit.

The Board of Supervisors, Local Task Force, and three cities approved the siting, construction, and operation of the facility based on the operator of the facility meeting several conditions. The Finding of Conformance is included as Attachment 6. It is important to note here that the Finding of Conformance's conditions are not supported uniformly by the three cities and the Local Task Force, which chose to place conditions on the Finding. Each of these entities adopted a different resolution which placed different conditions on the Finding of Conformance. These conditions include:

The condition requiring the operator to come to an agreement on harmonious waste stream management with the County Solid Waste Management Department remains at issue. To date, the operator and the County have not been able to come to an agreement on this stipulation. In the mean time, the operator has indicated that he wishes to move forward with the permitting process and begin operations upon receipt of the issued permit.

On April 9, 1992, Leslie Likens of the Riverside County Solid Waste Management Department contacted Board staff, contending that since no agreement has been reached on Finding of Conformance Condition 3, conformance with the requirements of PRC Section 50000 was in question therefore potentially requiring the Board's denial of the permit. The Riverside County Solid Waste Management Department outlined their concerns in a letter received via facsimile on April 13, 1992 (Attachment 6).

2. Consistency with General Plan

The LEA has found that the facility is in conformance with the Cathedral City General Plan. Cathedral City Resolution Number P90-56 found the facility to be in conformance with the City's General Plan and issued Conditional Use Permit Number 90-146 in November, 1990. Cathedral City did not condition their approval on an agreement between the County and the operator in their resolution adopting the Conditional Use Permit. Board staff agrees with the LEA's finding of conformance with the General Plan.

3. Consistency with Waste Diversion Requirements

Staff of the Board's Planning and Local Assistance Division make an assessment, pursuant to PRC 44009, to determine if the record contains substantial evidence that the proposed project would impair the achievement of waste diversion goals. Based on available information, staff have

determined that the issuance of the proposed permit should neither impair nor substantially prevent the County of Riverside from achieving its waste diversion goals (Attachment 4).

4. California Environmental Quality Act (CEQA)

State law requires the preparation and certification of an environmental document. The Riverside County Planning Department prepared an Environmental Impact Report (EIR) (SCH# 91022010) for the proposed project. The project was certified as approved by the Lead Agency and a Notice of Determination was filed in March 1991 (Attachment 5).

After reviewing the environmental documentation for the project, Board staff has determined that CEQA has been complied with, and that 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 found that the facility's proposed design and operational parameters are in compliance with State Minimum Standards for Solid Waste Handling and Disposal based on a review of the Report of Composting Site Information and design plans prepared for this facility. Board staff agree with said Finding.

DISCUSSION:

The LEA has submitted a proposed permit to the Board. Because a new Solid Waste Facilities Permit has been proposed, the Board must either object to or concur with the proposed permit as submitted by the LEA. Staff has reviewed the proposed permit and its supporting documentation and find the proposed permit acceptable for consideration except for the following concern:

Conformance with County Plan

The LEA has certified that all of the conditions were met for the required conformance finding and has stated this in the proposed permit, received March 20, 1992.

The Local Task Force approval of the facility, pursuant to PRC 50000, was based on the operator of the facility meeting several conditions.

As stated above, Board staff do not believe conditions attached to the Finding of Conformance are appropriate considerations

addressed in the issuance of a Solid Waste Facilities Permit. The LEA has also expressed conviction that the stipulations included in the Finding of Conformance are a separate issue from the SWFP. For this reason, the LEA has stated that the permit should be considered by the Board. Any disagreement over the lack of progress in complying with the conditions attached to the Finding of Conformance is a local matter outside the purview of the permitting process. If these conditions are necessary, the local entities can require an amendment to the land use permit. If the land use permit were amended, the LEA would then be required to make a determination if this change conflicted with the Terms and Conditions of the governing SWFP, triggering permit action in the form of either a permit modification or revision. The operator has applied for a SWFP and has indicated that he wishes to move forward with the permitting process and begin operations upon receipt of the issued permit.

Regardless of the determination that the stipulations attached to the Finding of Conformance have no bearing to the SWFP process, Board staff remain concerned about the conditions attached to the Finding of Conformance. The purpose of the Finding of Conformance is to establish beyond any doubt that the facility will not interfere with the jurisdiction's waste diversion goals for the interim period between the passage of the legislation mandating waste diversion and the jurisdiction's development of its County Integrated Waste Management Plan.

The operator of this facility is being asked to limit his feedstock to small woody waste. Large woody waste is proposed to be diverted to a biomass cogeneration facility in the Coachella Valley. It is staff's concern that this limitation will curtail the success potential of this composting facility. It also calls into question conditions placed on the Finding of Conformance which establish preference for wood waste burning over composting.

STAFF RECOMMENDATION:

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

Staff recommends that the Board adopt Permit Decision No. 92-33 concurring in the issuance of a Solid Waste Facilities Permit No. 33-AB-0238.

ATTACHMENTS:

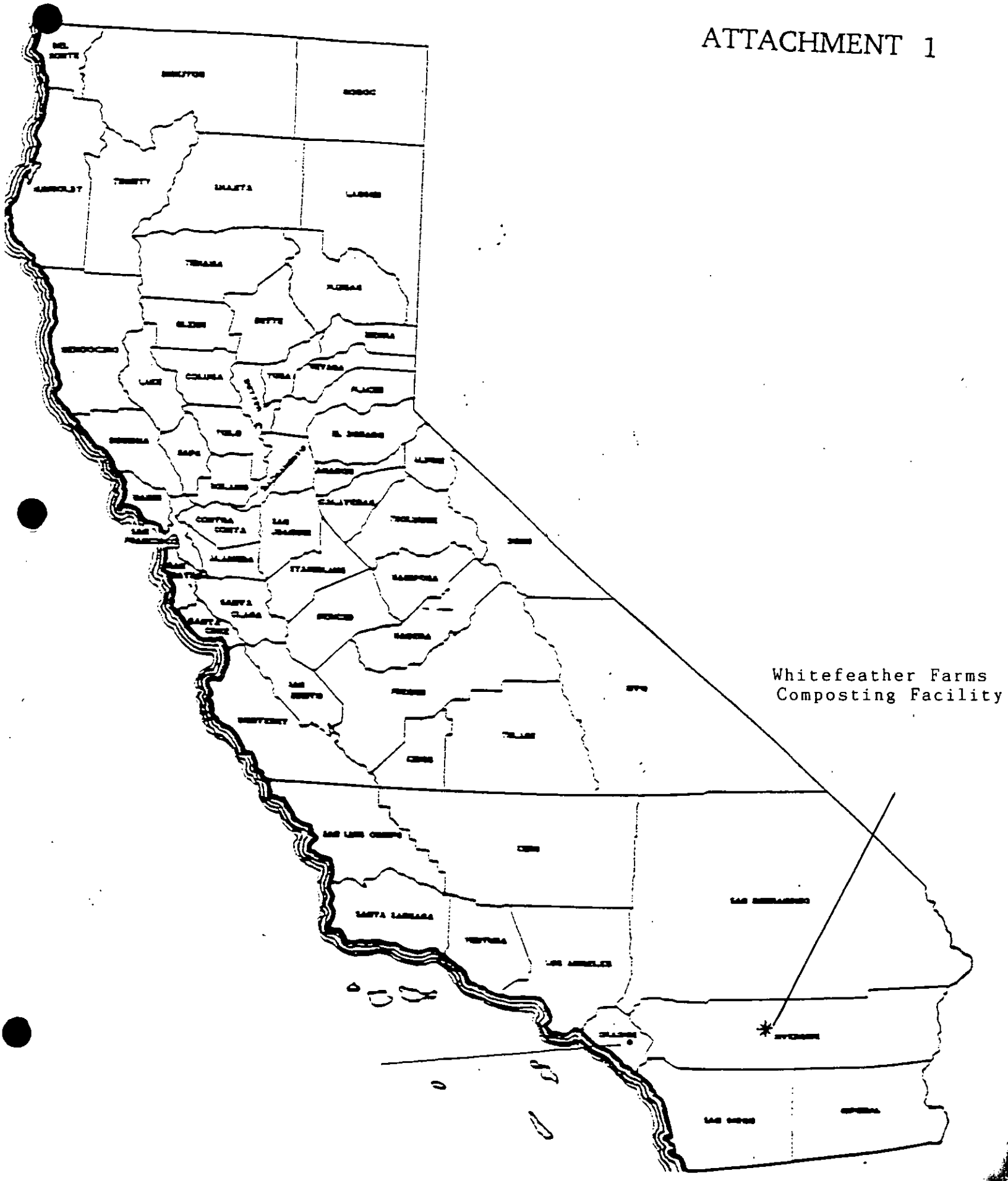
1. Location Map
2. Site Map
3. Permit No. 33-AA-0238
4. AB 2296 Conformance
5. Notice of Determination
6. LEA's Finding of Conformance
7. Riverside County Board of Supervisor's Resolution No. 91-500
8. Permit Decision 92-33

Prepared by: Paul Sweeney/Rosslyn Stevens Phone: 255-2577

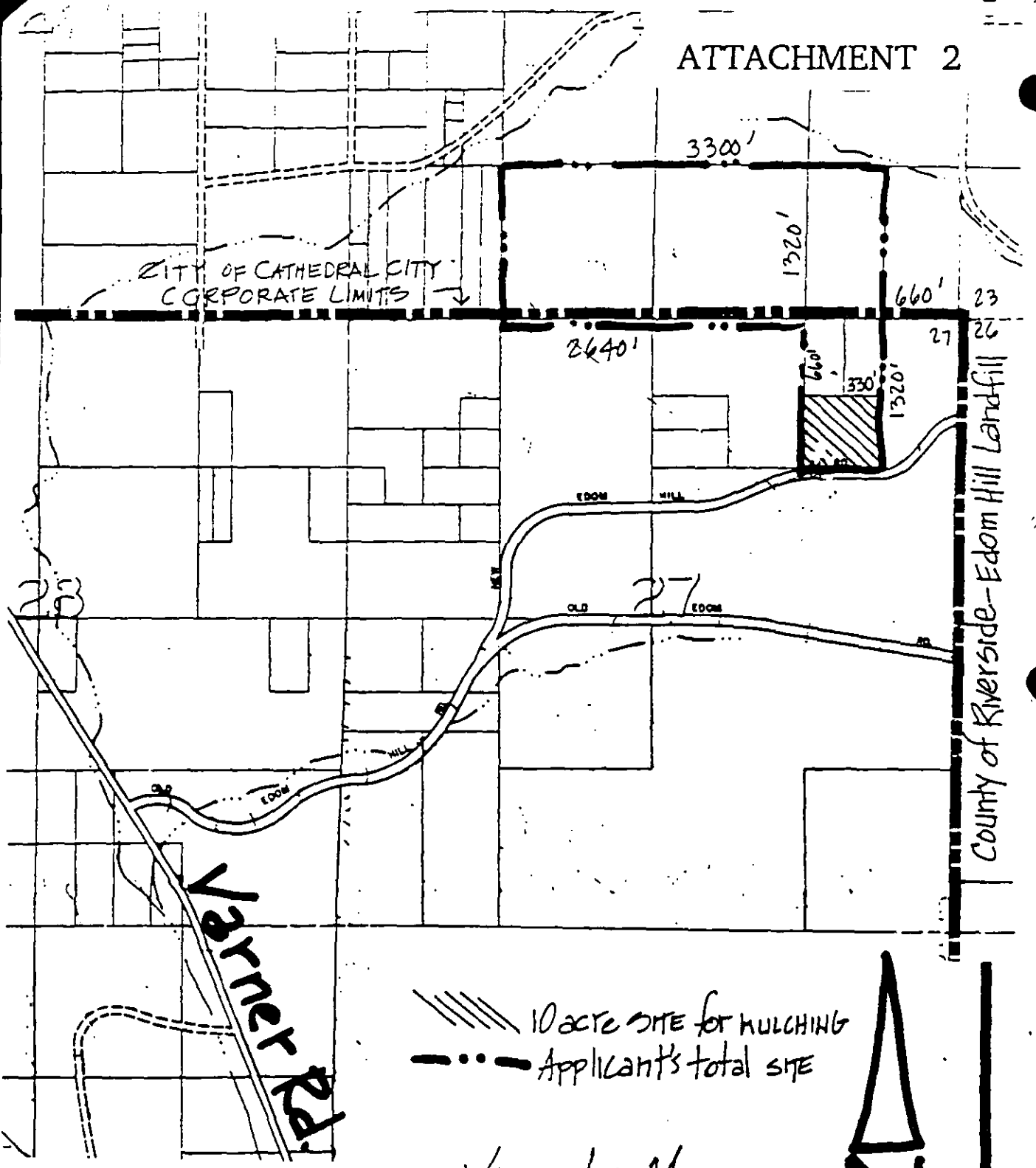
Approved by: Phillip J. Moralez/Martha Vázquez Phone: 255-2431

Legal Review: Date: 9-17 14h28

ATTACHMENT 1



ATTACHMENT 2



Vicinity Map

Cathedral City

C.U.P. 90-146
Whitefeather Farms/Baum

DEPT. of COMMUNITY DEVELOPMENT

Scale: NTS Reduction

Date: 10-30-90

By: PRR

ATTACHMENT 3

OPERATING PERMIT FOR FACILITIES RECEIVING SOLID WASTE

TYPE OF FACILITY	FACILITY/PERMIT NUMBER
Composting	33-AA-0238

NAME AND STREET ADDRESS OF FACILITY	NAME AND MAILING ADDRESS OF OPERATOR
Whitefeather Farms Composting Facility Edom Hill Road Cathedral City, Ca. 92234	William Baum, William Lattin, Gerald Mc Cue P.O. Box 601 Desert Hot Springs, Ca. 92240

PERMITTING ENFORCEMENT AGENCY	CITY/COUNTY
Local Solid Waste Management Enforcement Agency for the County of Riverside	Cathedral City/ Riverside

PERMIT

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

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

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

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

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

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

APPROVED:

APPROVING OFFICER

John M. Fanning, Director

NAME/TITLE ~~Environmental Health~~

AGENCY ADDRESS

Riverside County Environmental Health
3636 University
Riverside, Ca. 92501

SEAL

AGENCY USE/COMMENTS

PERMIT RECEIVED BY CWMD	CWMD CONCURRANCE DATE
MAR 20 1992	
PERMIT REVIEW DUE DATE	**PERMIT ISSUED DATE**

CW-3 (Rev. 7/84)

COUNTY OF RIVERSIDE DEPARTMENT OF HEALTH

LOCAL SOLID WASTE MANAGEMENT ENFORCEMENT AGENCY

SOLID WASTE FACILITIES PERMIT

Whitefeather Farms Composting Facility
#33-AA-0238

FINDINGS:

1. The following describe the design and operation of the facility as authorized by this permit.

   A. The Whitefeather Farms composting facility is owned and operated by: William Baum, William Lattin, Gerald Mc Cue
   P.O. Box 601
   Desert Hot Springs, Ca. 92240

   B. The site is located on Edom Hill Road in Cathedral City in a portion of the S 1/2 Sec. 22 T3S, R5E. The site is adjacent to the Edom Hill Landfill.

   A map of the general vicinity is on page 6 of the Report of Composting Operation Information (RCOI).

   Detailed maps of the facility and entry roads are on page 8 and attachment "C" of the RCOI.

   The total acreage of the site is 10 acres. Seven acres will be used for composting operations.

   The site is secured with topographical barriers, fencing and a locked gate.

   C. On the southeast corner is the scales, office and parking areas. Equipment storage is in the north mid- section of the site.

   The composting operation will be staged north of the above area.

   D. Non-hazardous solid wastes received at this site consist primarily of grass clippings, shrubbery and woody waste material.

Material generally known as refuse, municipal solid waste or garbage (excluding the above named items) will not be accepted at the site and will be diverted for proper disposal.

E. The site is allowed to receive a maximum of 500 tons per day of dry organic feed material described above. The storage of this material shall not exceed the bounds as shown on attachment "C".

F. Dry organic feed materials are weighed as they come into the site. The material is placed in pre-drying windrows 20 feet wide by 15 feet high for 3 to 5 days.

The aerobic method of composting is used at this site.

After the material is pre- dried, it will be pulverized by two heavy duty chippers. The ground material will be stored in 4 windrows, 25 feet wide by 15 feet high. The material will be turned with a front loader when temperatures fall below that required for composting. Temperature will be determined through use of hand held thermometers.

Drying time for the finished compost material is 5 to 90 days, depending on climatic conditions and type of feedstock. No chemicals or water is added to the feedstock. Water will be used for dust control only.

G. Salvaging is not permitted at this site.

H. The operator shall visually monitor for hazardous materials that may be received with incoming loads of dry organic waste received at the site. In the event that hazardous materials are inadvertently discharged on site an approved response plan will be implemented, including notification to the LEA and Riverside County Hazardous Waste.

A sign at the entrance to the facility shall indicate that no hazardous wastes are received and list unacceptable wastes.

Additional measures may be required at the request of the LEA or the California Integrated Waste Management Board.

I. No anticipated changes are noticed in the RCOI.

J. The site will be operated seven days a week from 7:00 a.m. to 5:30 p.m. in summer and 7:00 a.m. to 4:30 p.m. in the winter months. The facility will observe the New Year, Independence Day, Memorial Day, Easter Sunday, Thanksgiving and Christmas Holidays.

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

   A. Report of Composting Site Information, dated September, 1991.

   B. Negative Declaration(E.A. # 467) dated October, 1990. State Clearinghouse # 91022010.

   E. Geotechnical Investigation, Whitefeather Farms Edom Hill Area, Cathedral City, California. Prepared for William Baum, Job No. 91-09-704, dated September 3, 1991.

   F. Conditional Use Permit 90-146.

   G. Regional Water Quality Control Board Waiver dated January 15, 1990.

   H. South Coast Air Quality Control Board Waiver dated December 14, 1990.

3. The following findings are required pursuant to Public Resources Code 44001 and 50000 et seq.:

   A. This permit is consistent with the County Solid Waste Task Force per letter dated August 13, 1991.

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

   C. This permit is consistent with the Cathedral City General Plan per letter dated February 21, 1991.

4. The facility design is in compliance with the State Minimum Standards for Sold Waste Handling.

5. The Whitefeather Farms Composting Operation meets perimeter clearance requirements as required by the Cathedral City Fire Authority.

6. An Environmental Notice of Determination was filed with the State Clearinghouse dated March 1991.

CONDITIONS: Requirements

1. The Whitefeather Farms Composting Facility must comply with State Minimum Standards for Solid Waste Handling and Disposal stipulated in California Code of Regul: ions, Title 14, Chapter 3, Article 6, Sections 17441-17564.

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

3. Additional information must be provided as required by the LEA.

4. No waste shall be received, composting operations commence at this facility until all of the conditions of the documents listed under Findings, Item 2 have been met.

Prohibitions:

1. This facility shall not accept the following wastes for which it is not approved:

   A. municipal solid waste (except those wastes listed in part 1D of this permit)

   B. sewage sludge

   C. class I and II wastes

   D. hot ashes

   E. burning materials

   F. medical wastes

   G. dead animals

   H. explosives

   I. pesticides

2. This facility shall not conduct any of the following activities:

   A. burning of wastes

   B. scavenging

   C. salvaging

D. anaerobic biological degradation

E. discharge of wastes off-site

F. vector propagation or harborage

G. discharge if dust or odors sufficient to cause a health hazard or public nuisance

H. night-time operations in hours of darkness

I. receiving or processing of hazardous wastes

Specifications:

1. The following operational procedures are required at this facility in addition to those required in documents listed in item 2 of the findings:

   A. Upon determination by the enforcement agency, a fly monitoring program shall be implemented utilizing methods and standards prescribed in the California Code of Regulations, Title 14, Chapter 3, Section 17683.

   B. Any change that would cause this facility not to conform to the terms or conditions of the permit is prohibited. Such a change would be considered a significant change and would require a permit revision.

   C. This facility has a permitted capacity of 500 tons of dry organic feed per operating day and shall not receive more than this amount without first obtaining a revision of this permit.

   D. A change in the operator of this facility would require a permit revision.

   E. The implementation of mitigation measures required by Negative Declaration # 467.

Provisions:

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

2. The operator shall file with the LEA an updated Report Composting Site Information when significant changes in operations have been made.

Self- Monitoring:

1. Daily temperature logs of each windrow shall be maintained and made available to the enforcement agency for inspection. Log documents shall indicate for each windrow the frequency and number of readings and placement of monitoring points.

2. Thermometer calibration record shall be made available for inspection by the enforcement agency.

3. Daily tonnage records of incoming wastes shall be maintained and sent to the LEA monthly.

4. Records of amount of product shipped shall be maintained and sent to the LEA monthly.

5. Results of the hazardous waste screening program shall be maintained and made available to the enforcement agency for inspection.

6. A log of special occurrences shall be maintained on site and made available to the enforcement agency for inspection.

ATTACHMENT 4

State of California | **California Environmental Protection Agency**

M e m o r a n d u m

To : Paul Sweeney **Date: April 15, 1992**

From : John S. Brooks
John S. Brooks
Local Assistance

Subject: Whitefeather Farms Composting Facility Proposed Solid Waste Facilities Permit No. 33-AA-0238 Conformance Findings Required by AB 2296

RESEARCH:

To gather the necessary information for determining a facilities conformance with AB 2296, Local Assistance staff contact the LTF staff and the LEA for information. Staff review the County's CoSWMP and all applicable SRREs that have been submitted for review. In addition, we review applicable portions of the RDSI, correspondence showing consistency with the General Plan, the permit and contact the applicant as necessary.

FINDING OF CONSISTENCY WITH WASTE DIVERSION GOALS (PRC Section 44009):

Approval of the proposed permit for the Whitefeather Farms Composting facility would not prevent nor impair achievement of the waste diversion requirements. This facility will help the County and area cities meet their diversion requirements.

Source Reduction and Recycling Element:

The facility was identified in the County unincorporated area SRRE on page 5-4. The Coachella Valley Area Government (CVAG) joint SRRE (9 cities) supports the development of private composting facilities to meet the needs of the CVAG cities.

Local Task Force:

Board staff have contacted LTF staff (County Staff) to find out how this facility fits in with Riverside's overall Integrated Waste Management plans. The LTF has reviewed the

proposed project and finds that the facility will "complement efforts by the County and Cities in the Coachella Valley to attain state required AB 939 diversion goals."

Facility Information:

The Edom Hill Landfill receives the majority of their waste from the following jurisdictions: Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, Palm Desert, Palm Springs, Rancho Mirage and the unincorporated County. Waste will be delivered to the Edom Hill Landfill and clean greenwaste will be diverted to the Whitefeather Farms facility. Each vehicle will be weighed as they enter and the origin of the material will be entered into a record-keeping system so that each jurisdiction can receive the appropriate diversion credit.

Summary:

Approval of the permit will neither prevent nor substantially impair the ability of the participating jurisdictions to meet the waste diversion goals mandated by AB 939. The County Waste Management Department has estimated that the facility will divert three percent of the total waste in Riverside County (incorporated and unincorporated) at the start of the operation.

CONFORMANCE WITH THE COSWMP (PRC Section 50000)

The Local Enforcement Agency (LEA) has certified that all of the conditions were met for the required conformance finding. The facility has been reviewed and has received the approval of a majority of the cities with a majority of the population either through resolutions or by not acting within the 90 day statutory limit.

The Board of Supervisors, LTF and three cities approved the permit based on meeting several conditions. The conditions as stated by the Board of Supervisors are that:

1. The project must be permitted by the California Integrated Waste Management Board (CIWMB).

2. The operator shall keep accurate records of tonnage diverted by source, and report this data to the County on forms provided by the County on forms provided by the Director of the Department of Waste Management on a quarterly basis.

3. The project shall work in harmony with the green and wood waste diversion program planned by the County in the Coachella Valley by the proponent's execution of an operation agreement focusing on green waste and fine grained

(small diameter) woody waste that may be diverted at the Edom Hill Landfill and such other future waste handling facilities as may be beneficial to the County.

Condition 1 - The operator is actively trying to become a permitted facility.

Condition 2 - The operator has indicated that he will provide jurisdictions with information on diversion through his facility so that they will receive AB 939 credit.

Condition 3 - The operator and the County have not been able to reach an agreement on this issue and the operator wishes to proceed with his permit and start operations. Lesley Likens from the Riverside County Waste Management Department contacted Board staff on April 9, 1992 and stated that since the conditions have not been met they believe that the requirements of PRC Section 50000(a)(3) have not been met.

CONFORMANCE WITH THE GENERAL PLAN (PRC Section 50000.5)

According to resolution # P90-56 the City of Cathedral City has found the project in conformance with the City's General Plan. A Conditional Use Permit # 90-146 was issued on November 16, 1990.

ATTACHMENT 5

NOTICE OF DETERMINATION

TO: ___ Secretary For Resources
1416 Ninth Street, Rm 1311
Sacramento, CA 95814

or

_X_ Gerald Maloney
Clerk of The Board
4080 Lemon St., 14th Floor
Riverside, CA 92501

FROM:
Department of Community Development
City of Cathedral City
68-625 Perez Road
Cathedral City, CA 92234

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Project Title	Approval Date
Conditional Use Permit 90-146, Whitefeather Farms	November 14, 1990
State Clearinghouse Number (If submitted to Clearinghouse)	City Contact Person Telephone Number
	Pat Russell, (619) 770-0344

Project Location
North side of Edom Hill Road approximately one a half miles east of Varner Road (approximately 660 feet west of the County landfill)

Project Description

Request to operate a mulching facility

This is to advise that the City of Cathedral City (Lead Agency or Responsible Agency)

___ Redevelopment Agency
___ City Council
_X_ Planning Commission

has approved the above described project and has made the following determinations regarding the above described project:

1. The project ___ will, _X_ will not have a significant effect on the environment.

2. ___ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   _X_ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

   The EIR or Negative Declaration and record of project approval may be examined at City Hall, Department of Community Development, 68-625 Perez Road, Cathedral City, CA 92234

3. Mitigation measures ____ were, _X_ were not, made a condition of the approval of the project.

4. A statement of Overriding Consideration ___ was, _X_ was not, adopted for this project.

DATE RECEIVED FOR FILING:

Signature, Ralph Plender
Director of Community Development

Date Sent Out November 19, 1990

ATTACHMENT 6

COUNTY OF RIVERSIDE DEPARTMENT OF HEALTH

LOCAL SOLID WASTE MANAGEMENT ENFORCEMENT AGENCY

April 17, 1992

Ralph E. Chandler, Executive Director
California Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, California 95826-3268

Attention: John Brooks, Planning Section

RE: Whitefeather Farms

Dear Mr. Brooks:

The Local Solid Waste Management Enforcement Agency for Riverside County has examined the documentation submitted by the Riverside County Board of Supervisors and the cities within the county and have determined that the requirements of Public Resources Code Section 50000(a)(3), for a new solid waste facility, have been met.

If you have any questions regarding this correspondence please call me at (714) 275-3980.

Sincerely,

Gary L. Root, Manager
Local Solid Waste Management Enforcement Agency

GR:gr

BOARD OF SUPERVISORS COUNTY OF RIVERSIDE

RESOLUTION NO. 91-500

RESOLUTION OF THE COUNTY OF RIVERSIDE
APPROVING THE SITE IDENTIFICATION AND DESCRIPTION
OF THE
WHITEFEATHER COMPOSTING FACILITY WITH CONDITIONS

WHEREAS, Riverside County and its cities must individually meet the State mandated goals of 25% of all solid waste diverted from the landfill by January 1, 1995, and 30% by January 1, 2000, and

WHEREAS, Riverside County and its cities must establish programs and encourage the siting of facilities that will make the achievement of these goals possible; and

WHEREAS, Riverside County and the Whitefeather Farms Composting Facility have realized the merits of cooperating with each other in a program at Edom Hill Landfill that will help divert a maximum portion of the green/wood waste stream with the intent of these parties to develop an agreement which maximizes diversion credits for local cities and not conflict with the County's wood waste/green waste diversion programs which are expected to provide long-term diversion credits and revenue to the County Waste Management Department to help reduce other waste reduction and waste management costs; and

WHEREAS, Section 50000 of the California State Public Resources Code requires new solid waste facilities that have not been identified or described in the County Solid Waste Management Plan to be reviewed and approved by counties and the majority of the cities within counties which contain a majority of the population of the incorporated area of the counties by resolution before they can be established; and

WHEREAS, the site identification and description of the Whitefeather Farms Composting Facility has been sent to the County and each City in Riverside County for review and approval/disapproval per Section 50000 of the California State Public Resources Code; and

WHEREAS, the County of Riverside has reviewed the site identification and description of the Whitefeather Farms Composting Facility; now, therefore;

BE IT RESOLVED by the Riverside County Board of Supervisors in regular session assembled on August 13, 1991, that it hereby supports the proposed Whitefeather Farms Composting Facility as a viable project working in concert with other County and City programs within the Coachella Valley for the attainment of the diversion goals of the Integrated Waste Management Act of 1989 and approves the project as proposed by the site identification and description of the Whitefeather Farms Composting Facility with the fulfillment of the following conditions:

1. The project must be permitted by the California Integrated Waste Management Board (CIWMB).

2. The operator shall keep accurate records of tonnage diverted by source, and report this data to the County on forms provided by the Director of the Department of Waste Management on a quarterly basis.

3. The project shall work in harmony with the green and wood waste diversion program planned by the County in the Coachella Valley by the proponent's execution of an operation agreement focusing on green waste and fine grained (small diameter) woody waste that may be diverted by the County at the Edom Hill Landfill and such other future waste handling facilities as may be beneficial to the County.

FORM APPROVED
COUNTY COUNSEL
AUG 5 1991
By D. B. Gerbensky
Deputy

ATTACHMENT 8

California Integrated Waste Management Board

Permit Decision No. 92-33

WHEREAS, the County of Riverside, acting as the Local Enforcement Agency, has submitted to the Board for its review and concurrence in, or objection to a new Solid Waste Facilities Permit for the Whitefeather Farms Composting Facility; 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 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. 33-AA-0238.

CERTIFICATION

The undersigned Executive Officer 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 April 29, 1992.

Dated:

Ralph E. Chandler
Executive Officer

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee

April 22, 1992

AGENDA ITEM 4

ITEM: Consideration of Concurrence in the Issuance of a Revised Solid Waste Facilities Permit for the Lopez Canyon Sanitary Landfill, Los Angeles County

BACKGROUND:

Facility Facts

Project:	Permit Revision
Facility Type:	Existing Landfill
Name:	Lopez Canyon Landfill Facility No. 19-AA-0820
Location:	11950 Lopez Canyon Road, Lakeview Terrace area of the City of Los Angeles
Setting:	Land uses within 1,000 feet of this facility are zoned for agricultural, suburban-one family dwellings, commercial, and light manufacturing use
Operational Status:	Active, permitted
Permitted Daily Capacity:	4000 tons per day with a traffic limit of 400 trucks per day
Volumetric Capacity:	1.384 million tons as of March 1991
Area:	399 acres
Owner/Operator:	Mr. Delwin A. Biagi, Director Department of Public Works Bureau of Sanitation, City of Los Angels
LEA:	County of Los Angeles, Department of Health Services

SUMMARY:

Site History The Lopez Canyon Sanitary Landfill began operations in October 1975. In 1976, with the addition of Sections 66795, et. seq. of the Government Code, the State Solid Waste Management Board (SSWMB) was empowered to permit sanitary landfills throughout the State of California and enforce State Minimum Standards for these landfills. On August 12, 1977, the City of Los Angeles applied for a SSWMB permit. A permit limiting the site to 8000 tons per month was issued on March 6, 1978. The permit was issued pursuant to Government Code, Section 66796.30, which allowed for the "grandfathering" of facilities that were operating prior to August 15, 1977, if they were in compliance with State Minimum Standards, applicable local ordinances, and regulations.

Following a major rainfall event and subsequent slope failure in 1983, the California Waste Management Board (CWMB), which replaced the SSWMB, directed the Local Enforcement Agency (LEA) to order the City to prepare an updated "Disposal Site Report and Review" pursuant to Title 14, California Code of Regulations (CCR), Section 17751. Sufficient detail to allow for determination of any need to revise the operating plan, serving as the basis for an evaluation of the existing Solid Waste Facilities Permit, was to be included in the report. All of the plans and designs in the report were to be reviewed by a registered engineer.

On June 24, 1983, the City submitted the requested RDSI to the Board and to the City LEA. The updated RDSI included daily tonnage figures of 3,875 tons per day for 1983 with projections to an estimated 4,075 tons per day for the period 1984 - 1993, and truck traffic estimates of approximately 500 trucks. Additionally, the RDSI proposed a final fill elevation of 1,740 feet msl. The City operated the site utilizing the tonnage, traffic, and height limits outlined in its 1983 RDSI update.

In June 1986, the LEA sent a Permit Review Report to the operator concerning site operations and proposed construction at the landfill. This report relied on information contained in the 1978 permit, the RDSI dated December 13, 1977, and the June 1983 RDSI update. The LEA further supported the City's right to operate the landfill under the terms and conditions of the 1977 permit and its supporting documents, as well as the 1977 RDSI and the 1983 update in an August 1988 letter to the CWMB Executive Director.

All agencies agreed that the 1978 permit was too vague to be enforceable, and therefore required modification to establish clarity. On May 5, 1989, the operator submitted an application to the LEA for permit modification. The requested modification sought, among other things, to correct the error on the daily

which was the average tonnage that the landfill was taking at the time.

The LEA issued a Notice and Order allowing the site to operate at the levels found in the 1983 RDSI addendum. Board staff disagreed with this finding and issued a Board Notice and Order limiting the site to the levels in the 1977 RDSI. This disagreement culminated in a lawsuit filed in the State Superior Court, Los Angeles County.

On December 4, 1989, the Los Angeles County Superior Court, issued its Order granting the City's request for a preliminary injunction and restraint against the CWMB and the LEA from the issuance or enforcement of Modified Facility Permit and the CWMB's August 4, 1989 Notice and Order.

From the time that the Court issued its Order until the present time, the Lopez Canyon Landfill has been operating under the terms and conditions of the Notice and Order that was issued by the LEA on July 21, 1989.

This proposed permit resolves the outstanding permit issues of the landfill.

Project Description The Lopez Canyon Landfill is located at 11950 Lopez Canyon, in the Lakeview Terrace area of the City of Los Angeles. This area forms the foothills of the western San Gabriel Mountains at elevations of between 1,200 and 1,810 feet above msl. Lopez Canyon is the only landfill currently owned and operated by the City of Los Angeles.

Access to the landfill is by way of four major routes: The Simi Valley-San Fernando Valley Freeway; the Foothill Freeway (I-210); Foothill Boulevard; and Glenoaks Boulevard. All routes utilize

Paxton Street for access into the landfill at the intersection of Lopez Canyon Road. The main access road on-site is a paved two-way road.

Immediately inside the entrance gate is the scalehouse, complete with sanitary facilities with connections to the City potable water supply and sanitary sewer lines. Adjacent to the scalehouse is also a restroom facility for public use. Further up the hill, close to the working face, are four buildings that are used for Site Manager and staff offices which are also equipped with sanitary facilities. These offices include meeting rooms, bottled water coolers, and other supplies. The equipment maintenance and hazardous waste storage area is located adjacent to the office buildings and employee parking lots.

This proposed permit is solely for the disposal operation in Area AB+ of the landfill. This proposed area is said to have a projected life of 1.33 years (nearly 16 months) as of March 1991. The Bureau of Sanitation intends to divert portions of the incoming refuse to extend the life of area AB+ to enable them to excavate and prepare disposal Area "C" to receive refuse by November of 1992.

The proposed permit is for landfill operations at a 4000 tons per day capacity or a refuse disposal vehicular limit of 400 trucks per day. The hours of operation are from 7:00 a.m. to 8:00 p.m., Monday through Friday. These hours include time for landfill equipment servicing. Receipt and disposal of refuse is limited to 7:00 a.m. and 4:30 p.m., Monday through Friday. The Conditional Use Permit (CUP) also allows for disposal operations on Saturdays during those weeks of the year which include a national holiday on which the Bureau of Sanitation does not collect refuse.

The Lopez Canyon landfill employs the "cut and cover" method of sanitary landfill operation. A typical operation cycle at this landfill proceeds as follows: Refuse is collected by City collection vehicles throughout South Central Los Angeles and unloaded at the BLT Transfer Station. BLT transfer trailers haul the refuse to Lopez Canyon and unload at the toe of the working face. The refuse is spread in two foot thick layers and compacted. This process is continued throughout the day until a section of the compacted waste reaches a designated lift height. The lifts may range from 5 to 20 vertical feet, depending on elevation needed for proper drainage. The toe of the working face varies in length from 50 to 250 feet, with a 3:1 horizontal to vertical slope. The required cover is then placed over the compacted refuse.

Environmental Controls Control measures for noise, odors, litter, dust, vectors, and fire are discussed in the RDSI, dated November 1989 and modified in November 1991.

Noise - Three strategies are proposed to control noise impacts to off-site receptors. These include the restricting of operation and construction hours; the reconfiguration of the project to maximize retention of existing noise barriers, such as ridges and man-made perimeter berms; and the at-source control of equipment and vehicular noise. On-site personnel are protected from noise injury by the use of enclosed cabs on earth moving equipment and the availability of ear protection equipment. Landfill operations are also periodically inspected by the Occupational Safety Officer of the City's Personnel Department.

Odors - Control measures for landfill gas are achieved by adhering to the requirements of the Control of Gaseous Emissions from Active Landfills (Rule 1150.1), enforced by the South Coast Air Quality

Management District. The purpose of this rule is to reduce gaseous emissions and prevent public nuisance and possible health effects from landfills through the installation of a gas control system and monitoring probes at the perimeter of the site. Under the rule, sufficient gas should be collected to prevent the average concentration of total organic compounds over a certain area of the surface of the landfill from exceeding 50 parts per million. Concentrations of total organic compounds and toxic air contaminants are sampled monthly. The Gas collection system and flaring station are currently in place and operational. Odor from the disposal operation of refuse is mitigated by the application of soil cover throughout the day.

Litter - Control of litter is achieved by the utilization of portable fencing, placement of refuse in a confined area (daily cell), and by the employment of personnel who are assigned the task of manually collecting litter.

The site utilizes plastic mesh fencing which is five to six feet high and held in place by "T" fence posts. Up to 75% of the refuse boundary is enclosed by this type of fencing. The working face area is fenced on as needed basis, such as during windy days. The site also employs over 20 maintenance laborers, 12 of whom are assigned to collect windblown litter.

Dust - Dust is controlled by spraying water on landfill surface and vehicle access roads. A chemical dust suppressant which creates a tight, hard, compact surface is also used for dust control if water application is not effective. Vegetation will also be planted to help control dust on the finished slopes.

Vectors - Several measures are employed for the control of vectors. Refuse is covered as soon as possible to deny vectors food, shelter, and breeding habitat. The Los Angeles County Department of Health Services, Vector Control Program, carries out a suppression program for fleas and ground squirrels at the park near the entrance gate. Bird distraction wires (100 lb. test monofilament fishing line) and noise guns are utilized for mitigation of gull problems.

Fires - Fire control measures include the on-site one million gallon water tank with a pumping station on the main haul road, four water tankers of 7000 gallon capacity, and three water trucks with 3500 gallon capacity. Portable fire extinguishers are also available for use when needed. Several fire stations are also located in the vicinity of the site that can respond quickly if needed.

The landfill gas collection and flaring station is equipped with flow control/shutoff valves, flame sensors and arresters,

temperature controls, and automatic shutdown systems for fire control and prevention.

Resource Recovery Programs At present there are no salvaging or resource recovery activities at the Lopez Canyon Sanitary Landfill. All recycled materials from the City of Los Angeles are processed and stored at various locations within the City. In November 1990, the City began the implementation of a citywide curbside recycling program which presently involves 230,000 residential households. By the middle of 1993, all 720,000 households in the City will be involved in a recycling program.

ANALYSIS:

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to PRC Section 44009, the Board has 60 calendar days to concur or object to the issuance of a Solid Waste Facilities Permit. Since the permit was received on March 20, 1992, the last day the Board could act is May 19, 1992.

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

1. Conformance with County Plan

   The LEA has certified the facility's Finding of Conformance with County Solid Waste Management Plan as approved on February 20, 1992 by the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force. This facility is identified and described in the latest version of the Los Angeles County Solid Waste Management Plan (CoSWMP Triennial Review, 1986) - Volume I, Non-Hazardous Waste Element, dated March 1984 and Revision A, dated August 1985. Board staff agrees with said Finding.

2. Consistency with General Plan

   The LEA determined that the Los Angeles City Planning Commission found the Lopez Canyon Sanitary Landfill to be an appropriate interim use in an open space zone, and therefore it is compatible with the surrounding land uses. The Los Angeles Planning Commission granted Lopez Canyon Landfill a landuse permit for a refuse disposal facility subject to the conditions of a Conditional Use Permit, City Planning Case Number 90-0271, adopted January 30, 1991. Board staff agrees with said finding.

3. Consistency with Waste Diversion Requirements

Staff of the Board's Planning and Local Assistance Division make an assessment, pursuant to PRC 44009, to determine if the record contains substantial evidence that the proposed project would impair the achievement of waste diversion goals. Based on available information, staff have determined that the issuance of the proposed permit should neither impair nor substantially prevent the City of Los Angeles from achieving its waste diversion goals. The analysis used in making this determination is included as Attachment 4.

4. California Environmental Quality Act (CEQA)

State law requires preparation and certification of an environmental document whenever a project requires discretionary approval by a public agency. The City of Los Angeles Bureau of Sanitation, Solid Waste Division prepared a Subsequent Environmental Impact Report (SCH 88041310) for the project. The project was certified as approved by the lead agency on January 30, 1991, and a Notice of Determination was filed.

A Mitigation, Monitoring and Implementation Schedule (MMIS) has been submitted to the Board. Potential environmental impacts and mitigation measures associated with the project are identified and incorporated in the MMIS (Attachment 5).

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

5. Closure and Postclosure Maintenance Plan

Final Closure and Postclosure Maintenance Plans were submitted to the Board as required and were deemed complete on October 15, 1991.

As of the day this agenda item was prepared, the required Financial Assurance Mechanism for the Closure and Postclosure Maintenance had not been submitted for this facility.

6. Compliance with State Minimum Standards

The LEA has found that the facility's design and operations are in compliance with the State Minimum Standards for Solid Waste Handling and Disposal based upon their review of the

RDSI and by facility inspection, the latest one on March 17, 1992.

Board staff conducted an inspection of the facility on August 1, 1991 and identified one violation of the State Minimum Standards. Board staff identified a violation of 14CCR 17696 Operating Site Maintenance, due to a wastewater clarifier being clogged and un-operational. On March 25, 1992, the LEA reported that the violation cited by Board staff had been corrected. The clarifier has been repaired and collects wastewater in holding sumps which then pump and dispose of the water appropriately.

STAFF RECOMMENDATIONS:

Because a 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. 92-31 concurring in the issuance of Solid Waste Facilities Permit No. 19-AA-0820 provided that the operator has submitted documents establishing the required Financial Assurance Mechanism for Closure and Postclosure Maintenance costs which meet the requirements of Title 14, California Code of Regulations (14 CCR), Division 7, Chapter 5, Article 3.5, Section 18283, prior to the April 29, 1992 Board meeting.

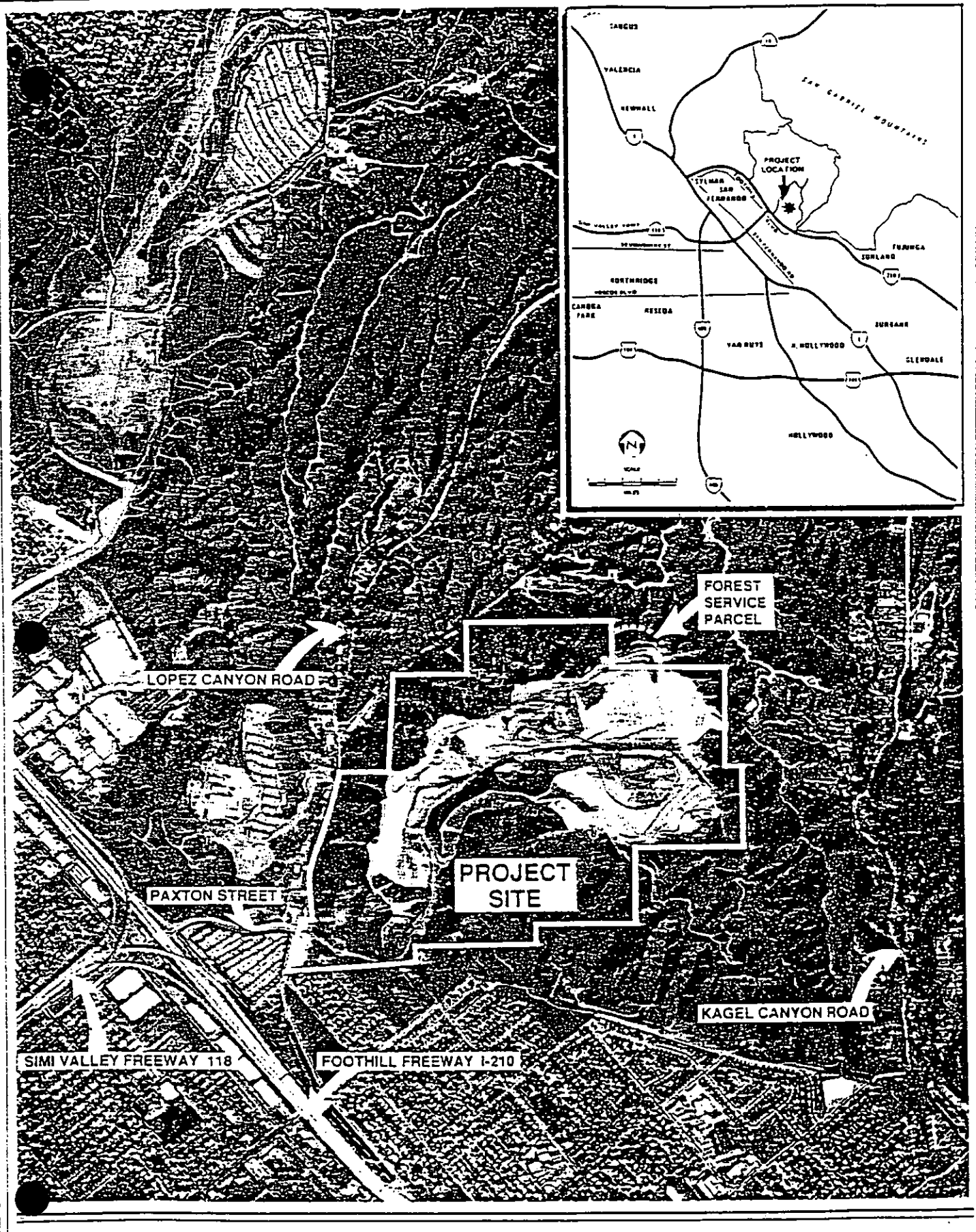
ATTACHMENTS:

1. Location Map
2. Site Map
3. Permit No. 19-AA-0820
4. AB 2296 Finding of Conformance
5. Mitigation Monitoring and Implementation Schedule
6. Permit Decision No. 92-31

Agenda Item Prepared By: Tadese Gebre-Hawariat TGH. R Stevens 4/10/92 Phone: 255-2438

Agenda Item Approved by: Martha Vazquez Phone: 255-2454

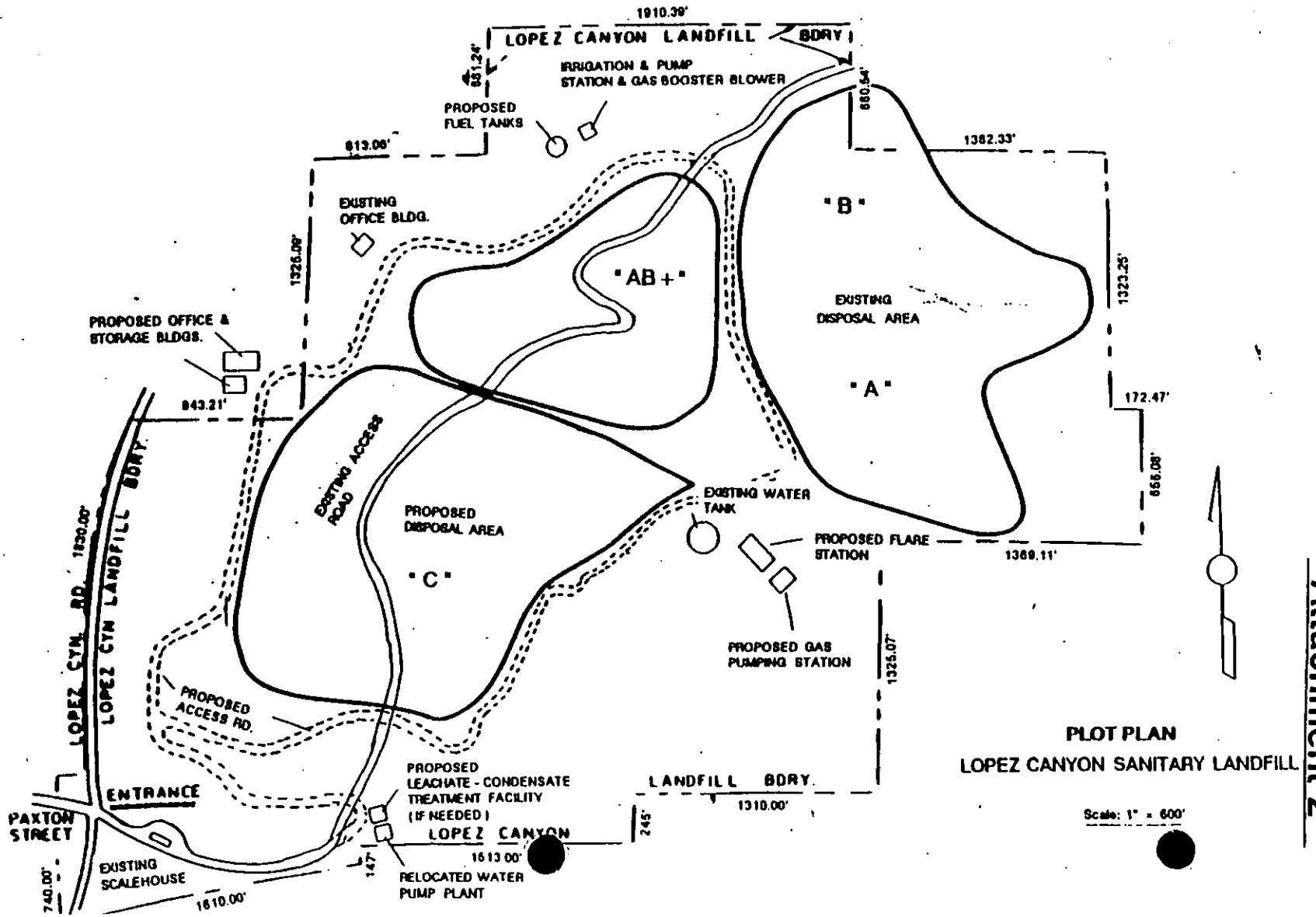
Legal Review: RFC Date/Time 4/14 2030



Planning
Consultants
Research

0 1000 2000
SCALE IN FEET

Figure 1
SITE LOCATION AND
AERIAL VIEW OF SITE



Attachment 2

Attachment 3

OPERATING PERMIT FOR FACILITIES RECEIVING SOLID WASTE	TYPE OF FACILITY: LANDFILL	FACILITY/PERMIT NUMBER: 19-AA-0820
NAME AND STREET ADDRESS OF FACILITY: LOPEZ CANYON LANDFILL, 11950 LOPEZ CANYON ROAD, LAKEVIEW TERRACE, CALIFORNIA 91342	NAME AND MAILING ADDRESS OF OPERATOR: CITY OF LOS ANGELES, BUREAU OF SANITATION, ROOM 1400, CITY HALL EAST, 200 NORTH MAIN STREET, LOS ANGELES, CALIFORNIA 90012	
PERMITTING ENFORCEMENT AGENCY: COUNTY OF LOS ANGELES, DEPARTMENT OF HEALTH SERVICES	CITY/COUNTY: LOS ANGELES/LOS ANGELES	

PERMIT PROPOSED

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

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

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

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

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

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

APPROVED:	AGENCY ADDRESS
APPROVING OFFICER: RICHARD A. HANSON, PROGRAM DIRECTOR NAME/TITLE	COUNTY OF LOS ANGELES, DEPARTMENT OF HEALTH SERVICES, SOLID WASTE MANAGEMENT PROGRAM, 2525 CORPORATE PLACE, MONTEREY PARK, CALIFORNIA 91754
PROPOSED SEAL	AGENCY USE/COMMENTS: REVISION OF PERMIT FIVE-YEAR PERMIT REVIEW
	PERMIT RECEIVED BY CWMB: MAR 20 1992 / CWMB CONCURRANCE DATE
	PERMIT REVIEW DUE DATE / PERMIT ISSUED DATE

CWMB (Rev. 7/84)

FINDINGS:

1. Description of the facility's design and operation:

This Solid Waste Facility Permit (SWFP) is a revision of the existing SWFP for the Lopez Canyon Sanitary Landfill, SWIS No. 19-AA-0820, issued March 6, 1978. This permit is required by the California Public Resources Code (PRC), Division 30, Part 4, Chapter 3, Sections 44001 et seq. and the California Code of Regulations (CCR), Title 14, Division 7, Chapter 5, Article 3, Sections 18200 et seq. The following are design and operational changes that have occurred since the submittal of the 1977 Report of Disposal Site Information (RDSI):

1. Daily inflow of refuse increased from 3,100 tons to 4000 tons per operating day;

2. The use of transfer trailers from the BLT Transfer Station to transfer city collected refuse from the South and North Central Los Angeles Area;

3. The hours of operation will be from 7 a.m. to 8 p.m., with refuse disposal and cover activities conducted between the hours of 7 a.m. to 6 p.m.;

4. Excavation of Disposal Area AB+ and disposal of solid waste within same, and the construction of the leachate cut-off barrier, installation of gas lines and leachate collection system as needed;

5. The enlargement of the scale facility to two scales;

6. The construction of a new temporary haul road and all weather service road to access the debris basins and Bartholomaus Canyon;

7. The implementation of a hazardous waste exclusion program, including the construction and operation of the hazardous waste storage facility;

8. The installation of landfill gas collection, flare, and monitoring systems; and

9. The excavation and preparation of Disposal Area C for placement of refuse.

A. The owner and operator of this site is:

Mr. Delwin A. Biagi, Director
City of Los Angeles, Department of Public Works
Bureau of Sanitation
Room 1400, City Hall East
200 North Main Street
Los Angeles, California 90012
(Refer to page 64 of the RDSI and the 1978 SWFP).

FINDINGS:

1. Description of the facility's design and operation: (continued)

B. The Lopez Canyon Landfill is located at 11950 Lopez Canyon Road, Los Angeles, California 91342. It is situated in the foothills of the western San Gabriel Mountains with elevations between 1,200 and 1,810 feet above mean sea level (msl). The site is the topographic high point in the Bartholomaus Canyon watershed. (Refer to page of 18 the RDSI and to page 67 of the Engineering Review [ER]).

The Lopez Canyon Landfill is owned by the City of Los Angeles (the City), with the exception of a 7-acre portion in the northeastern area of the site, which is leased from the U.S. Forest Service, and a road construction easement obtained from a private concern (R/W 32601) in 1986 and then purchased on January 16, 1991 (R/W 32436-12z and R/W 32436-13z). This is the only operating landfill owned by the City of Los Angeles. (Refer to page 39, exhibits 43 and 44 of the RDSI, and page 67 of the ER).

This site is located on previously unincorporated County land, annexed to the City through the purchase of private land and land exchanged with the U. S. Forest Service. Landfill disposal operations commenced on October 1975 and have been continuous to the present time. Lopez Canyon Landfill is a "cut and cover" facility for non-hazardous solid waste. Borrow material is excavated from adjacent ridges and is used for daily cover, as fill for construction projects and to provide additional refuse disposal capacity. All cover material is obtained on site; there will be no need to import cover material throughout the filling of the Disposal Area AB+ area. The total landfill site is 399 acres, approximately seven (7) acres of which is the leased U. S. Forest Service land. The Disposal Area AB+ area, 34 acres, is the total area being utilized for landfilling at the present time. (Refer to pages 1, 5, 36 and 39 of the RDSI and page 67 of the ER).

C. Access to the landfill is by way of four major routes: 1. The Simi Valley-San Fernando Valley Freeway (SR 118); 2. the Foothill Freeway (I-210); 3. Foothill Boulevard; and 4. Glenoaks Boulevard. All routes utilize Paxton Street for access into the landfill at the intersection of Lopez Canyon Road. The on-site main access roads are paved 2-way, single and double lane roads that are used for all landfill traffic except that of earth moving equipment. (Refer to pages 41 through 44 of the RDSI).

The scalehouse is located inside the entrance gate and is connected to the City potable water supply and sanitary sewer line and contains one water closet, a lavatory, service sink and bottled water cooler.

FINDINGS:

1. **Description of the facility's design and operation: (continued)**

There is a restroom building and the proposed Hazardous Waste Storage area north of the scalehouse at the southwest side of the landfill. Currently, the hazardous waste is stored in the City's permitted hazardous waste transport vehicles located in the parking area south of the office coaches. The crew office consists of four commercial coach structures and contain sanitary facilities and bottled water coolers. (Refer to pages 11, 12, 17 and 18 of the RDSI).

On the north side of the landfill there are the fueling facilities. On-site water facilities include a one million gallon water tank with a pumping station on the main haul road past the scalehouse and another 12,000 gallon storage tank on the northwest side of the landfill to supply water to other areas of the landfill. (Refer to pages 12, 13, 17, 18 and the plot plan [exhibit 14] of the RDSI).

Lopez Canyon utilizes a system of horizontal and vertical gas collection wells, collection header lines and a flaring system. (Refer to pages 51, 52 and exhibit 42 of the RDSI and pages 71, 78, 79, 80, 81 and 82 of the ER).

Areas A and B and AB+ will also be utilized for the stockpiling of dirt during disposal Area C excavation. (Refer to page 39 of the RDSI and page 66 of the ER).

D. Lopez Canyon Landfill was classified as a Class II-2 landfill by the California Regional Water Quality Control Board (CRWQCB) - Los Angeles Region (File No. 69-68). Under new Title 23, Chapter 3, Subchapter 15 (now Chapter 15) regulations of the California Administrative Code (now California Code of Regulations - CCR) adopted October 18, 1984, the Class II designation has been changed to Class III; therefore, the site is now rated Class III (Article 3, Section 2533). The refuse received is non-hazardous solid waste and inert material (formerly, Group 2 and 3 material, respectively), which is primarily household refuse, organic and inorganic wastes collected by City Bureaus and City contracted waste haulers. (Refer to pages 1, 2, and 37 of the RDSI).

No medical, hazardous, liquid or other wastes as defined by the California State Department of Health Services requiring special treatment or handling are permitted at this landfill. Lopez Canyon Landfill does not receive sludge from the City's Sewage treatment process, large dead animals, septic tank pumpings, or asbestos. There is a waste load checking program to counteract the accidental or illicit disposal of hazardous and other unacceptable materials at the landfill. (Refer to pages 1, 36, 37, 38 and 39 of the RDSI).

FINDINGS:

1. Description of the facility's design and operation: (continued)

E. The maximum daily load capacity the landfill can handle on a continuous basis with the existing staff and equipment is 6,000 tons per day (TPD). However, the current daily average is 1,800 TPD, which is derived from the November 1991 modified RDSI. In response to the Local Enforcement Agency's (LEA) Notice and Order, issued July 21, 1989, the City was required not to exceed 400 refuse disposal vehicles per operating day entering and leaving the landfill. Moreover, pursuant to the Conditional Use Permit (C.U.P.), granted February 4, 1991 and revised October 24, 1991, the maximum daily inflow of refuse shall not exceed 4,000 tons and it also limits the refuse disposal vehicular traffic to 400 vehicles per operating day. (Refer to pages 2 and 44 of the RDSI).

F. Design and operation of this facility are described by the November 1991 modified "Report of Disposal Site Information and Engineering Report" and is hereby made a part of this Finding.

The City of Los Angeles Bureau of Sanitation has contracted with the BLT Transfer Station, located in central metropolitan Los Angeles, to receive and transfer refuse collected by City collection vehicles in North and South Central Los Angeles to Lopez Canyon Landfill for disposal. Bureau of Sanitation staff ensures that only City collected refuse is loaded into BLT's transfer trailers which travel to Lopez Canyon. (Refer to pages 1 and 5 of the RDSI).

Refuse is unloaded at the toe of the daily working face (or daily cell) and spread in layers of no more than two feet thick and then are compacted by crawler tractors which make three to five passes over the refuse up the shallow incline of the cell. This process is continued throughout the day until a section of the compacted waste reaches a specified lift height. The lifts may range from 5 to 20 vertical feet, depending on elevations needed for proper drainage. The length along the toe of the working face varies from 50 to 250 feet, with a 3:1 horizontal to vertical slope at the end of the day. (Refer to pages 3 and 4 of the RDSI).

The site normally operates a second smaller working face that accommodates only transfer trailers and 18-wheel end dump trucks. The transfer trucks take much longer to unload than the smaller collection vehicles. This can cause delays at the relatively confined main dumping area. An additional safety reason to separate these vehicles is that end dump trucks tilt up on their rear wheels to unload and their higher center of gravity make them more prone to tipping over while unloading on the uneven surface of the landfill. This smaller working face is operated in the same manner as the main working face. (Refer to page 4 of the RDSI).

FINDINGS:

1. Description of the facility's design and operation: (continued)

In wet weather the lift height may reach 25 feet due to the need to dispose of refuse in confined winter disposal areas. These wet weather areas are prepared before the beginning of the rainy season, which usually begins by mid-November. Wet weather access for refuse collection vehicles is provided by roads and ramps constructed of either new asphalt or recycled inert materials. During the rainy season, cover material is stockpiled near the working faces so that daily covering of the refuse can be carried out. (Refer to pages of 4, 19, 20, 21, 22 and 39 the RDSI).

A 6 to 12 inch layer of cover is placed over the cell at the end of each day's operation. If disposal is not anticipated in this area within the following week, the refuse is covered with an intermediate cover of 12 to 18 inches deep. Clean earth for daily cover is excavated or taken from stockpiled cover material areas and transferred to the working face by earth moving equipment. (Refer to page 4 of the RDSI).

In the future, the Bureau of Sanitation may request the use of alternative types of daily cover. These may include shredded tree trimmings and yard wastes, foam type synthetic covers or inert materials such as broken asphalt and concrete. These materials would not be used without approval from all regulatory agencies. (Refer to page 5 of the RDSI).

The projected life of the landfill is 1.33 years or 16 months. This is based on the development of Disposal Area AB+ to an elevation of 1,770 feet msl with a disposal rate of 4,000 tons per day, 261 days per year, which results in 1.384 million tons or 1.33 years of remaining capacity as of March 1991. However, as indicated in Section A-3-b of the November 1991 modified RDSI, the City intends to divert portions of the incoming refuse to lengthen the life of Disposal Area AB+, thus enabling the City to excavate and prepare future disposal area C to receive refuse by November 1992. Moreover, if the incoming rates of refuse are less than the projected rates, the present estimated life of Disposal Area AB+ will be lengthened proportionally. (Refer to pages 2, 3, 39 and 40 of the RDSI and page 66 of the ER).

The maximum refuse disposal elevation is 1,770 feet (including final cover and surcharge) above mean sea level. Dirt stockpiles for daily cover that have been excavated during the construction phase of Disposal Area C may be stockpiled on completed areas of Disposal Areas A and B, and AB+ to a maximum elevation of 1,830 feet above msl. This will be completed no later than June 30, 1993. (Refer to pages 2 and 39, and exhibit 21 of the RDSI and page 66 of the ER, and page 3, condition #9 of the CUP, revised October 24, 1991 and February 27, 1992).

FINDINGS:

1. Description of the facility's design and operation: (continued)

G. At present, there are no plans to separate refuse on-site. However, the City has begun a recycling program which presently involves 230,000 residential households, and future plans are to expand the program to the entire City which will involve 720,000 residential households. The recycled materials are stored and processed at various locations within the City. Salvaging is not permitted by employees at this site. (Refer to pages 6, 7 and 30, and exhibits 3 and 4, of the RDSI).

A small scale refuse separation program is used to determine the composition of the household waste stream within the City of Los Angeles. The program consists of the separation and weighing of randomly collected refuse loads from various sections of the City. This program allows the City to monitor the effectiveness of the recycling program. (Refer to pages 6 and 7, and exhibits 3 and 4, of the RDSI).

The site has utilized a tub-grinder to grind tree trimmings and garden wastes generated by other City departments and Bureaus during a pilot program. The Bureau of Sanitation will possibly seek authorization to use this tub-ground material as daily cover similar to the procedure already underway at several landfills operated by the Sanitation Districts of Los Angeles County. (Refer to page 7 of the RDSI).

H. There is a waste load checking program to counteract the accidental or illicit disposal of prohibited materials at the landfill. (Refer to pages 13, 14, 15, 16, 17, 17A and 18 of the RDSI).

I. Disposal Area C is being developed as a future disposal area and will be addressed in a future revised RDSI. There are no other proposed significant changes in the facility's design and/or operation during the next five (5) years. (Refer to pages 39 and 40 of the RDSI).

J. Lopez Canyon receives refuse Monday through Friday from 7:00 a.m. to 4:30 p.m. On five specific holidays (Christmas, New Year's Day, July 4th, Labor Day and Thanksgiving Day) collection and disposal activities will occur on the following Saturday. Trucks entering the landfill after 4:30 p.m. will be turned around and sent back to their respective truck maintenance and storage facilities. In an emergency (for example, when inclement weather, or other Acts of God, have prevented the L.A. City Waste Collection vehicles from completing their routes before normal closure of the landfill, and then which would necessitate operations after normal closure to dispose of waste in order to maintain waste collection schedules the following days) and after receiving approval from the LEA, the landfill may receive refuse after 4:30 p.m. or before 7:00 a.m. or on any day. Operations and maintenance staff are usually on-site from 6:00 a.m. to 6:00 p.m. (Refer to pages 5 and 6 of the RDSI).

FINDINGS:

1. Description of the facility's design and operation: (continued)

All excavation and dirt moving operations will be confined to the hours of 7:00 a.m. to 5:30 p.m., Monday through Saturday. The grading of the ridge tops will be done from 9:00 a.m. to 3:00 p.m. in order to reduce early morning and late afternoon noise under normal conditions. The Conditional Use Permit, though, will rescind the authorization for excavation activities on Saturdays on June 30, 1993 [refer to CUP, revised October 24, 1991 and February 27, 1992, page 4, 12(3)]. Between the hours of 6:00 p.m. and 8:00 p.m., landfill equipment will be serviced by landfill personnel. The clean-up and cover operations are completed by 6:00 p.m. daily. Situations may arise wherein emergency repair activities may occur outside of these time limits. (Refer to pages 5 and 6 of the RDSI).

The front gate area is open 7 days a week, between the hours of 8:00 a.m. and 4:00 p.m., for City and immediate County residents to discard bulky household items (for example, couches, refrigerators, stoves, etc.). The material is dropped off on a paved area just inside the entrance and the discarded items are removed to the disposal area by landfill personnel each weekday morning. (Refer to pages 5 and 6 of the RDSI).

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

A. Report of Disposal Site Information and Engineering Report, dated November 1991 (modified).

B. Waste Discharge Requirements (Order No. 91-122, File No. 69-68) - California Regional Water Quality Control Board, Los Angeles Region, adopted December 2, 1991.

C. Conditional Use Permit (CUP) City Planning Case No. 90-0271 CU Los Angeles City Planning Commission, adopted February 4, 1991 and revised October 24, 1991 and February 27, 1992.

D. Finding of General Plan Consistency - Resolution Case No. cl - (5) - Los Angeles County Regional Planning Commission, dated October 16, 1974 and in a letter dated May 15, 1991, the Chief Hearing Examiner, Plan Implementation Division of the City of Los Angeles Department of City Planning, confirmed that the project is consistent with the City's General Plan, as mandated.

FINDINGS:

2. The following documents condition the design and/or operation of this facility: (continued):

E. Finding of Conformance - The Los Angeles County Solid Waste Management Plan (CoSWMP), approved by the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force on February 20, 1992.

F. Environmental Impact Report and Subsequent Environmental Impact Report, dated February 1990, and certified by the City Council of Los Angeles on January 30, 1991 and by the Mayor of Los Angeles on February 4, 1991.

G. Mitigation Monitoring and Implementation Schedule for mitigation measures required by the conditioning environmental document, Los Angeles City Environmental Impact Report and Subsequent Environmental Impact Report. (See Attachment 1).

H. Final closure and post closure maintenance plans, dated March 1991, and deemed complete on October 15, 1991.

I. Special Use Permit (Ref: FSH 2709.11) - U.S. Forest Service, District 55 Tujunga, issued March 26, 1991 and expires December 31, 1994.

J. Agreement for Right of Entry and Road Easement (R/W 32601, W.O. 31735) approved October 8, 1986 and purchased on January 16, 1991. (See Exhibits 43 and 44 of the RDSI [Grant Deed 91-140059, R/W 32436-12z and Grant Deed R/W 32436 13z dated October 23, 1989]).

K. Permit to Construct Landfill Gas Collection System (Application No. 237767) - South Coast Air Quality Management District, granted October 18, 1990.

L. Permit to Construct Gas Flaring System (Application #245157)- South Coast Air Quality Management District, granted August 28, 1991. (Refer to exhibits 40 and 42 of the RDSI).

3. The following findings are required pursuant to Public Resources Code (PRC):

A. PRC 44010

This permit is consistent with the criteria, guidelines and standards adopted by the California Integrated Waste Management Board [PRC 44010].

FINDINGS:

3. **The following findings are required pursuant to Public Resources Code (PRC): (continued):**

   B. **PRC 50000:**

   The Finding of Conformance with the CoSWMP was approved on February 20, 1992 by the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force. This facility is identified and described within the latest version of the Los Angeles County Solid Waste Management Plan (CoSWMP Triennial Review, 1986) - Volume I, Non-Hazardous Waste Element, Dated March 1984 and Revision A, dated August 1985. [PRC 50000 (a)(1)].

   C. **PRC 50000.5**

   The Los Angeles City Planning Commission found that the Lopez Canyon Sanitary Landfill is an appropriate interim use within an open space zone, therefore compatible with the surrounding land uses, (A2-1 (agricultural) and RS-1 (suburban-one family dwellings) zones, and granted the use of the Lopez Canyon Landfill for a refuse disposal facility subject to the conditions of Conditional Use Permit, City Planning Case Number 90-0271 and File Numbers 90-1910, 87-0256 and 90-1910S adopted January 30, 1991.

4. **This facility's design and operation were in substantial compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by a physical inspection on March 17, 1992.**

5. **The local fire protection agency (Los Angeles City Fire Department), has determined that the facility is in conformance with applicable fire standards.** (Refer to pages 26 through 29 and 34 of the RDSI).

6. **Land uses within 1,000 feet of this facility are zoned the following:**

A2-1	Agricultural	C-4	Commercial
RS-1	Suburban-one family dwellings	M1-1	Light Manufacturing

The general boundaries of the site are the San Gabriel mountains to the north, which are unurbanized; Kagel Canyon to the east, a low-density residential area, about one-half mile from the landfill; Lopez Canyon Road to the west, with light manufacturing and industrial uses; and a mobile home park west of Lopez Canyon Road. Residential areas and the Foothill Freeway are to the south. In the last few years there have been several housing tract developments on the south side; the closest one, built in 1988, is the La Casa Linda Tract.

FINDINGS:

6. **Land uses within 1,000 feet of this facility are zoned the following: (continued):**

   This tract is adjacent to the landfill property boundary, with some houses within a few hundred feet from the west haul road (but over 1,000 feet from landfill disposal boundary). Lopez Canyon Landfill is compatible with the surrounding land uses. (Refer to pages 13, 14, 30, 31, 34, and 35, and exhibit 13 of the RDSI and page 67 of the ER).

CONDITIONS: **Requirements**

1. This facility must comply with all the State Minimum Standards for Solid Waste Handling and Disposal.

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

3. The operator will comply with all conditions and requirements of all documents referenced in the Findings Section of this permit.

4. The operator will comply with all notices and orders issued by any responsible agency designated by the Lead Agency to monitor the mitigation measures contained in any of the documents referenced within this permit pursuant to Public Resources Code 21081.6.

5. Additional information concerning the design and operation of this facility must be made available upon request of Local Enforcement Agency.

6. At the discretion of the Local Enforcement Agency, the operator shall install landfill gas monitoring probes for the detection of gas migration in addition to any probes required for any purpose by any other agency. The operator shall also expand and/or modify the landfill gas control system if the Local Enforcement Agency, in consultation with the South Coast Air Quality Management District, determines that such expansion or modification is necessary.

7. The operator shall maintain a copy of this Permit at the facility so as to be available at all times to facility personnel and to representatives of the Local Enforcement Agency or any regulatory agency which has jurisdiction at the facility.

CONDITIONS: **Requirements** **(continued):**

8. The operator shall install and maintain signs at the entrance indicating that "no hazardous or liquid wastes are accepted".

9. The operator shall comply with an established Customer Litter Control Program.

10. The operator shall comply with all conditions and requirements contained in the Waste Discharge Requirements (Order No. 91 - 122, File No. 69 - 68, adopted December 2, 1991).

CONDITIONS: **Prohibitions**

1. Except for unadulterated tap water, any waters discharged at the landfill for landscape irrigation, dust control or other non-emergency uses, shall be subject to CRWQCB Waste Discharge Requirements.

2. No medical wastes as defined in Chapter 6.1, Division 20 of the Health and Safety Code shall be disposed of at this site.

3. The discharge of wastes or waste by-products (i.e., leachate) to natural surface drainage courses or to ground water is prohibited.

4. The gas collection system and any proposed system expansion shall be designed so that collected landfill gas system condensate is not returned to the landfill.

5. No scavenging by the general public is permitted.

6. No open burning of wastes is permitted.

7. No standing water is allowed on covered fill areas.

8. Receipt of the following wastes are prohibited:

   a. Hazardous wastes (or special wastes), including radioactive wastes, and materials which are of a toxic nature, such as insecticides, herbicides or poisons;

   b. Liquids, oils, slurries, waxes, tars, soaps, solvents, or readily water-soluble solids such as but not limited to salts, borax, lye, caustics or acids;

CONDITIONS: **Prohibitions (continued):**

8. Receipt of the following wastes are prohibited:

   c. Pesticide containers, unless they are rendered nonhazardous by triple rinsing;

   d. Sewage sludge, septic tank pumpage or chemical toilet wastes; and

   e. Asbestos or asbestos products.

9. No polluted surface waters shall leave this site except as permitted by a National Pollutant Discharge Elimination System permit issued in accordance with the Federal Clean Water Act and the California Water Code.

CONDITIONS: **Specifications**

1. No significant change in design or operation from that described in the Findings section of this permit is allowed.

2. The operator **shall** notify the Local Enforcement Agency, in writing, of any proposed changes in the routine facility operation or changes in facility design during the planning stages. In no case shall the operator undertake any changes unless the operator first submits to the Local Enforcement Agency a notice of said changes at least **120 days** before said changes are undertaken. Any significant change as determined by the Local Enforcement Agency would require a revision of this permit.

3. This facility has a permitted capacity of 4000 tons of refuse per operating day and limits the daily vehicular traffic to 400 refuse trucks. This facility shall neither receive more than this amount of solid waste per operating day nor shall the per day vehicular number increase without a revision of this permit. Maximum total inflow of solid waste received during the remaining life of the project shall not exceed 1.384 million tons, as of March 1991, without first obtaining a revision of this permit.

4. The final elevation of the filled area for area AB+, including final cover (and surcharge) shall not exceed 1770 feet above mean sea level.

5. This permit is **not** transferable; a change in the operator would require a new permit.

6. This permit supersedes all previous Solid Waste Facilities Permits for this site.

CONDITIONS: **Provisions**

1. This facility must comply with all monitoring requirements established in the Waste Discharge Requirements, Order No. 90 - 122, File No. 69 - 68. Should it be determined, in accordance with the provisions of Chapter 15 of the California Code of Regulations, that the facility has caused groundwater contamination which can not be immediately mitigated, then the operations may be required to cease until the appropriate mitigation measures are implemented.

   Should it be determined that the contamination can not be mitigated then the facility may be required to permanently close.

2. Operational controls shall be established to preclude the receipt and disposal of prohibited wastes.

   a. That during the hours of operation for all landfill dumping activities, an attendant or attendants shall be present at all times to supervise the loading and unloading of the waste material.

   b. WASTE LOAD CHECKING PROGRAM

      The landfill operator shall conduct a daily waste load checking program, approved by the Local Enforcement Agency, to prevent and discourage disposal of hazardous waste at the disposal site. The daily waste load checking program shall consist of the following activities:

      (1) The minimum number of random waste loads to be inspected daily at this landfill is four (4).

      The number of incoming loads to be inspected each day is determined by the Local Enforcement Agency and is related to the permitted daily volume of refuse received. The load selected for inspection shall be dumped upon the ground in an area apart from the active working face of the landfill. The refuse shall be spread out and visually inspected for evidence of hazardous wastes. Any hazardous materials found shall be set aside and placed in a secure area to await proper disposition.

CONDITIONS: **Provisions:**

2. **Operational controls:**

   b. **WASTE LOAD CHECKING PROGRAM (continued):**

      (2) Visual inspection of each day's working face by landfill personnel, such as spotters, equipment operators, and supervisors for evidence of hazardous materials. Any hazardous materials thus found shall be managed as in item 1 above.

      (3) Landfill staff and others assigned to perform the duties required in this waste load checking program including visual inspection of the landfill working face, are to be trained to recognize hazardous waste and to perform the reporting requirements of this program. Staff are to be retrained on an annual basis and new employees are to be trained prior to work assignments. The training program must be approved by the Local Enforcement Agency.

      (4) Incidents of unlawful disposal of prohibited materials shall be reported to the Local Enforcement Agency as described in the monitoring section of this permit. In addition, the following agencies shall be notified <u>at once</u> of any significant incidents of illegal hazardous materials disposal:

         (a) Duty officer, County of Los Angeles Forester and Fire Warden, Hazardous Waste Control Program at (213) 744-3223.

         (b) Environmental Crimes Division, Los Angeles County District Attorney at (213) 974-6824.

         (c) California Highway Patrol at (213) 736-2971.

3. This permit is subject to review by the Local Enforcement Agency and may be suspended, revoked or modified at any time for sufficient cause.

4. The Local Enforcement Agency reserves the right to suspend waste receiving operations when deemed necessary due to an emergency, a potential health hazard or the creation of a public nuisance.

CONDITIONS: **Provisions:** **(continued):**

5. The operator shall maintain adequate records regarding length and depth of cuts made in natural terrain where fill is placed, together with the depth to the groundwater table.

6. The operator shall maintain a log of special/unusual occurrences. This log shall include the following:

   Surface fires, underground fires, explosions, discharge of hazardous liquids or gases to the ground or the atmosphere or significant injuries, accidents or property damage. Each log entry shall be accompanied by a summary of any actions taken by the operator to mitigate the occurrence. The operator shall maintain this log at the facility so as to be available at all times to site personnel and to the Enforcement Agencies' personnel.

   Any entries made in this log in response to the above mentioned incidents, must be reported to the Local Enforcement Agency **at once**. Call the duty officer, County of Los Angeles Department of Health Services Solid Waste Management Program at (213) 881- 4151.

7. The operator shall continue to monitor for potential leachate generation. If leachate becomes a problem, the operator will collect, treat, and effectively dispose of the leachate in a manner approved by the Local Enforcement Agency and the California Regional Water Quality Control Board.

8. The methane gas monitoring program shall proceed and the self-monitoring reports shall continue to be submitted to the proper Enforcement Agencies.

9. The operator shall notify the Local Enforcement Agency at once following a receipt of a notice of violation from any regulatory agency or upon receipt of notification of complaints, regarding the facility, which have been received by other agencies.

10. The LEA shall be notified at once of the receipt of any written complaints pertaining to this facility.

11. The operator shall comply with all of the requirements of all applicable laws pertaining to employee health and safety.

CONDITIONS: **Monitoring Program:**

Upon receipt of the approved Solid Waste Facility Permit, the operator shall submit monitoring reports to the Local Enforcement Agency at the frequencies indicated below. The monitoring reports are delinquent 30 days after the end of the reporting period.

1. **Monthly Reporting: (Due the first day of each month)**

   a. The quantities and types of hazardous wastes, medical wastes or otherwise prohibited wastes found in the waste stream and the disposition of these materials.

   b. All incidents of unlawful disposal of prohibited materials and the operator's actions taken. Indicate those incidents which occurred as a result of the random load checking program. Incidents, as used here, means that the hauler or producer of the prohibited waste is known.

   c. Copies of all written complaints regarding this facility and the operator's actions taken to resolve these complaints.

   d. The types and quantities of decomposable and inert wastes received <u>each</u> <u>day</u>. The operator shall maintain these records on the facility's premises for a minimum of one year and made available to any Enforcement Agencies' personnel on request.

   e. The number of vehicles using the facility per day and per week.

2. **Quarterly Reporting: (January 1st, April 1st, July 1st and October 1st)**

   a. The results of the landfill gas migration control program.

   b. The results of the leachate monitoring, collection, treatment and disposal program. The operator shall monitor for potential leachate generation as required by the Waste Discharge Requirements. If leachate is found, the operator will collect, treat, and effectively dispose of the leachate in a manner approved by the Local Enforcement Agency and the California Regional Water Quality Control Board.

CONDITIONS: **Monitoring Program:**

1. **Annual Reporting: (January 1st)**

   a. Topographical map showing all current fill locations.

   b. Topographical map which indicates all cuts into native material from the previous year to the present date.

   c. The above two maps shall be drawn to a scale no smaller than one inch = 200 feet unless otherwise approved by the Local Enforcement Agency.

<END OF DOCUMENT>

State of California

OFFICE of ENVIRONMENTAL PROTECTION
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
Planning and Local Assistance Division

Memorandum

To: Tad Gebre-Hawariat

Date: March 24, 1992

From: Lloyd Dillon
Local Assistance Branch, South Section

Subject: Conformance with PRC sections 44009, 50000, and 50000.5
Lopez Canyon Landfill, Permit No. 19-AA-0820

The following are the subject findings relevant to the proposed revised permit for the Lopez Canyon Landfill, transmitted for our comments March 16, 1992:

1. **PRC Section 44009 (Consistency with Waste Diversion Goals)**

This permit revision is to document design and operational changes which have occurred since submittal of the 1977 RSDI and to the SWFP issued March 6, 1978. Those revisions specific to landfill capacity or solid waste material disposal allow for: 1) increasing the daily rate of disposal from 3,100 TPD to 4,000 TPD; 2) excavation of area AB+ for disposal; 3) disposal of solid waste within Disposal Area AB+; 4) excavation and preparation of Disposal Area C to receive wastes commencing in 11/92; and, 5) implementing a hazardous waste exclusion and inspection program.

The Lopez Canyon Landfill, owned and operated by the City of Los Angeles - Department of Public Works, Bureau of Sanitation, currently receives approximately 1,800 tons per working day of only Los Angeles residential solid waste and street cleaning waste. Approximately 800 tons per day are currently being diverted to County operated facilities. Lopez Canyon has approximately 1.3 - 2.9 years of permitted capacity remaining, dependent upon the daily rate of disposal. The City will be filing a subsequent permit revision to allow disposal of solid waste in Disposal Area C, probably within the next three months.

The City of Los Angeles' Source Reduction and Recycling Element has not yet been submitted to the Board for review. Current projections for its submittal are June, 1992. The programs of the SRRE will target generators and sectors. The City is currently completing its Solid Waste Generation and Characterization Study.

The City of Los Angeles has implemented a residential curbside diversion program, with approximately one-third of the residences currently participating. All City residences will be participating in the program eventually, and the City has plans for expanding the materials targeted by the program. The City's Integrated Waste Management Office, the entity responsible for preparing and implementing the SRRE, is working with local hotels, restaurants, landscapers, and other commercial establishments to initiate source reduction and diversion programs.

The City is also implementing a City Office recycling program that targets cans, glass, newspapers, cardboard and office paper from all City department offices and City owned buildings. The City plans to divert organic wastes from the waste stream and to implement a yard waste diversion program, utilizing mulching and composting facilities. One of the yard waste proposals would be to utilize an area at the site.

Staff contacted the IWMO and finds that the revisions identified here are not be inconsistent with the City's plans to reach their 1995 diversion goals (especially since the Conditional Use Permit expires in February, 1996).

SUMMARY: Approval of this permit revision should not prevent nor significantly impair the City of Los Angeles from meeting its short-term waste diversion goals.

2. PRC Section 50000 (Conformance with CoSWMP)

This facility is identified and described in the Los Angeles County SWMP, Revision A, dated August 1985, and in the Triennial Review, dated 1986.

Staff has contacted staff to the Los Angeles County Integrated Waste Management Task Force, and the LTF made a finding of Conformance for this facility application at its meeting on February 20, 1992.

3. PRC Section 50000.5 (Consistency with General Plan)

This facility is consistent with the Los Angeles City General Plan, is an appropriate interim land use within an "open space zone", and is compatible with the surrounding designated land uses. This is according to Los Angeles City Planning Commission finding dated January 30, 1991, and as permitted in Conditional Use Permit Case No. 90-0271.

Staff has contacted the City's Bureau of Sanitation.

Attachment 5

APPENDIX I

MITIGATION MONITORING PROGRAM

(SUBSEQUENT ENVIRONMENTAL IMPACT REPORT)

LOPEZ CANYON SANITARY LANDFILL

MITIGATION

MONITORING AND REPORTING PROGRAM

LOPEZ CANYON SANITARY LANDFILL

INTRODUCTION:

The Public Resources Code was amended last year to require the preparation of programs to monitor the implementation of mitigation measures identified in Environmental Impact Reports (EIRs) and Negative Declarations (AB 3180, Chapter 1232, Statutes of 1988). AB 3180 states that "the public agency shall adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment." The intent of the Bill is to ensure that mitigation measures are carried out. The public agency must adopt the monitoring and reporting program when certifying the Negative Declaration or EIR for a project.

This discussion presents the monitoring and reporting program proposed for the Lopez Canyon Sanitary Landfill expansion project. It consists of a short discussion of the program components and presents information on the recommended implementation strategies for the mitigation measures identified in the SEIR. The program applies only to impacts which would be significant if not mitigated.

PROGRAM;

The purpose of the monitoring and reporting program for the Lopez Canyon Landfill is two-fold: (1) to establish a framework for the manner in which measures will be implemented as well as to identify a time period for compliance, and (2) to establish a reporting mechanism to inform the public and decision-makers of the status of the implementation of the mitigation measures.

The City of Los Angeles, Bureau of Sanitation (as the project proponent) will have the primary responsibility for implementing the mitigation measures proposed in the SEIR. In some cases, however, other agencies, for example, the Regional Water Quality Control Board (RWQCB) or the South Coast Air Quality Management District (SCAQMD) will be responsible for approval of project design plans. When these other agencies are involved in the implementation of measures, they are noted in the discussion of implementation strategies.

Monitoring Component

The Bureau of Sanitation will in nearly all instances ultimately be responsible for implementing the mitigation measures. Where applicable, verification will take the form of onsite inspections. The Bureau will ensure that all mitigation measures are constructed and installed as planned and designed and to document progress in implementing each mitigation measure. The Bureau will be responsible for maintaining an on-going log of all activities related to implementation of the monitoring and reporting program. This information will provide the basis for ensuring measures are carried out and will provide the necessary information for reporting the status of the program to local decision-makers and the public. The Planning Commission has recommended that a private consultant be retained by the City to be responsible for monitoring the implementation of mitigation measures.

Reporting Component

Progress reports will be submitted quarterly to the County Department of Health Services which serves as the Local Enforcement Agency for the Project. In addition, the Bureau of Sanitation shall present monthly progress reports to the Board of Public Works. Copies of these monthly progress reports shall be transmitted to the City Planning Commission for inclusion in the case file.

MITIGATION MONITORING PROGRAM SUMMARY

Mitigation Measures	Agent Responsibility	Required Performance Time
1.0 EARTH/MAJOR LANDFORMS 1.1 Potential damage from seismic events will be mitigated by regular inspections and inspections after ground shaking from seismic activity.	Bureau of Sanitation (unless otherwise noted)	
1.1.1 (a) Implement contingency plans for earthquake shaking and fault rupture. b) Develop comprehensive checklist identifying items requiring inspection and person responsible for conducting inspection.		1.1.1 develop checklist for each contingency plan within two months of authorization
1.1.2 (a) Inspect landfill cover, slopes, drainage benches and facilities, and gas collection and flare facilities, and any other item(s) of concern. (b) Develop report after each inspection detailing items inspected and actions taken.		1.1.2 Complete inspection and reports immediately after seismic events.
1.2 Identification of known active faults at the location of any proposed structure shall be located and constructed in accordance with specific requirements established by the City's Department of Building and Safety.		1.2 Pre-construction phase.

MITIGATION MONITORING PROGRAM SUMMARY

Mitigation Measures	Agent Responsibility	Required Performance Time
2.0 AIR QUALITY		
2.1 Regular tune-ups and servicing of landfill equipment and refuse collection vehicles.	Department of General Services	
2.1.1 Maintain and tune-up all vehicles regularly.	Department of General Services	2.1.1 Semi-annual maintenance and tune-ups.
2.1.2 Document and maintain all service records as part of yearly monitoring report on facility.	Bureau of Sanitation (unless noted otherwise)	2.1.2 Yearly monitoring report of servicing of landfill equipment.
2.1.3 Coordinate with Department of General Services the conversion of vehicular fleet to methanol as soon as practicable.		2.1.3 Submit progress reports on methanol fuel conversion project quarterly.
2.2 Reduced dust emissions through water spraying and coordinated use of water trucks with other landfill equipment.		
2.2.1 Evaluate use of dust retardants.		2.2.1 Obtain approval from LEA for use of dust retardant.
2.2.2 Have County Department of Health Services verify that the following dust control measures are undertaken during construction of haul roads and expansion of Popcorn Ridge.		2.2.2 Daily periodic inspections of landfill operations, road construction, and excavation of Popcorn Ridge with quarterly reports to LEA.
(a) Assignment of two 7,000 gallon water tankers to excavation operation. Tankers will apply water to control dust. Stand-by water trucks will be available to assure that no disruption of dust control efforts occurs.		
(b) Suspension of earth moving operations, except those required for daily cover of refuse, during wind conditions where wind velocity and direction adversely affect residents near project site.		
(c) All excavation operations shall be confined to the hours of 7:00 a.m. to 5:30 p.m. Monday through Saturday until June 30, 1993; thereafter no Saturday operations shall be permitted, except as authorized through Condition 7 of CUP. Any grading of ridgetops shall be confined to the hours of 9:00 a.m. to 3:00 p.m. <Oct. 24, 1991 Rev.>		

MITIGATION MONITORING PROGRAM SUMMARY

Mitigation Measures	Agent Responsibility	Required Performance Time
2.3 Using on-site wind monitoring equipment and observations regarding incidence of dust and windborne debris, conduct study to determine conditions when off-site uses adversely affected by dust and windborne debris from landfill.		
2.3.1 Define policy objectives and prepare detailed work program upon authorization. Determine need to retain consultant upon authorization.		2.3.1 Establish study objectives, protocol and work program within six months of authorization.
2.3.2 Conduct intermittent monitoring to determine severity of impacts and effectiveness of mitigation measures.		2.3.2 (a) On-site wind monitoring occurs at the present time. (b) Report progress and preliminary results within a year of authorization. Monitor monthly thereafter.
2.4 Application of Best Available Control Technology (BACT) and compliance with provisions of SCAQMD Rule 1150.1.		
2.4.1 (a) Obtain permit from SCAQMD to construct and operate flare station/electrical generation in accordance with BACT.		2.4.1 (a) Flare station for areas A, B and AB+ has been approved by SCAQMD.
(b) Conduct annual source test of stack emissions for submittal to and review by SCAQMD.		(b) Submit permit application to construct and operate gas collection system in areas AB+, C-I and C-II within a year of initiating flare system in existing disposal areas.
(c) Conduct routine monitoring of surface gas emissions.		(c) Gas monitoring plan for disposal areas already submitted to the SCAQMD. Obtain approval for gas probe monitoring plan prior to initiation of landfilling in disposal areas.
(d) Sample condensate from gas collection system.		(d) Sample condensate upon startup of gas collection system (in any disposal area). Continue on a weekly basis until steady state analysis is achieved. Sample whenever a new group of wells is brought on line. Sample monthly once favorable steady state analysis is achieved. Report progress to the LEA quarterly.

MITIGATION MONITORING PROGRAM SUMMARY

Mitigation Measures	Agent Responsibility	Required Performance Time
(e) Incorporate a dry scrubber or similar BACT to the flare system.		(e) Within 180 days of the effective date of this grant.
2.5 Extend the gas collection and flare system to Disposal Area AB+.		2.3 Within 180 days of the effective date of this grant.
2.5.1 Extend to gas collection system into Disposal Areas C-1 and C-II.		2.5.1 Shall be in place within 180 days of the commencement of refuse disposal in these areas.
2.5.2 Submit plans and specifications for approval of gas collection and removal system by SCAQMD's Rule 1150.1.		2.5.2 Prior to extension of gas collection and removal system.
2.6 Increase its present (April, 1990) staffing by at least three (3) gas monitoring inspectors.		2.6 Within 180 days of the effective date of this grant.
2.6.1 Provide additional gas monitoring equipment for added staff within the present A, B, and AB+.		2.6.1 Within 180 days of the effective date of this grant.
3.0 WATER QUALITY 3.1 Project is designed with liner on floor and side slopes of disposal areas C-I and C-II. Leachate cutoff wall and collector to be installed in Disposal Area AB+ with gas collection and removal facilities for entire site.	Bureau of Sanitation (unless noted otherwise)	3.1 Install LCRS and liners upon approval of plan by RWQCB. (Construction phase)
3.1.1 (a) Submit engineering plans and specifications for approval by the RWQCB.		(a) Pre-construction phase.
(b) Install leachate cutoff wall and collector in area AB+.		(b) Verify compliance with Quality Assurance Program as instllation proceeds.
(c) Install floor and side slope liners in area C-I and then implement similar process for area C-II.		(c) Construction of leachate cutoff wall and collector for Area AB+ upon approval plans by RWQCB.
		(d) Submit monitoring data quarterly to RWQCB upon installation of liners and LCRS.
		(e) Upon detection of leachate, sample weekly for first six months, and monthly thereafter as results prove favorable. Submit progress reports to LEA quarterly.

MITIGATION MONITORING PROGRAM SUMMARY

Mitigation Measures	Agent Responsibility	Required Performance Time
3.2 Percolation of rainfall through landfill mass mitigated by application of five-foot final cover with a one-foot minimum clay layer having a permeability of 1×10^{-6} centimeters per second.		3.2 Closure phase.
3.2.1 Submit plans to apply final cover for approval by RWQCB. Apply final cover in accordance with regulations.		3.2.1 (a) Submit plans two years prior to cessation of solid waste disposal operations. (b) Apply cover upon completion of landfill activity. (Closure phase)
3.3 Proposed debris basins will remove silt and debris from runoff leaving the site.		3.3 Pre-construction phase.
3.3.1 Submit site drainage plan for approval by RWQCB.		3.3.1 Implement site drainage upon approval by RWQCB. (Pre-construction phase).
3.4 Compliance with water quality standards of the RWQCB (ground and surface water) will reduce potential contamination from future project activities.		
3.4.1 Conduct water quality testing to determine compliance with applicable RWQCB standards and subsequent corrective action.		3.4.1 Submit ground and surface water monitoring data as required by the RWQCB.
3.5 Install a Leachate Control and Removal System in Disposal Areas C-I and C-2.		

Mitigation Measures	Agent Responsibility	Required Performance Time
3.6 Project drainage system shall meet 24-hour, 100-year storm frequency levels.		3.6 Construction phase.
3.7 Remove and/or clean out silt and debris from Bartholomaus Canyon upstream from the storm retention basin at the intersection of Kagel Canyon and Bartholomaus Canyon.		3.7 By April 21, 1992 and annually thereafter. <Oct. 24, 1991 Rev.>
3.8 Leachate shall be monitored every 90 days. <Oct. 24, 91 Rev>		3.8 Throughout life of Project.
4.0 NOISE 4.1 Implement at-source control measures: control noise through regular service of mufflers, drive-trains of landfill equipment and tune-ups of disposal vehicles.	Department of General Services	
4.1.1 Perform inspections and adjust equipment.		4.1.1 Inspect and adjust for noise levels on landfill vehicles every 250 hours of operation.
4.1.2 Maintain records of regular service of mufflers and drive trains of landfill vehicles.		4.1.2 Inspect trucks every five weeks.
4.2 Construct berms/soundwalls as feasible to screen off-site receptors from project noise.	Bureau of Sanitation (Unless noted otherwise)	
4.2.1 Moveable Noise Barrier. Implement pilot program to study reduction of noise achieved by barriers.		4.2.1 Construction phase of West Haul Road. Documentation of implementation in Planning Department case file by April 21, 1992. <Oct. 24, 91 Rev.>
4.2.2 Install barriers in selected locations.		4.2.2 Install prior to excavation in Disposal Areas C-I and C-II. Documentation of implementation in Planning Dept. case file by April 21, 1992. <Oct. 24, 91 Rev>
4.2.3 Construct a solid decorative masonry block wall, a minimum of six feet in height, along the eastern perimeter of Sky Terrace Mobile Lodge and along the northern perimeter of Blue Star Mobilehome Park, subject to the agreement of the owner(s) of record. <Oct. 24, 91 Rev>		4.2.3 By April 21, 1992. <Oct. 24, 1991 Rev.>

MITIGATION MONITORING PROGRAM SUMMARY

Mitigation Measures	Agent Responsibility	Required Performance Time
4.2.4 Construct a solid decorative masonry block wall, a minimum of six feet in height, along the berms separating the landfill entrance/access road.from Tracts Nos. 43902 and 27424.		4.2.4 By April 21, 1992. <Oct. 24, 1991 Rev.>
4.3 Control hours of noise impact from construction of roads and excavation.		
4.3.1 (a) Confine hours of operation to 7:00 am to 5:30 pm, Monday through Friday with any Saturday operations restricted to those authorized Condition No. 7 and 12(a)3 of CUP <Oct. 24, 91 Rev.>		4.3.1 (a) Throughout life of project.
(b) Confine hours of grading of top ridges to 9:00 am to 3:00 pm.		4.3.1 (b) Construction phase.
4.4 Investigate noise complaints.		4.4 Immediately, when complaint is received.
4.5 Conduct study to monitor noise from the construction and use haul roads, the excavation of Areas C-I and C-II and continuing landfill operations.		
4.5.1 Operate noise meters in the Blue Star Mobilehome Park, the Sky Terrace Mobilehome Park, and within Tract Nos. 43902 and 27424, subject to the agreement of the property owners of record. <Oct. 24, 91 Rev.>		4.5.1 By April 21, 1992. <Oct. 24, 1991 Rev.>
4.5.2 Operate noise meters at selected locations on landfill site so that the effectiveness of the proposed noise mitigration measures may be measured during the progress of the project. <Oct. 24, 91 Rev.>		4.5.2 Within 120 days of the Council certification of the SEIR.
5.0 LAND USE		
5.1 Discretionary authority of land use permit authorities adequate to mitigate effects of short-and long-term effects of project on planned use of site and adjacent uses.		

MITIGATION MONITORING PROGRAM SUMMARY

Mitigation Measures	Agent Responsibility	Required Performance Time
5.1.2 The City of Los Angeles Planning Department will notify the Bureau of Sanitation regarding all developments adjacent to major access roads to the landfill.		5.1.2 On a project-by-project basis.
6.0 RISK OF UPSET		
6.1 Implement Hazardous Waste Exclusion Plan. Develop and implement landfill safety program.	Bureau of Sanitation (Unless noted otherwise)	6.1 Review and modify the Plan annually.
6.1.1 Implement Plan. Inspect randomly five trucks per day to detect presence of hazardous materials.		6.1.1 Within 180 days of the effective date of this grant.
6.2 Install radioactive detection device at scale house and/or entrance gate.		6.2 Within 180 days of the effective date of this grant.
6.2.1 Verify installation of devices to detect the presence of radioactive materials; test as necessary to ensure operational efficiency.		6.2.1 Radioactive device on order; in full operation prior to disposal in Disposal Area C.
6.3 Potential effects of landfill fires, mitigated through availability of debris, soil, on-site water supplies, operation of gas recovery/removal system and post closure inspection and maintenance procedures.		
6.3.1 (a) Implement Contingency Plans for fires, large storms, earthquake shaking and fault rupture.		6.3.1 (a) Complete inspections and reports immediately after seismic events.
(b) Review and update Contingency Plan.		(b) Develop checklist for each contingency plan within two months of SEIR certification.
6.3.2 Use of flexible piping, flame arresters, shut-off controls will mitigate effects of potential upset conditions from use of gas collection flares, electrical generation facility.		6.3.2 Inspect on a weekly basis flame arresters and shut down controls at flare/electrical generation facility.
7.0 AESTHETICS		
7.1 Operational Mitigation Measures. Construct and vegetate berms	Bureau of Sanitation (Unless noted otherwise)	7.1 Implement all measures progressively on an immediate basis.

MITIGATION MONITORING PROGRAM SUMMARY

Mitigation Measures	Agent Responsibility	Required Performance Time
(a) Construct masonry wall on the top of existing berm adjacent to landfill entrance to reduce views of vehicles entering facility.		7.1 (a) By April 21, 1992 <Oct. 24, 91 Rev.>
(b) As feasible, construct berms to block views of switchback roadway.		
(c) Construct berms, plant trees and other vegetative protection to reduce visual access of West Haul Road.		
(d) Revegetate completed fill slopes (Areas A and B and slopes facing Kagel Canyon).		7.1 (d) Commencement within 180 days of the effective date of this grant; completion of revegetation by April 22, 1992. <Oct. 24, 91 Rev.>
(e) Construction of masonry wall along eastern perimeter of Skyview Terrace Mobile Lodge.		7.1 (e) By April 22, 1992. upon approval by affected property owners. <Oct. 24, 91 Rev.>
(f) Construction of masonry wall along northern perimeter of Blue Star Mobilehome Park. <Oct. 24, 91 Rev.>		7.1 (f) By April 22, 1992 upon approval by affected property owners. <Oct. 24, 91 Rev.>
7.2 Develop and implement landscaping program to limit views of West Haul Road.		7.2 Implement measures to limit view of haul road following road construction
7.3 Mitigation of views of completed project		
(a) Implement landscaping plan for entire site which blends with character of foothills.		7.3 (a) Closure phase.
7.3.1 (a) Finalize landscape plans for entire site. Include schedule for implementation and a schedule that delineates activities throughout the life of the project.		7.3.1 (a) Develop landscape plan for site within 12 months of grant. Include implementation schedule in plan.
(b) Request review and comments on revegetation plan from Forest Service.		(b) Prior to implementation and adoption of plan.
7.4 Limit future landform disturbance, dedicate future use of site for open space.		
7.4.1 Develop recommendation		

Mitigation Measures	Agent Responsibility	Required Performance Time
for approval by the City of Los Angeles Planning Commission and City Council to identify future open space uses of the site.		
7.5 Regular pick-up of litter and airborne debris.		7.5 Initiate 3-day per week litter collection within 90 days of grant and continue throughout life of project.
7.5.1 (a) Continue program within Lakeview Terrace.		
(b) Expand litter control program along the following street alignments; Paxton Street (Foothill Freeway to landfill entrance) Lopez Canyon Road (Gladstone Avenue to GlenHaven Cemetery) Kagel Canyon Road (Van Nuys Blvd. to Glen Haven cemetery. Gladstone Ave. (Filmore St. to Landfill Entrance), Filmore St. From Foothill Frwy to Gladstone Ave., Foothill Blvd. (300 feet east and west of Paxton St.) <Oct. 24, 91 Rev.>		
7.6 Construct and plant berm to shield flare station/electrical facility.		7.6 Berm already constructed. Complete planting within 180 days of grant.
7.7 Construct final cover in Disposal Areas A and B to a minimum of five (5) feet thick with a minimum one-foot thick clay or clay-like layer with an effective permeability of 1×10^{-4} cm/second. Crown to be constructed so as to assure a minimum 3 percent gradient		7.7 Closure phase.
8.0 TRANSPORTATION/CIRCULATION 8.1 Improve two intersections. (a) Restriping of Paxton Street to create eastbound and westbound left-turn lanes at the Paxton/Glenoaks intersection.	Department of Public Works/DOT	8.1 Within 180 days of the effective date of this grant.
(b) Restriping of Glenoaks Boulevard to create dual left-turn lanes at the Glenoaks/SR 118 westbound ramp. Upgrading of traffic signal and signal detectors to accommodate dual left-turn lanes.		
9.0 LIGHTING	Bureau	

Mitigation Measures	Agent Responsibility	Required Performance Time
.1 Lighting to be shielded and directed onto the site and no floodlighting shall be located so as to be seen directly by the adjacent residential areas. This condition shall not preclude the installation of low-level security lighting.	of Sanitation	9.1 Throughout life of project.
10. COMMUNITY OUTREACH PROGRAM	Bureau of Sanitation	10.0 Within ninety (90) days of the effective date of this grant; to continue throughout life of project.
(a) Preparation and distribution of a quarterly newsletter to all property owners and residents in zip code 91342 mail carrier routes 4, 9, 11, 21, 24, 26 and 37. The quarterly newsletter shall include a summary of Hotline/Emergency log activity of the quarterly period as well as progress reports on the landfill expansion and operation. The Hotline and 24-hour emergency phone numbers cited in 12(c) below shall be publicized in each edition of the quarterly newsletter. <Oct. 24, 91 Rev.>		
(b) Quarterly public workshops, to be conducted by City staff at sites located within the Sunland/Tujunga/ Lakeview Terrace/ Shadow Hills District Plan area. All property owners/residents in zip code 91342 mail carrier routes 4, 9, 11, 21, 24 26, and 37 shall be individually notified by mail of the public workshop a minimum of ten (10) days in advance of the workshop. <Oct. 24, 91 Rev.>		
(c) Establishment of an information and complaint hotline to respond to public questions and complaints; a 24-hour emergency phone line shall also be established. City staff shall maintain a Hotline/Emergency Log which shall record complaints as well as follow-up action.		
(d) Provision for a Community Outreach Specialist, hired by the City to provide a linkage to the community.		
1.0 PROJECT MONITORING/REPORTING	Bureau of	11.0 Within ninety (90)

MITIGATION MONITORING PROGRAM SUMMARY

Mitigation Measures	Agent Responsibility	Required Performance Time
(A) Monthly progress reports to the Board of Public Works during its regularly scheduled Board sessions commencing within ninety (90) days of the effective date of this grant and continuing through the duration of the grant (5 years). These reports shall include, but not limited to, Hotline/Emergency Log summaries, daily tonnage figures, readings and analysis of landfill gas monitoring equipment, readings and analysis of any noise meters installed as a condition of approval for this project, and construction activity progress. Copies of these monthly progress reports shall be transmitted to the City Planning Commission for inclusion in the case file. A minimum of two copies of each monthly report shall be made available to members of the public at the council office No. 7 District office at 13517 Hubbard St. in Sylmar. <Oct. 24, 91 Rev.>	Sanitation	days of the effective date of this grant; to continue throughout life of project.

rbh31-vv.wp

CPC 90-0271

EXHIBIT E-10

California Integrated Waste Management Board
Permit Decision No. 92-31
April 29, 1992

WHEREAS, The County of Los Angeles Department of Health Services, acting as Local Enforcement Agency, has submitted to the Board for its review and concurrence in, or objection to a revised Solid Waste Facilities Permit for the Lopez Canyon Sanitary Landfill; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 19-AA-0820.

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 April 29, 1992.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

PERMITTING AND ENFORCEMENT COMMITTEE
April 22, 1992

AGENDA ITEM 6

ITEM: Consideration of Concurrence in the Issuance of a Revised Solid Waste Facilities Permit for the Lancaster Sanitary Landfill, Los Angeles County

BACKGROUND:

Facility Facts

Project:	Revised permit to allow vertical expansion from the current elevation of 2,355 feet above mean sea level (msl) to 2,395 feet msl.
Facility Type:	Existing Landfill
Name:	Lancaster Sanitary Landfill, Facility No. 19-AA-0050
Location:	600 East Avenue "F", Lancaster
Setting:	The surrounding land is zoned for non-urban agricultural and desert/mountain usage. The area is characterized by wide-open desert space with sporadic structures or dwellings mainly south and west of the site. The nearest structure is a small radio station approximately 1/4 mile west of the site.
Operational Status:	Landfill currently operating at 450 tons per day
Permitted Maximum Daily Capacity:	1000 tons per day
Area:	100 acres
Owner/Operator:	Mr. Douglas Corcoran, General Manager Waste Management of California, Inc.
LEA:	County of Los Angeles Department of Health Services

SUMMARY:

Site History The Lancaster Sanitary Landfill is an existing unlined site that started operation in 1954. It was established and operated by the Lancaster Dump Corporation from 1954 to 1965. In 1965, Universal Refuse acquired the site and operated the landfill until Waste Management of California, Inc. acquired Universal Refuse in 1973. The site has been owned and operated by Waste Management of California, Inc. since 1973.

The latest revision to this facility's Solid Waste Facilities Permit was concurred in by the Board on August 28, 1991.

Project Description This site is located at 600 East Avenue "F" in the unincorporated area of Los Angeles County, approximately two miles northeast of the City of Lancaster. Avenue "F" is a two-lane paved road. The entrance to the site is paved and the on-site perimeter roads are hard packed dirt. The main haul road to the working face is underlain with crushed demolition material.

Immediately inside the entrance gate are newly constructed scales, three office buildings, the gatehouse, site manager's offices, a maintenance/paint/repair shop, and the employees' shower/toilet/locker facility building. Other structures within the site include: a household hazardous waste storage area, groundwater monitoring wells, gas monitoring probes, water tanks, a clarifier, and some diesel pumps. Waste Management of Lancaster, a refuse hauling company, also operates on site.

The Lancaster Sanitary Landfill is a combination of the "trench and fill" and "area fill" methods of operation. For each trench (module), soil is excavated and stockpiled for use as daily cover. Refuse is placed in the trenches in lifts of up to 20 feet. Trenches are excavated as the refuse face advances. Refuse is spread and compacted in two foot thick layers on an approximately 150 to 200 foot wide sloped working face. When a module in an area has been filled to the desired or permitted elevation, the operation is then moved to the next area of an established sequence.

A typical operation cycle at this site progresses as follows: Each vehicle containing waste checks in at the site access control building (scales area) and the waste is weighed. The driver is then directed to the active face. At the active face, spotters separate individual customers from commercial haulers to promote safety and efficiency of operation. The refuse is then spread and compacted over the inclined slope of the active face and a daily cover is placed over it at the end of the day.

Environmental Controls Windblown litter and dust are potentially of major concern at the site due to its desert location and the constant strong winds in the area. Dust is controlled by frequent use of a water truck to spray internal roads to keep the surfaces wet and by keeping operations to a minimum during high wind periods. Several control measures are in place to mitigate windblown litter. These include: thorough compaction of refuse and application of daily cover, utilization of portable wind fences between working face and perimeter fencing, three full-time laborers (7-12 additional laborers during especially windy periods) to collect windblown litter from on and off-site, and locating the working face at the lowest elevations of the modules during high wind periods so the existing topography can act as a wind barrier.

Noise is not a problem at this facility due to its remote location. The nearest structure is more than a quarter mile away. All site equipment is fitted with mufflers, and workers at the site are required to wear protective equipment.

Odors and vectors are controlled by operating the site as a sanitary landfill. Compaction and the application of minimum six inches of daily cover eliminate odors and the breeding of vectors. The perimeter fence is maintained to prevent any desert animals (coyotes and feral dogs) from entering the site. A starter pistol with blank ammunition and whistles are used by employees to keep birds away from the working face.

Proper compaction and placement of soil cover also minimize the exposure of waste to ignition sources. Fire suppression water is supplied by a site well and storage tank. The water truck used at the site for dust control can also be used for fire control. In addition, the refuse hauling company on site has a 800-gallon water truck that may be used for fire control.

There is a hazardous waste screening program which includes exclusion of Household Hazardous Wastes (HHW) at this site. The program involves the posting of signs at the entrance that indicate the prohibition of hazardous wastes, and continuous visual inspections of incoming waste loads to catch and to discourage the disposal of prohibited wastes. Illegally disposed prohibited wastes that are discovered at the working face are isolated and stored at the HHW storage area for proper disposal and/or for recycling.

Other environmental control measures on the site include, wells for monitoring water quality, and gas monitoring and collection systems. Both of these control measures are conducted in

accordance with stipulated monitoring schedules from the Regional Water Quality Control Board and the South Coast Air Quality Management District.

Resource Recovery An asphalt and concrete diversion program is currently conducted at this site. An estimated 600 tons of the material per month is diverted, stockpiled, and then crushed for marketable product.

The proposed permit also includes a planned waste diversion program for the recovery of woodwaste at a projected rate of 200 to 250 cubic yards per day. Woodwaste will be screened, stockpiled, and chipped once a week for transport to end users (local landscape businesses and electrical generation plants). At this time the operator is researching possible markets for the chipped woodwaste and has contacted local landscaping businesses, the City Planning Department, and the City Department of Public Works to propose the use of this material in City grounds maintenance programs for water conservation or for mulching.

A State certified Redemption Center is also operated on site to accept aluminum and bi-metal cans, glass bottles, Polyethylene Teriphalate (PET), and newspaper. Up to ten 40-yard roll-off bins will be placed side by side to receive the recyclables separated by type by the customers. There are also plans for the construction of a 36,000 sq. ft. sorting and baling recycling facility in the future.

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 or object to the issuance of a Solid Waste Facilities Permit. Since the proposed permit for this facility was received on March 26, 1992, the last day the Board could act is May 25, 1992.

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

1. Conformance with County Plan

   The LEA has certified the facility's Finding of Conformance by the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force on April 16, 1992. Board staff agrees with said certification.

2. Consistency with General Plan

The LEA has made the finding that the Regional Planning Commission of Los Angeles County found on December 14, 1983 that the Lancaster Sanitary Landfill is an appropriate interim use within a Desert 2-1 zone, and therefore compatible with the surrounding land uses. The Regional Planning Commission granted the use of the Lancaster Sanitary Landfill for a refuse disposal facility subject to the conditions of Conditional Use Permit Case Number 90494-(5) adopted on October 30, 1991. Board staff agrees with said finding.

3. California Environmental Quality Act

State law requires the preparation and certification of an environmental document. The Los Angeles County Solid Waste Management Program prepared a Negative Declaration (SCH #91021070) with mitigations for the proposed project. The document was certified as approved by the Lead Agency on May 1, 1991 and a Notice of Determination was filed.

A Mitigation Monitoring and Implementation Schedule (Monitoring Program) has been submitted to the Board. Potential Environmental impacts and mitigation measures associated with the project are included in the monitoring program (Attachment 3).

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

4. Consistency with Waste Diversion Requirements

Staff of the Board's Planning and Local Assistance Division make an assessment, pursuant to PRC 44009, to determine if the record contains substantial evidence that the proposed project would impair the achievement of waste diversion goals. Based on available information, staff have determined that the issuance of the proposed permit would neither impede nor significantly impair the City of Lancaster from meeting its waste diversion goals. The analysis used in making this determination is included as Attachment 4.

5. Closure and Postclosure Maintenance Plans

Preliminary closure and postclosure plans for the facility were submitted to the Board as required and were deemed complete on March 5, 1992.

6. 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 and Disposal based on their review of the Report of Disposal Site Information and by physical inspection of the facility on March 21, 1992.

Board staff conducted an inspection of the site on February 26, 1992 and found the site in substantial compliance with the Standards.

STAFF COMMENTS:

Because a revised 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. 92-34, concurring in the issuance of Solid Waste Facilities Permit No. 19-AA-0050.

ATTACHMENTS:

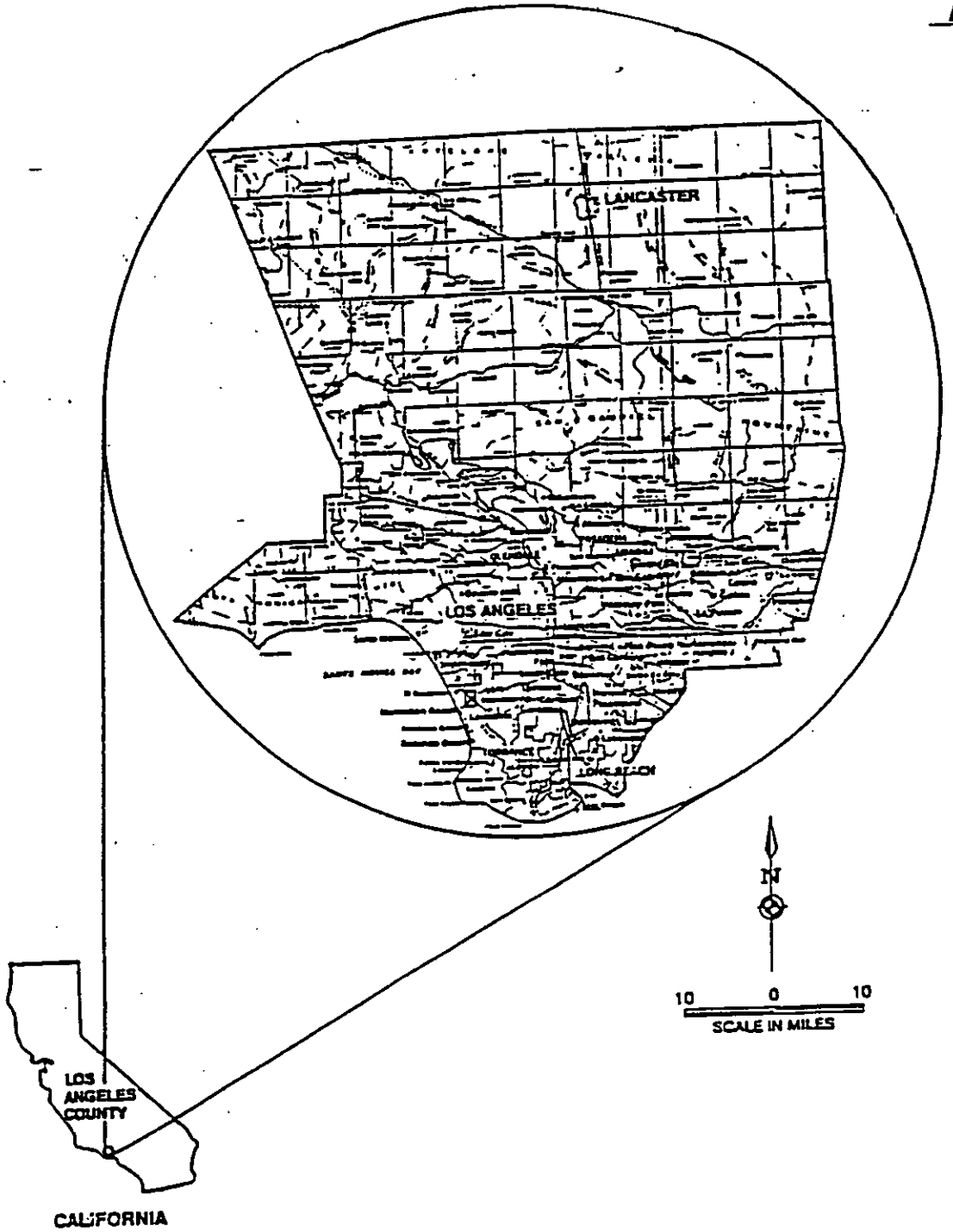
1. Location Map
2. Permit No. 19-AA-0050
3. Mitigation Monitoring and Impelementation Schedule
4. AB 2296 Finding
5. Permit Decision No. 92-34

T. Gebre-Hawariat

Prepared by: Tadese Gebre-Hawariat/Phillip J. Moralez Phone:255-2438

Reviewed by: Martha Vazquez Phone:255-2454

Legal review: 4/14/92 0855 Date/Time



SOU

REGIONAL LOCATION
LANCASTER, CALIFORNIA

LANCASTER SANITARY LANDFILL
19-AA-0050

Attachment 2

OPERATING PERMIT FOR FACILITIES RECEIVING SOLID WASTE	TYPE OF FACILITY: LANDFILL CLASS III	FACILITY/PERMIT NUMBER: 19-AA-0050
NAME AND STREET ADDRESS OF FACILITY: LANCASTER SANITARY LANDFILL AND RECYCLING CENTER, 600 EAST AVENUE "F", LANCASTER, CALIFORNIA 93535	NAME AND MAILING ADDRESS OF OPERATOR: WASTE MANAGEMENT OF CALIFORNIA, INC., 600 EAST AVENUE "F", LANCASTER, CALIFORNIA 93535, Mr. Douglas E. Corcoran, General Mgr.	
PERMITTING ENFORCEMENT AGENCY: LOS ANGELES COUNTY DEPARTMENT OF HEALTH SERVICES	CITY/COUNTY: LOS ANGELES COUNTY	

PERMIT PROPOSED

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

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

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

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

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

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

APPROVED:	AGENCY ADDRESS
APPROVING OFFICER: RICHARD HANSON, PROGRAM DIRECTOR NAME/TITLE	COUNTY OF LOS ANGELES DEPARTMENT OF HEALTH SERVICES SOLID WASTE MANAGEMENT PROGRAM 2525 CORPORATE PLACE MONTEREY PARK, CALIFORNIA 91754
SEAL	AGENCY USE/COMMENTS: PERMIT REVISION
	PERMIT RECEIVED BY CWMB: MAR 26 1992 / CWMB CONCURRANCE DATE:
	PERMIT REVIEW DUE DATE: / PERMIT ISSUED DATE:

CWMB (Rev. 7/84)

FINDINGS:

1. Description of the facility's design and operation:

This permit is a revision of the existing Solid Waste Facility Permit (SWFP: 19-AA-0050; September 12, 1991) for the Lancaster Sanitary Landfill and Recycling Center. This permit is required by the California Public Resources Code (PRC), Division 30, Part 4, Chapter 3, Sections 44001 et seq. and the California Code of Regulations (CCR), Title 14, Division 7, Chapter 5, Article 3, Sections 18200 et seq.

This permit addresses the following design and operational changes that have occurred since the submittal of the February 1990 Report of Disposal Site Information (RDSI) and Engineering Review (ER):

1. The adoption of Updated Waste Discharge Requirements, Board Order No. 6-92-07, by the California Regional Water Quality Control Board, Lahontan Region dated February 13, 1992 (Refer to page 1-2, Vol. 1, and Appendix B, Vol. 2, of the January 1992 RDSI [herein referred to as the RDSI]);

2. The adoption of the Conditional Use Permit (CUP) No. 90494 - (5) by the County of Los Angeles, Department of Regional Planning on October 30, 1991 and which will terminate on April 1, 2002 or upon completion of the approved fill design as shown on Exhibit "A" of this CUP, whichever occurs first. [Refer to page 1-1, Vol. 1 and Appendix B, Vol. 2, of the RDSI and to page 1, Conditions of Approval, CUP 90494 - (5)].

3. The vertical expansion from the current elevation of 2,355 feet above mean sea level (MSL) to a maximum elevation of 2,395 feet above MSL. (Refer to page 4-1, 7-1, 7-2, and 13-2 of Vol. 1 and to Appendix D and F, Vol 2, of the RDSI).

A. The owner and operator of this site is:

Waste Management of California, Inc. (a wholly-owned subsidiary of Waste Management of North America, Inc.)
600 East Avenue "F"
Lancaster, California 93535
Mr. Douglas E. Corcoran, General Manager
(Refer to pages 1-1 and 14-1, Vol. 1, of the RDSI)

B. The Lancaster Sanitary Landfill is an unlined 100 acre L-shaped Class III facility owned and operated by Waste Management of California, Inc. (WMC). It is located in the unincorporated area of Los Angeles County, approximately 2 miles northeast of the City of Lancaster.

FINDINGS:

1. Description of the facility's design and operation: (continued)

Prior to the commencement of filling operations in 1954, the area was open desert. From 1954 to 1965, the landfill was established and operated by the Lancaster Dump Corporation. In 1965, Universal Refuse acquired the site and operated the landfill until Waste Management of California, Inc. acquired Universal Refuse in 1973. (Refer to page 1-1, Vol. 1, of the RDSI).

The Lancaster Landfill is located at 600 Avenue F, approximately 2 miles northeast of the City of Lancaster, in Los Angeles County. The 100 acre parcel of land is located south and west of Avenue F and 10th Street East in the Antelope Valley. The legal description is: North 1/4 of the west 1/2 of the northeast 1/4 and the east 1/2 of the northeast 1/4 of Section 35, Township 8 North, Range 12 West, San Bernardino Meridian. (Refer to pages 1-1, 5-1 and 6-1, and Figures 1 & 2, [Location Map and Site Access Map], Vol. 1, of the RDSI and to Appendix E, property ownership, Vol. 2 of the RDSI).

C. Access to the site is by East Avenue F, a two-lane paved road. The entrance is paved and the on-site perimeter roads are hardpack dirt. The main haul road to the working face is underlain with crushed demolition material. (Refer to page 5-1 of the RDSI).

There are three office buildings/gate houses, the landfill's manager's office building, a paint shop building and maintenance building, a truck/equipment wash pad, recycling center and storage and a container repair building on site. There are groundwater monitoring wells and gas monitoring probes. The employee sanitary facilities include four restrooms in the entrance area, a locker room, and showers. Water is supplied by a 250 foot deep site well and bottled water is provided. (Refer to pages 2-7, 8-3, 8-4, 11-1, 12-1, Figure 4 and 6, Vol. 1 and to Appendix A, Vol. 2, of the RDSI).

There is a Hazardous Waste Storage area on site for the household hazardous wastes that cannot be returned to the generators. There is also a refuse hauling company that operates on site. (Refer to pages 2-7, 2-8, 3-1, 3-2, Vol. 1, and Appendix C, Vol. 2, of the RDSI).

FINDINGS:

1. Description of the facility's design and operation: (continued)

D. The Lancaster Sanitary Landfill and Recycling Center is operated as a Class III landfill in compliance with Federal, State and Local standards. The California Regional Water Quality Control Board, Lahontan Region, in the February 13, 1992 Waste Discharge Requirements (WDR) allow for the disposal of non-hazardous solid and inert wastes. Waste received at this site include residential refuse, rubbish (paper, lawn trimmings, plastics, wood, glass, etc.), commercial/industrial waste, and construction/demolition waste. (Refer to pages 1-1, 1-2 and 3-1, Vol. 1, of the RDSI).

No medical, hazardous, liquid or other wastes as defined by the California State Department of Health Services as requiring special treatment or handling are permitted at this landfill. (Refer to page 3-1, Vol. 1, of the RDSI).

E. Presently, the site receives approximately 375 tons per day (6 day average) of non-hazardous solid wastes, but is permitted to accept 1,000 tons per day. The maximum disposal area surface elevation has been approved by the CUP 90494 - (5) to be 2,395 feet above mean sea level (MSL). (Refer to page 4-1, 7-1 and 7-2, Vol. 1, and Appendix D, Vol. 2, of the RDSI).

F. Design and operation of this facility are described by the Report of Disposal Site Information, dated January 1992 and is hereby made a part of this finding.

The Lancaster Sanitary Landfill is an area fill operation. Each refuse vehicle checks in at the site access control building and the waste is measured by weight and volume. The driver is then directed to the active face. Spotters direct private customers (hand loads) to a side of the working face away from the commercial dumping area. After discharge of the refuse from the hauler, a refuse compactor or a crawler tractor spreads and compacts the refuse over the inclined slope of the active disposal face. Refuse is spread and compacted in 2-foot-thick layers on an approximately 100 to 200 foot-wide sloped working face. Compaction equipment traverses the entire length of the working face at least three times to ensure that the compaction is adequate. Refuse is placed in lifts up to 20 feet high with perimeter slopes of 3:1 or flatter. The working face is covered daily with a minimum of 6 inches (8 inches in wet weather) compacted soil or Alternative Daily Cover (ADC) as approved by the Local Enforcement Agency. (Refer to pages 2-1 and 2-2 of the RDSI).

FINDINGS:

1. Description of the facility's design and operation: (continued)

G. Asphalt and concrete are being diverted away from the working face and stockpiled for crushing. It is estimated that 600 cy/month can be recovered. For woodwaste recovery, approximately 200 to 250 cy/day of woodwaste may be diverted and stockpiled for approximately one week before being chipped and transported to end users. (Refer to page 2-8, Vol. 1, of the RDSI).

A State Certified Redemption Center will be operated on site to accept pre-sorted recyclables from customers and a storage/transfer area has been established for recyclables picked up in a curbside and commercial recycling program. Commingled recyclables are collected curbside, in existing modified refuse collection vehicles that allow the simultaneous but separate collection of refuse and commingled recyclables, then transferred to a transport roll-off on site, and finally transported to a sorting and processing facility. There are plans for a 36,000 sq. ft. sorting and baling recycling facility. (Refer to pages 2-3, 2-4, 2-5 and 2-6, Vol. 1, and Appendix A, Site Facility Plan, of the RDSI and CUP Application for Revision of Final Grades, Plot Plan Set).

Scavenging is not permitted by customers or employees at this site.

H. There is a waste load checking program to counteract the accidental or illicit disposal of prohibited materials at the landfill. (Refer to Conditions/Provisions section of this permit, to pages 3-1 and 3-2 of the RDSI).

I. There are no proposed significant changes in the facility's design and/or operation during the next five (5) years.

J. Lancaster Sanitary Landfill is open for refuse acceptance from 6:00 A.M. to 5:00 P.M., six (6) days a week, Monday through Saturday, with the exception of certain holidays. The entrance gate, though, is opened at least 1 hour prior to opening the scales to prevent queuing of trucks on a public street. Landfill and ancillary operations such as site preparation and maintenance, the application of cover, and waste processing, but excepting activities such as gas control, mitigation or emergency operations, may be conducted between the hours of 5:00 a.m. and 10:00 p.m. (Refer to page 2-6 of the RDSI and pages 4 and 5, Conditions Item i, of the CUP).

FINDINGS:

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

1. Report of Disposal Site Information dated January 1992.

2. Preliminary closure and post closure maintenance plans, dated January 1992, and deemed complete on March 17, 1992.

3. Waste Discharge Requirements (Order No. 6-92-07) - California Regional Water Quality Control Board, Lahontan Region, adopted February 13, 1992.

4. Monitoring and Reporting Program No. 92-07 - California Regional Water Quality Control Board, Lahontan Region, issued February 13, 1992.

5. Conditional Use Permit Case No. 90494-(5) - Los Angeles County Regional Planning Commission, adopted October 30, 1991. This grant will terminate upon completion of the approved fill design, as shown on exhibit "A" of the Conditional Use Permit, or on April 1, 2002, whichever occurs first, and in accordance with any other conditions in the CUP.

6. Finding of General Plan Consistency - Letter - Los Angeles County Regional Planning Commission, dated December 14, 1983.

7. Finding of Conformance, - The Los Angeles County Solid Waste Management Plan (CoSWMP), approved by the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force, on April 16, 1992.

8. Notice of Determination (Negative Declaration, State Clearinghouse No. 91021070), approved May 1, 1991.

9. Mitigation Monitoring and Implementation Schedule for mitigation measures required by the conditioning environmental document, Los Angeles County Department of Health Services, Solid Waste Management Program, dated May 1, 1991 (SCH No. 91021070). (Attachment 1).

10. Monitoring Program CUP Project No. 90494 - (5) (State Clearinghouse No. 91031039). (Attachment 2).

FINDINGS:

3. **The following findings are required pursuant to Public Resources Code (PRC):**

   A. **PRC 44010**

   This permit is consistent with the criteria, guidelines and standards adopted by the California Integrated Waste Management Board [PRC 44010].

   B. **PRC 50000**

   The Finding of Conformance with the CoSWMP was approved on April 16, 1992 by the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force. This facility is identified and described within the latest version of the Los Angeles County Solid Waste Management Plan (CoSWMP Triennial Review, 1986) - Volume I, Non-Hazardous Waste Element, Dated March 1984 and Revision A, dated August 1985. [PRC 50000 (a)(1)].

   C. **PRC 50000.5**

   The Department of Regional Planning of Los Angeles County found that the Lancaster Sanitary Landfill is an appropriate interim use within a Desert 2-1 zone, therefore compatible with the surrounding land uses, and granted the use of the Lancaster Sanitary Landfill for a refuse disposal facility subject to the conditions of Conditional Use Permit Case Number 90494-(5).

4. **This facility's design and operation were in substantial compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by a physical inspection on March 12, 1992.**

5. **The local fire protection agency (Los Angeles County Fire Department, Station No. 117, 45550 Division Street, Lancaster), has determined that the facility is in conformance with applicable fire standards.**

6. **Land uses within 1,000 feet of this facility are zoned as D-2-1: (Desert 2).**

   The area is characterized by wide-open desert space with sporadic concentrations of structures or dwellings mainly south and west of the site. The nearest structure is a small radio station approximately 1/4 mile west of the site. There are no off-site structures within 1,000 feet of the landfill. Lancaster Sanitary Landfill is compatible with the surrounding land uses. (Refer to page 6-1 of the RDSI).

CONDITIONS: **Requirements:**

1. This facility must comply with all the State Minimum Standards for Solid Waste Handling and Disposal.

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

3. The operator will comply with all conditions and requirements of all documents referenced in the Findings section of this permit.

4. The operator will comply with all notices and orders issued by any responsible agency designated by the Lead Agency to monitor the mitigation measures contained in any of the documents referenced within this permit pursuant to Public Resources Code 21081.6.

5. Additional information concerning the design and operation of this facility must be furnished on request of the Local Enforcement Agencies' personnel.

6. At the discretion of the Local Enforcement Agency, the operator shall install landfill gas monitoring probes for the detection of gas migration in addition to any probes required for any purpose by any other agency. The operator shall also expand and/or modify the landfill gas control system if the Local Enforcement Agency, in consultation with the South Coast Air Quality Management District (SCAQMD), determines that such expansion or modification is necessary.

7. The operator shall maintain a copy of this Permit at the facility so as to be available at all times to facility personnel and to representatives of the Local Enforcement Agency or any regulatory agency which has jurisdiction at the facility.

8. The operator shall install and maintain signs at the entrance indicating that "no hazardous or liquid wastes are accepted".

9. The operator shall comply with an established Customer Litter Control Program.

10. The operator shall comply with all conditions and requirements contained in the Waste Discharge Requirements (Order No. 6-92-07).

CONDITIONS: Prohibitions:

1. Except for unadulterated tap water, any waters discharged at the landfill for landscape irrigation, dust control or other non-emergency uses, shall be subject to CRWQCB Waste Discharge Requirements.

2. No medical wastes as defined in Chapter 6.1, Division 20 of the Health and Safety Code shall be disposed of at this site.

3. The discharge of wastes or waste by-products (i.e., leachate) to natural surface drainage courses or to ground water is prohibited.

4. The gas collection system and any proposed system expansion shall be designed so that collected landfill gas condensate is not returned to the landfill.

5. No scavenging by the general public is permitted.

6. No open burning of wastes is permitted.

7. No standing water is allowed on covered fill areas.

8. Receipt of the following wastes are prohibited:

   A. Hazardous wastes (or special wastes), including radioactive wastes, and materials which are of a toxic nature, such as insecticides, herbicides or poisons;

   B. Liquids, oils, slurries, waxes, tars, soaps, solvents, or readily water-soluble solids such as but not limited to salts, borax, lye, caustics or acids;

   C. Pesticide containers, unless they are rendered nonhazardous by triple rinsing;

   D. Asbestos or asbestos products.

9. No polluted surface waters shall leave this site except as permitted by a National Pollutant Discharge Elimination System permit issued in accordance with the Federal Clean Water Act and the California Water Code.

CONDITIONS: Specifications:

1. No significant change in design or operation from that described in the Findings section of this permit is allowed.

CONDITIONS: **Specifications:** **(continued):**

2. The operator shall notify the Local Enforcement Agency, in writing, of any proposed changes in the routine facility operation or changes in facility design during the planning stages. In no case shall the operator undertake any changes unless the operator first submits to the Local Enforcement Agency a notice of said changes at least 120 days before said changes are undertaken. Any significant change as determined by the Local Enforcement Agency would require a revision of this permit.

3. This facility has a permitted capacity of 1,000 tons per operating day and shall not receive more than this amount of solid waste without first obtaining a revision of this permit.

4. The final elevation of the filled area shall not exceed 2,395 feet above mean sea level without first obtaining a revision of this permit.

5. This permit is not transferable; a change in the operator would require a new permit.

6. This permit supersedes all previous Solid Waste Facilities Permits for this site.

7. This Solid Waste Facility Permit will expire upon completion of the approved fill design, as shown on exhibit "A" of the Conditional Use Permit, or on April 1, 2002, whichever occurs first, and in accordance with any other conditions in the Conditional Use Permit, No. 90494-(5), County of Los Angeles, Department of Regional Planning.

CONDITIONS: **Provisions:**

1. This facility must comply with all monitoring requirements established in the Waste Discharge Requirements, Order No. 6-92-07. Should it be determined, in accordance with the provisions of Chapter 15 of the California Code of Regulations, that the facility has caused groundwater contamination which can not be immediately mitigated, then the operations may be required to cease until the appropriate mitigation measures are implemented. Should it be determined that the contamination can not be mitigated then the facility may be required to permanently close.

CONDITIONS: **Provisions: (continued):**

2. Operational controls shall be established to preclude the receipt and disposal of prohibited wastes.

   A. That during the hours of operation for all landfill dumping activities, an attendant or attendants shall be present at all times to supervise the loading and unloading of the waste material.

   B. WASTE LOAD CHECKING PROGRAM

   The landfill operator shall conduct a daily waste load checking program, approved by the Local Enforcement Agency, to prevent and discourage disposal of hazardous waste at the disposal site. The daily waste load checking program shall consist of the following activities:

   (1) The minimum number of random waste loads to be inspected daily at this landfill is two (2).

   The number of incoming loads to be inspected each day is determined by the Local Enforcement Agency and is related to the permitted daily volume of refuse received. The load selected for inspection shall be dumped upon the ground in an area apart from the active working face of the landfill. The refuse shall be spread out and visually inspected for evidence of hazardous wastes. Any hazardous materials found shall be set aside and placed in a secure area to await proper disposition following notification of the producer (if known) and the appropriate governmental agencies.

   (2) Visual inspection of each day's working face by landfill personnel, such as spotters, equipment operators, and supervisors for evidence of hazardous materials. Any hazardous materials thus found shall be managed as in item (1) above.

   (3) Landfill staff and others assigned to perform the duties required in this waste load checking program including visual inspection of the landfill working face, are to be trained to recognize hazardous waste and to perform the reporting requirements of this program. Staff are to be retrained on annual basis. New employees are to be trained prior to work assignments. The training program must be approved by the Local Enforcement Agency.

CONDITIONS: **Provisions:**

2. **Operational controls:**

   B. **WASTE LOAD CHECKING PROGRAM (continued):**

      (4) Incidents of unlawful disposal of prohibited materials shall be reported to the Local Enforcement Agency as described in the monitoring section of this permit. In addition, the following agencies shall be notified at once of any incidents of illegal hazardous materials disposal:

         (a) Duty officer, County of Los Angeles Forester and Fire Warden, Hazardous Waste Control Program at (213) 744-3223.

         (b) Environmental Crimes Division, Los Angeles County District Attorney at (213) 974-6824.

         (c) California Highway Patrol at (213) 736-2971.

3. This permit is subject to review by the Local Enforcement Agency and may be suspended, revoked or modified at any time for sufficient cause.

4. The Local Enforcement Agency reserves the right to suspend waste receiving operations when deemed necessary due to an emergency, a potential health hazard or the creation of a public nuisance.

5. The operator shall maintain adequate records regarding length and depth of cuts made in natural terrain where fill is placed, together with the depth to the groundwater table.

6. The operator shall maintain a log of special/unusual occurrences. This log shall include the following:

   Surface fires, underground fires, explosions, discharge of hazardous liquids or gases to the ground or the atmosphere or significant injuries, accidents or property damage. Each log entry shall be accompanied by a summary of any actions taken by the operator to mitigate the occurrence. The operator shall maintain this log at the facility so as to be available at all times to site personnel and to the Enforcement Agencies' personnel.

   Any entries made in this log in response to the above mentioned incidents, must be reported to the Local Enforcement Agency **at once**. Call the duty officer, County of Los Angeles Department of Health Services Solid Waste Management Program at (213) 881- 4151.

CONDITIONS: **Provisions: (continued):**

7. The operator shall continue to monitor for potential leachate generation. If leachate becomes a problem, the operator will collect, treat, and effectively dispose of the leachate in a manner approved by the Local Enforcement Agency and the California Regional Water Quality Control Board.

8. The methane gas monitoring program shall proceed and the self-monitoring reports shall continue to be submitted to the Local Enforcement Agency by the operator.

9. The operator shall notify the Local Enforcement Agency at once following a receipt of a notice of violation from any regulatory agency or upon receipt of notification of complaints regarding the facility which have been received by other agencies.

10. Copies of any written complaints pertaining to the facility received by its operator shall be forwarded to the Local Enforcement Agency within one working day.

11. The operator shall comply with all of the requirements of all applicable laws pertaining to employee health and safety.

12. The final elevation of the filled area, including final cover (and surcharge), shall not exceed 2,395 feet above mean sea level.

CONDITIONS: **Monitoring Program:**

Upon receipt of the approved Solid Waste Facility Permit, the operator shall submit monitoring reports to the Local Enforcement Agency at the frequencies indicated below. The monitoring reports are delinquent 30 days after the end of the reporting period.

1. **Monthly Reporting: (Due the first day of each month)**

   a. The quantities and types of hazardous wastes, medical wastes or otherwise prohibited wastes found in the waste stream and the disposition of these materials.

   b. All incidents of unlawful disposal of prohibited materials and the operator's actions taken. Indicate those incidents which occurred as a result of the random load checking program. Incidents, as used here, means that the hauler or producer of the prohibited waste is known.

   c. Copies of all written complaints regarding this facility and the operator's actions taken to resolve these complaints.

CONDITIONS: **Monitoring Program:**

1. **Monthly Reporting: (Due the first day of each month) (continued):**

   d. The types and quantities of decomposable and inert wastes received each day. The operator shall maintain these records on the facility's premises for a minimum of one year and made available to any Enforcement Agencies' personnel on request.

   e. The number of vehicles using the facility per day and per week.

2. **Quarterly Reporting: (January 1st, April 1st, July 1st and October 1st)**

   a. The results of the landfill gas migration control program.

   b. The results of the leachate monitoring, collection, treatment and disposal program. The operator shall monitor for potential leachate generation as required by the Waste Discharge Requirements. If leachate is found, the operator will collect, treat, and effectively dispose of the leachate in a manner approved by the Local Enforcement Agency and the California Regional Water Quality Control Board.

3. **Annual Reporting: (January 1st)**

   a. Topographical map showing all current fill locations.

   b. Topographical map which indicates all cuts into native material from the previous year to the present date.

   c. The above two maps shall be drawn to a scale no smaller than one inch = 200 feet unless otherwise approved by the Local Enforcement Agency.

<END OF DOCUMENT>

MITIGATION MONITORING AND IMPLEMENTATION SCHEDULE

LANCASTER LANDFILL 19-AA-0050

AIR

1. **Mitigation Measures:**

Installation of methanol compatible fuel systems in anticipation of converting Waste Management of Lancaster's fleet of refuse collection vehicles to a clean burning fuel.

Monitoring Action: Increased emission control standards set forth by the South Coast Air Quality Management District (SCAQMD) and enforced by state and local law enforcement agencies.

Monitoring Party: SCAQMD and daily monitoring by facility manager.

Timing: Throughout facility operations and as new technology arises.

2. **Mitigation Measures:**

Installation of a landfill gas collection/flare system to reduce gaseous emissions from active landfills.

Monitoring Action: Compliance with the rules and regulations set forth by the SCAQMD. Plans are now under review by the SCAQMD.

Monitoring Party: SCAQMD

Timing: Throughout planning stages and during operation of system.

DUST

3. **Mitigation Measures:**

1) Use of crushed asphalt and concrete from the on-site crushing operation for site haul road construction. Asphalt and concrete crushing operations will be conducted for two to three weeks twice a year:

A. Crushing will not occur during high wind days.

B. The introduction of a fine spray of water may be used on the crushed material as it leaves the conveyor for placement in stockpiles on moderately windy days.

2) Use of dust pailiatives, in extremely dilute solution, to cover gravel and/or dirt roads.

3) Review of possible alternate cover material for daily cover, which will reduce the earth moving activities associated with excavation of earth for daily cover.

4) During the woodchipping process, a track type tractor will crush the large wood into smaller pieces while on the ground. This process prevents the violent thrashing about in the tubgrinder of large pieces of wood that can create dust. A fine spray of water will be added to the wood as it is being chipped or ground. In addition, chipping will not take place during high wind days.

Monitoring Action: Field inspections by the Local Enforcement Agency (LEA).

Monitoring Party: Field inspector of the LEA. Daily monitoring, when process is in operation, by the site manager.

Timing: Throughout operation and during the course of routine inspections.

WATER

4. Mitigation Measures:

Initiation of a Subchapter 15 Verification Monitoring Program to investigate the nature and extent of possible groundwater impacts that the landfill may have caused. Reports are being submitted to the Regional Water Quality Control Board (RWQCB) and these reports are currently under review. Lancaster Landfill personnel will explore mitigation measures and options under the rules and regulations of the RWQCB.

Monitoring Action: Submittal of monitoring reports and upon receiving RWQCB comments, to further explore mitigation options for presentation to the agency to ensure that groundwater impacts caused by the landfill will be mitigated to RWQCB satisfaction.

Monitoring Party: RWQCB

Timing: Throughout planning stages and during implementation of monitoring measures as determined by RWQCB.

NOISE

5. Mitigation Measures:

1) All heavy equipment in use at the landfill are fitted with manufacturers' recommended muffler systems. Muffler systems and general equipment conditions are maintained at maximum effectiveness. The equipment fleets are upgraded regularly to take advantage of technological improvements.

2) Operations will be conducted during normal business hours of the community: 6:00 a.m. to 5:00 p.m., Monday through Saturday.

3) To mitigate possible noise nuisances from the gas collection/flaring system, the location of the blower and flare units is to be at the south end of the landfill's office and maintenance facility yard. Several buildings that will serve to absorb the noise created are located north of the blower and flare unit, between it and the northern site property line. A noise study will be conducted at the project site to determine actual conditions and in the event that nuisance noise is found to exist, a proven noise barrier will be constructed around the unit.

4) At the on-set of excavation in a new area, if there is a noise problem, a dirt berm will be constructed along the edge of the excavation, between the operation and the impacted area.

5) During asphalt and concrete crushing operations, if noise is a problem, dirt barrier berms may be placed between the stockpiles of asphalt and concrete and the landfill site perimeter. Also, the equipment will be located in a spot to take full advantage of the screening effect of the stockpiles.

6) The woodchipping operation will be conducted in a location that will take advantage of existing landfill topography as a sound barrier and will be supplemented as needed with the noted barrier berms.

Monitoring Action: Field inspections by the LEA and compliance with the Conditional Use Permit as approved by the Los Angeles County Planning Commission.

Monitoring Party: Local Enforcement Agency and the Los Angeles County Planning Department. Daily monitoring by the on-site facility manager.

Timing: Throughout facility operations and during specified operations.

RISK OF UPSET

6. Mitigation Measures:

The gas collection/flaring system design includes a "fail safe" element to prevent the release of hazardous substance (landfill gas).

Monitoring Action: Strict adherence to SCAQMD rules and regulations.

Monitoring Party: SCAQMD and on-site facility manager.

Timing: During inception and operation of the gas collection/flare system.

7. Mitigation measures:

Implementation and adherence to the Hazardous Waste Storage Area Policies.

Monitoring Action: Field inspections by the LEA.

Monitoring Party: LEA and on-site personnel (i.e; General Manager, Special Waste Coordinator, gate attendant, equipment operator, and spotters.)

Timing: Throughout facility operations and during routine inspections.

TRANSPORTATION/CIRCULATION

8. Mitigation Measures:

As identified in the traffic studies conducted, the following are noted mitigation measures:

"1) Create left turn pockets for all legs of the intersection of Avenue F and Challenger Way (10th Street East).

2) Restripe the intersection of Avenue F and Division Street to produce left turn pockets for all legs.

3) The intersection of Avenue F and Sierra Highway should be signalized by the year 1997, if all the parameters outlined in this report are present. The intersection should have at least two lanes of traffic northbound and southbound with left turn pockets. The eastbound road section should have left turn and right turn lanes at the intersection." (The proponent's share of #3 is 0.01 of the total.)

Monitoring Action: Cooperation with the Department of Public Works (DPW).

Monitoring Agency: The Department of Public Works.

Timing: At present and as determined by the DPW.

9. **Mitigation Measures: On-Site Traffic/Circulation**

Appropriate use of signage denoting speed limits, potential hazards, traffic flow direction, safety rules, etc. There will be spotters at the working face and elsewhere as needed. A letter is sent to all site users explaining the site's commitment to safety and "citations" are issued to safety rule violators.

Monitoring Action: Field inspections by LEA.

Monitoring Party: LEA and site personnel.

Timing: Throughout facility operations and during routine inspections.

PUBLIC SERVICES

10. **Mitigation Measures:**

Frequent load checks by spotters and the working face is manned by at least two employees who repeatedly scan the refuse for anything unusual. Employees are trained in fire prevention and control and annually trained in the use of fire extinguishers. All company vehicles and heavy equipment units carry ABC fire extinguishers that are routinely inspected and recharged. The two water trucks on-site are equipped with fire hoses.

Monitoring Action: Field inspections by the LEA and any inspections carried out by the local Fire Department.

Monitoring Party: LEA and the local Fire Department. On-site personnel and managers.

Timing: Throughout facility operations and during routine inspections.

11. **Mitigation Measures:**

Spotters and heavy equipment operators will conduct careful investigations of all incoming woodwaste for embers, sparks, flammable chemicals, etc., and a load checking program similar to that conducted in the landfill will be implemented to police incoming loads.

Stockpiles of chipped wood will be relatively compact, promoting slow rather than fast burning if any fires do start in the woodchipping process. The size of the stockpiles will be limited by frequent processing and transported off-site from every three days to once a week.

Monitoring Action: Field inspections by the LEA.

Monitoring Party: LEA and daily monitoring by on-site manager.

Timing: Throughout facility operations and during routine inspections.

12. **Mitigation Measures:**

Road improvements as detailed in the traffic studies and in cooperation with the DPW will be carried out as a consequence of increased use of public roads.

Monitoring Action: Compliance with permit requirements as determined by the Department of Public Works.

Monitoring Party: DPW

Timing: As determined by the DPW and conditions in the Conditional Use Permit.

AESTHETICS

13. **Mitigation Measures:**

1) Attractive signs will be placed around the stockpiles identifying them as material to be recycled.

2) Stockpiles will be limited to a height of fifteen feet or less to take advantage of dirt berms placed as a noise mitigation measure and/or fences may be used as screening in accordance with applicable zoning ordinances.

3) Stockpiles will be constructed in a measured, uniform, parallel pattern that will present the view of an engineered operation as opposed to an amorphous mess.

Monitoring Action: Field inspections by the LEA.

Monitoring Party: LEA and daily monitoring by on-site manager.

Timing: Throughout facility operations and during routine inspections.

(LANCASTR.III\LNCSTR-M.MIS)

MONITORING PROGRAM

PROJECT NO. 90494 - (5)
THE LANCASTER LANDFILL EXPANSION
(State Clearinghouse No. 91031039)
An Attachment to the Conditions of Grant for
Conditional Use Permit 90494 - (5)

DEFINITIONS. Unless otherwise apparent from the context, the term "Condition(s)" shall refer to a condition or conditions of Conditional Use Permit No. 90494 - (5), also referred to herein as the "grant", and "project" shall refer to the overall landfill expansion and other ancillary facilities approved by said use permit. The term "permittee" shall be as defined in Condition 1 of the permit. The term "Local Enforcement Agency" shall refer to the entity or entities [currently the Los Angeles County Department of Health Services] designated pursuant to the provisions of Division 30 of the Public Resources Code to permit and inspect solid waste disposal facilities and to enforce state and local regulations and permits; provided, however, that should at any time the function of Local Enforcement Agency be assigned to an entity which is not designated by the Board of Supervisors, any functions assigned to the Local Enforcement Agency through the monitoring program and the conditions of grant which are not by law the prerogative of the Local Enforcement Agency shall be delegated by the Board of Supervisors to an entity of its selection.

PURPOSE. This monitoring program is intended to ensure compliance with the conditions of grant and other mitigations as set forth in the negative declaration for the project, in accord with the provisions of Section 21081.6 of the Public Resources Code, and to compliment the enforcement and monitoring programs routinely administered by County agencies, including the Local Enforcement Agency and the Los Angeles County Department of Public Works, and by public agencies other than the County of Los Angeles. Such other agencies include the California Integrated Waste Management Board, the Regional Water Quality Control Board, and the South Coast Air Quality Management District.

PART I - LANDFILL ELEVATIONS. The following measures shall be carried out to monitor compliance with Condition 10 (b) which sets limits upon the height and extent of fill.

The permittee shall before commencing expansion of the landfill install survey monuments around the perimeter of the approved fill area (as depicted on Exhibit "A" described in Condition 10 (b)) at points where they will not be subject to disturbance by landfill development.

PROJECT NO. 90494 - (5)
THE LANCASTER LANDFILL EXPANSION
(State Clearinghouse No. 91031039)
An Attachment to the Conditions of Grant for
Conditional Use Permit 90494 - (5)

The specific spacing, location, and characteristics of the monuments shall be as specified by the Department of Public Works.

The monuments shall be inspected and approved by the Department of Public Works after installation and an "as installed" plan, approved by the Department of Public Works, shall be provided to the Local Enforcement Agency.

Not less than 60 nor more than 90 days before the due date for the Biennial Report required in Part VII, the permittee shall cause a licensed surveyor or registered civil engineer to conduct a survey of the landfill elevations and to submit the results to the Department of Public Works for approval. Such a survey shall also take place in the event of an earthquake in the vicinity of the landfill of magnitude (Richter) 5.0 or greater (wherein significant shaking or rolling movement was experienced at the landfill) and upon completion of the final fill.

The Department of Public Works may also conduct or order such on-site surveys as it deems necessary or as requested by the Local Enforcement Agency and shall promptly report any apparent violation revealed by a survey to the Department of Regional Planning and the Local Enforcement Agency.

PART II - WASTE PLAN CONFORMANCE. The provisions of this part are intended to insure compliance with the provisions of Conditions 10 (f), (g) and (h) and conformity of landfill operations with City and County Plans adopted pursuant to Division 30 of the State Public Resources Code.

A. Before expanding the landfill, the permittee shall enter into a written agreement with the County of Los Angeles providing for:

1. Controlling and accounting (as further provided in Part II-B) for waste entering and (in the form of recycled or diverted material) leaving the landfill, in accord with plans adopted by cities and the County pursuant to Division 30 of the Public Resources Code;

2. The implementation and enforcement of programs intended to maximize utilization of the available fill capacity, as set forth in Condition 10 (f); and

PROJECT NO. 90494 - (5)
THE LANCASTER LANDFILL EXPANSION
(State Clearinghouse No. 91031039)
An Attachment to the Conditions of Grant for
Conditional Use Permit 90494 - (5)

3. The implementation of waste diversion and recycling programs on and off-site in accord with the adopted City and County plans.

In lieu of a written agreement, the Local Enforcement Agency, the Director of Public Works and the County Counsel may, jointly, determine that the above provisions shall be incorporated in the Solid Waste Facilities Permit for the landfill. Notice of such determination shall be incorporated in the document adopting the Solid Waste Facilities Permit and copies shall be sent to the Department of Public Works and Regional Planning.

Should all or parts of the relevant City and County plans not be adopted before the opening of the landfill, interim provisions may be entered into or incorporated into the permit pending adoption of the plans.

Provision shall be made for amendment as necessary to maintain conformity with City and County Plans.

Copies of the initial agreement or Solid Waste Facilities Permit (as applicable) and any amendments shall be placed on file with the Departments of Public Works and Regional Planning, and the Local Enforcement Agency and shall be sent to the Cities of Lancaster and Palmdale.

B. The agreement required in Part II-A shall provide that the permittee shall maintain scales to verify the weight of waste received, diverted and recycled. The agreement shall also provide that the permittee shall, as set forth in the agreement, maintain records necessary to document tonnage and compliance with waste restrictions imposed pursuant to the conditions of grant and the agreement together with such additional records concerning the composition and origin of waste that are needed to develop City and County waste management plans.

The agreement may provide, subject to the availability of appropriate hardware and software, for electronic recording devices to document weights and other records.

PROJECT NO. 90494 - (5)
THE LANCASTER LANDFILL EXPANSION
(State Clearinghouse No. 91031039)
An Attachment to the Conditions of Grant for
Conditional Use Permit 90494 - (5)

All records shall be available at the landfill for inspection by the Local Enforcement Agency and authorized representatives of the Departments of Public Works and Regional Planning and the Treasurer and Tax Collector during normal business hours and shall be routinely forwarded to such agencies as may be provided in the agreement.

PART III - HAZARDOUS WASTE EXCLUSION. This part incorporates the program which the permittee and the Local Enforcement Agency shall carry out to exclude liquid, radioactive and hazardous wastes from the landfill in accord with the provisions of Conditions 10 (a) and 22.

A. The permittee shall maintain a comprehensive waste load checking program, which shall include the following:

1. All waste hauling vehicles shall be screened at the scales with a radiation detector device, acceptable to the Local Enforcement Agency, for the presence of radioactive materials.

2. Sensors capable of detecting volatile organic compounds, acceptable to the Local Enforcement Agency, shall be installed and used as directed by the Local Enforcement Agency.

3. A remote television monitor shall be maintained to inspect incoming roll-off type loads and open top vehicles.

4. The scale operator shall question each incoming driver as to the source and nature of the load and shall inspect for contamination all large loads of earth brought into the landfill from points not known to be free of contamination.

5. The dumping area shall be continuously inspected for hazardous and liquid waste and radioactive waste/ materials. This inspection shall be accomplished by equipment operators and spotters who have been trained in an inspection program approved by the Local Enforcement Agency.

PROJECT NO. 90494 - (5)
THE LANCASTER LANDFILL EXPANSION
(State Clearinghouse No. 91031039)
An Attachment to the Conditions of Grant for
Conditional Use Permit 90494 - (5)

6. Manual inspection of randomly selected refuse loads shall be conducted. The checking program shall examine a minimum of 12 incoming waste loads per week. The checking program shall be conducted by personnel trained in accord with a plan approved by the Local Enforcement Agency.

7. If on the basis of continuing inspections of the dumping area and of daily random inspections, the Local Enforcement Agency determines that significant amounts of hazardous, liquid or radioactive waste/material may be entering the landfill, the Local Enforcement Agency may direct an expanded inspection program, including additional, unannounced manual inspections.

PART IV - MITIGATION AGREEMENT. Before expanding the landfill, the permittee shall enter into an agreement with the County providing for indemnification of the County for any damages to public property which may result from landfill operations and for any expenses which may be incurred by the County in performing any on and off-site remedial work which may be necessitated by the permittee's failure to operate or maintain the landfill at an acceptable level or the permittee's failure to perform in a timely manner. The performance areas covered shall include, but not be limited to, landscaping, litter and dust control, noise control, vector control and maintenance of slopes and drainage structures. The standard for operation and maintenance shall be as established by the provisions of this grant and applicable law.

To secure performance on the agreement, the permittee shall tender to the County a letter of credit or other security acceptable to the County in the amount of $300,000 dollars.

The security shall be in addition to all other security required by federal, state and local regulations and permits, including other performance security required by this permit and State landfill closure regulations.

PART V - HORTICULTURAL MONITORING. This part is intended to promote compliance with provisions of Condition 16 concerning slope revegetation.

A. The permittee shall, before commencing expansion of the landfill, retain the services of a consulting horticulturalist

PROJECT NO. 90494 - (5)
THE LANCASTER LANDFILL EXPANSION
(State Clearinghouse No. 91031039)
An Attachment to the Conditions of Grant for
Conditional Use Permit 90494 - (5)

to supervise the slope planting program required as a condition of grant. The permittee's selection shall be approved by the Local Enforcement Agency.

The consulting horticulturalist shall be a person who by education, training, experience and professional standing, as evidenced by appropriate licensing, registration and/or academic standing in the field of horticulture and/or plant biology, is qualified to carry out the specific requirements of the position.

B. Should at any time during the life of the grant plus any additional required maintenance period the initially selected consultant terminate employment, a replacement shall be retained and approved as provided in Part V-A.

C. The permittee shall make and maintain records to track fill areas in accordance with Regional Water Quality Control Board requirements. These records shall be used to indicate areas transferred to an inactive status and therefore potentially subject to being vegetated as provided in Condition 16. The permittee shall make copies of such records available to the consulting horticulturalist and the Local Enforcement Agency on a routine basis and to other regulatory agencies upon request.

PART VI - ANCILLARY FACILITIES. This part is intended to provide a means to enforce compliance with portions of Condition 10 concerning the provision of ancillary facilities at the landfill, and to verify that such facilities are consistent with other conditions of the grant and monitoring program and with the provisions of the County Zoning Ordinance.

Before commencing development or obtaining building permits for any additional ancillary facilities, the permittee shall submit to the Director of Planning a specific site plan for such facilities. The plan shall be in sufficient detail to establish compliance with the conditions of grant and with the standards of the County Zoning Ordinance, including the provisions of said ordinance relating to the development of parking, screening and signs, as set forth in Chapter 52, Title 22 of the County Code.

PROJECT NO. 90494 - (5)
THE LANCASTER LANDFILL EXPANSION
(State Clearinghouse No. 91031039)
An Attachment to the Conditions of Grant for
Conditional Use Permit 90494 - (5)

Pending submission of revised plans, all facilities shall comply with the plans approved pursuant to Conditional Use Permit No. 88411 - (5).

PART VII - MONITORING REPORTS. This part is intended to provide for a means of continuing oversight of landfill operations as a supplement to the routine enforcement activities of the various regulatory agencies having control over the development, operation and maintenance of the landfill.

A. The permittee shall prepare and submit biennial monitoring reports to the Regional Planning Commission, the first such report being due on April 1, 1994 and subsequent reports being due April 1, every other year until closure of the landfill. At least 60 days before the due date, draft copies of the report shall be submitted to the following for review and comment:

1. The Local Enforcement Agency;
2. The Director of Public Works;
3. The Los Angeles County Forester and Fire Warden;
4. The Regional Water Quality Control Board; and
5. The South Coast Air Quality Management District.

Each referral shall include a request that comments be sent to the Commission in care of the Director of Planning on or before the due date of the report. The permittee shall provide documentation of each referral to the Director in a form acceptable to the Director.

B. Each monitoring report shall contain the following:

1. A cumulative total of all waste deposited in the landfill and the percent of total available volume consumed;

2. A copy (which may be reduced and simplified to fit the report format) of the most recent approved landfill survey (as required in Part I of the monitoring program) showing the height and extent of fill;

PROJECT NO. 90494 - (5)
THE LANCASTER LANDFILL EXPANSION
(State Clearinghouse No. 91031039)
An Attachment to the Conditions of Grant for
Conditional Use Permit 90494 - (5)

3. The achieved ratio of weight to volume of waste placed in the landfill and a comparison of that ratio with the ratio achieved at comparable landfills and an explanation of any significant deviation;

4. A summary of the rates of waste received, recycled or otherwise diverted at the landfill since April 1, 1992 or the last report, as applicable, in sufficient detail to explain significant changes and variations over time and an explanation of any significant variation or changes;

5. A summary of measures undertaken by the permittee to divert and recycle material at the landfill, and how such measures interact with waste management plans adopted by cities and the County and the overall effectiveness of such measures in achieving the intent of the grant and the waste management plans;

6. A summary of the number and character of litter, fugitive dust and odor complaints received in the reporting period, the disposition of such complaints, and any new or additional measures which have been undertaken to abate or address future complaints;

7. A detailed accounting of any citations for violations received from any regulatory agency in connection with operation of the landfill (including those for litter, odor or fugitive dust) and the disposition of the citations; and

8. A report on interim and final fill revegetation, including an assessment of the success of such revegetation and any additional measures necessary or proposed to effect successful revegetation.

C. Nothing in this Part VII shall be construed to in any way limit the authority of the Commission or the Board of Supervisors to initiate any proceeding to revoke or modify the grant as provided in Condition 9 and Part 13, Chapter 56, of Title 22 of the County Code.

PROJECT NO. 90494 - (5)
THE LANCASTER LANDFILL EXPANSION
(State Clearinghouse No. 91031039)
An Attachment to the Conditions of Grant for
Conditional Use Permit 90494 - (5)

PART VII - COMPENSATION. The permittee shall compensate the Department of Public Works for expenses incurred in the administration of this monitoring program and grant not otherwise covered by permit fees. The permittee shall compensate the Local Enforcement Agency for any extraordinary expense incurred in the administration of this monitoring program and grant not covered by fees paid for administration of the solid waste facility permit for the landfill.

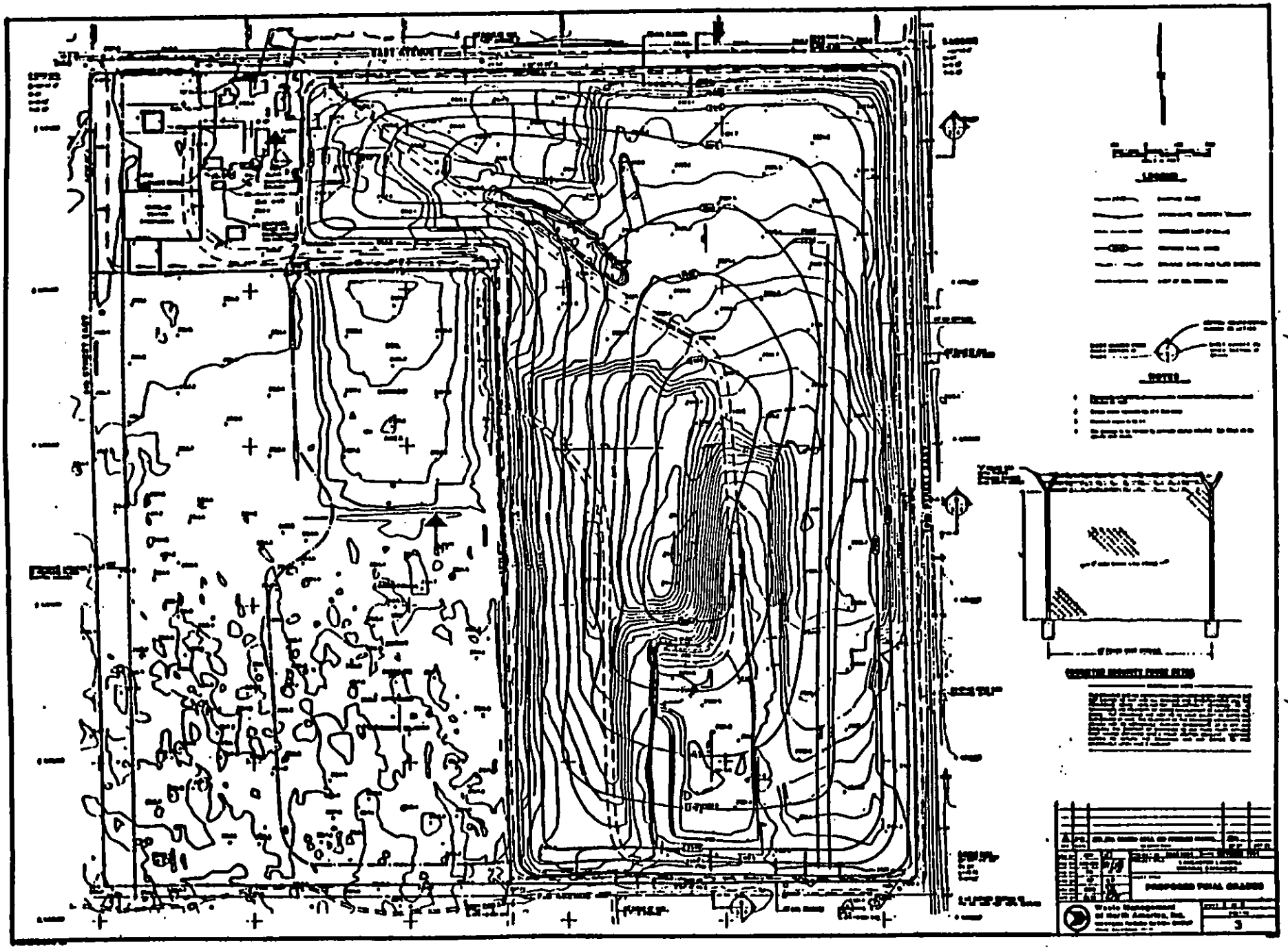


Exhibit A

191

State of California

OFFICE of ENVIRONMENTAL PROTECTION
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
Planning and Local Assistance Division

Memorandum

To: Tad Gebre-Hawariat

Date: March 25, 1992

From: Lloyd Dillon
Local Assistance Branch, South Section

Subject: Conformance with PRC sections 44009, 50000, and 50000.5
Landcaster Landfill, Permit No. 19-AA-0050

The following are the subject findings relevant to the proposed revised permit for the Lancaster Landfill, transmitted for our comments March 18, 1992:

1. **PRC Section 44009 (Consistency with Waste Diversion Goals)**

This permit revision is to document design and operational changes which have occurred since submittal of the 1990 RSDI. The revision specific to landfill capacity allow for 40 feet of vertical expansion of the landfill grade.

The Lancaster Landfill, owned and operated by Waste Management of California, currently receives approximately 375 tons per working day, of solid waste from the cities of Lancaster and Palmdale, and from the surrounding unincorporated Los Angeles County area. Approximately 70% of the City of Lancaster's residential waste and the majority of its commercial waste are picked up and delivered to the Lancaster Landfill. The City of Lancaster's waste represents approximately 80% of the daily loadings at the landfill, with the unincorporated area representing the majority of the remaining waste and the City of Palmdale representing a minor amount of the waste received. Lancaster Landfill has approximately two months of permitted capacity remaining. The vertical expansion should allow 5 - 10 years of permitted capacity.

The City of Lancaster's Source Reduction and Recycling Element was submitted to the Board for review in April, 1991. The City of Lancaster has implemented a residential curbside diversion program, and the City has plans for expanding the materials targeted by the program. WMC is the City's franchisee for the northwest portion of the City's residential collection, and collects both the commingled recyclables and the waste. The City is also implementing a yard waste mulching program (currently a pilot program), commercial "onsite" waste recycling of OCC, newsprint and ledger paper, and a City Office recycling program.

The City has also proposed to utilize MRFs constructed at the regional landfills in the medium-term planning period. Waste Management of California, owner and operator of the Landcaster Landfill, has plans (page 4, item G.) to construct a 36,000 square foot co-mingled recycleables sorting and baling facility onsite. Current plans are for its construction to be as needed, sometime between the years 1996 and 2000.

2. PRC Section 50000 (Conformance with CoSWMP)

This facility is identified and described in the Los Angeles County SWMP, Revision A, dated August 1985, and in the Triennial Review, dated 1986.

Staff has contacted staff to the Los Angeles County Integrated Waste Management Task Force, and the LTF is scheduled to make a finding of Conformance for this facility application at its meeting on April 16, 1992. County Staff's recommendation to the LTF is that the facility be found in conformance with the CoSWMP. **Staff cannot confirm that this facility is " in conformance" with the Los Angeles County CoSWMP until after the LTF has made that finding.**

3. PRC Section 50000.5 (Consistency with General Plan)

This facility is consistent with the Los Angeles County General Plan, is an appropriate interim land use within an "Desert 2-1" zone, and is compatible with the surrounding designated land uses. This is according to Los Angeles County Department of Regional Planning, finding dated December 14, 1983, and as permitted in Conditional Use Permit Case No. 90490-(5).

<u>SUMMARY</u>: Approval of the revised permit (19-AA-0050) would not prevent nor significantly impair the City of Lancaster from meeting its waste diversion goals.

If you have any comments on this finding, please call me at 255-2311.

California Integrated Waste Management Board
Permit Decision No. 92-34
April 29, 1992

WHEREAS, The County of Los Angeles Department of Health Services, acting as Local Enforcement Agency, has submitted to the Board for its review and concurrence in, or objection to a revised Solid Waste Facilities Permit for the Lancaster Sanitary Landfill; and

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

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

NOW, THEREFORE, BE IT RESOLVED that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 19-AA-0050.

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 April 29, 1992.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee Meeting

April 22, 1992

AGENDA ITEM 7

ITEM: Consideration of Certification and Designation of the Environmental Health Division of the Riverside County Health Department as the Local Enforcement Agency (LEA) for Riverside County.

BACKGROUND:

The Public Resources Code requires local governing bodies to designate an enforcement agency to carry out solid waste permitting, inspection and enforcement duties in their jurisdiction. Regulations require a designated local agency to develop, submit for Board approval, and adopt an Enforcement Program Plan (EPP) pursuant to statute. The EPP shall embody the designation and certification requirements and demonstrate that the LEA meets all the requirements for the requested certifications. Public Resources Code (PRC) Section 43204 states: "No enforcement agency may exercise the powers and duties of an enforcement agency until the designation is approved by the board. After August 1, 1992, the board shall not approve a designation unless it finds that the designated enforcement agency is capable of fulling its responsibilities under the enforcement program and meets the certification requirements adopted by the board pursuant to PRC Section 43200."

For a local agency to have its designation as an enforcement agency approved by the Board, the enforcement agency must meet the following minimum requirements of statute and regulation:

1. Technical expertise
2. Adequate staff resources
3. Adequate budget resources
4. Adequate training
5. The existence of at least one permitted solid waste facility within the jurisdiction of the local agency.
6. No operational involvement in any of the types of facilities or sites it permits, inspects or enforces.
7. A sole enforcement agency per LEA jurisdiction.

The Board, after approval of the EPP, may issue certifications to the designated enforcement agency per Title 14 California Code of Regulations (14 CCR) Section 18071 for one or more of the following types of duties and responsibilities:

"A": Permitting, inspection and enforcement of regulations at solid waste disposal sites
"B": Permitting, inspection and enforcement of regulations at solid waste transformation facilities
"C": Permitting, inspection and enforcement of regulations at solid waste transfer and processing stations, materials recovery facilities, and composting facilities
"D": Inspections and enforcement of litter, odor, and nuisance regulations at solid waste landfills

Therefore, to establish an LEA, the Board is required by statutes and regulations to approve the Enforcement Agency's EPP, to issue certification(s), and approve the designation of the Enforcement Agency.

ANALYSIS:

Board staff has received and reviewed the Designation Information Package (DIP) from the Riverside County Board of Supervisors requesting approval of their designation of the Environmental Health Division of the Riverside County Health Department as the enforcement agency for Riverside County. Furthermore, Board staff has received and reviewed the Enforcement Program Plan (EPP).

The documentation provided in the DIP and EPP meet the general requirements of PRC 43200 - 43219 and 14 CCR 18010 - 18084. Board staff find that the DIP and EPP are complete and acceptable for the Board to consider the approval of the EPP, issuance of the requested certifications, and approval the designation of the Environmental Health Division of the Riverside County Health Department as the Local Enforcement Agency (LEA) for the County of Riverside.

STAFF COMMENTS:

Board staff concur with the proposed EPP, the issuance of the requested certifications and approval of the designation.

The Board has the following options:

1. Approve the EPP, issue the requested certifications, and approve the designation for the jurisdiction.

2. Approve the EPP, and issue temporary LEA certifications and/or designation approval for specific time periods.

3. Disapprove the EPP and/or not issue the requested certifications and therefore, disapprove the designation and appoint the Board as the enforcement agency for the jurisdiction.

4. Take no action. This option provides for no enforcement agency designation. The Board would need to perform the enforcement agency duties starting August 2, 1992.

ATTACHMENTS:

1. The DIP cover letter requesting Board approval of the designation.
2. The Board staff letter finding the DIP complete and accepted.
3. The EPP cover letter requesting the desired certification types.
4. The Board staff letter finding the EPP complete and that the EPP meets the requirements for certification of the enforcement agency pursuant to PRC 43200.
5. CIWMB resolution for approval of the EPP, issuance of certifications and the approval of the designation for the County of Riverside.

MHA for Mary Coyle

Prepared by: Myron H. Amerine \ Mary T. Coyle Phone 255-2408

Reviewed by: Martha Vazquez Phone 255-2431

Legal review: Date/Time 4-14-92 0851

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 92-35

April 22, 1992

Resolution approving the Enforcement Program Plan, issuing the requested certifications and approving the designation of the Environmental Health Division of the Riverside County Health Department as the Local Enforcement Agency for the County of Riverside.

WHEREAS, the California Integrated Waste Management Act of 1989 requires local governing bodies to designate an enforcement agency to carry out solid waste permitting, inspection and enforcement duties in their jurisdiction; and

WHEREAS, Regulations require a designated local agency to develop, submit for Board approval, and adopt an Enforcement Program Plan (EPP) pursuant to statute; and

WHEREAS, the California Integrated Waste Management Board has received and reviewed the Enforcement Program Plan for Riverside County; and

WHEREAS, the Enforcement Program Plan of the Environmental Health Division of the Riverside County Health Department requests the Board to approve the Enforcement Program Plan and issue certification types "A","B","C" and "D" to the designated local agency pursuant to Title 14 California Code of Regulations Section 18071; and

WHEREAS, the Riverside County Board of Supervisors and the majority of the City Councils with the majority of the incorporated population of the designated jurisdiction have designated the above local agency and requested Board approval of their designation; and

WHEREAS, the Environmental Health Division of the Riverside County Health Department has adopted its Enforcement Program Plan pursuant to Public Resources Code Section 43209; and

WHEREAS, the Board finds that the above designated enforcement agency has demonstrated, via its Enforcement Program Plan, that it meets the requirements of Public Resources Code Division 30 Part 4, Chapter 2, Article 1 and Title 14 California Code of Regulations Division 7, Chapter 5, Articles 1.0 - 2.2;

NOW, THEREFORE, BE IT RESOLVED, the California Integrated Waste Management Board pursuant to Public Resources Code Division 30 Part 4, Chapter 2, Article 1 approves the Enforcement Program Plan and designation and issues certification types "A","B","C" and "D" to the Riverside County Health Department's Division of Environmental Health as the Local Enforcement Agency for Riverside County and all its incorporated cities.

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 April 29, 1992.

Date:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee Meeting

April 22, 1992

AGENDA ITEM 8

ITEM: Consideration of the City of Vernon Health Department as the Local Enforcement Agency (LEA) for City of Vernon.

BACKGROUND:

Statute requires a Local Governing Body to designate an Enforcement Agency to carry out solid waste permitting, inspection and enforcement within the jurisdiction.

Public Resources Code (PRC) Section 43204 states "No enforcement agency may exercise the powers and duties of an enforcement agency until the designation is approved by the Board. After August 1, 1992, the Board shall not approve a designation unless it finds that the designated enforcement agency is capable of fulling its responsibilities under the enforcement program and meets the certification requirements adopted by the board pursuant to PRC Section 43200."

Each local governing body that wishes to designate a local agency must notify the Board through a Designation Information Package (DIP). Board staff have 45 days to review a DIP for completeness. The DIP is either accepted by staff or is deemed incomplete and the local governing body is notified.

In order to be certified and approved by the Board, the prospective enforcement agency must meet the following minimum requirements of statute and regulation:

1. Technical expertise
2. Adequate staff resources
3. Adequate budget resources
4. Adequate training
5. The existence of at least one permitted solid waste facility within the jurisdiction of the local agency
6. No operational involvement in any of the types of facilities it enforces
7. A sole enforcement agency per LEA jurisdiction

Prior to certification and approval, a prospective local agency must develop an Enforcement Program Plan (EPP). The EPP must embody the designation and certification requirements and demonstrate that the Local Enforcement Agency (LEA) meets all the

requirements for the requested certifications. The Board, after consideration and approval of the EPP, may issue certifications to the designated enforcement agency for one or more of the following types:

"A": Permitting, inspection and enforcement of regulations at solid waste disposal sites
"B": Permitting, inspection and enforcement of regulations at solid waste transformation facilities
"C": Permitting, inspection and enforcement of regulations at solid waste transfer and processing stations, materials recovery facilities, and composting facilities
"D": Inspections and enforcement of litter, odor, and nuisance regulations at solid waste landfills

Therefore, to establish an LEA, the Board is required by statutes and regulations to approve the Enforcement Agency's EPP, to issue certification(s), and approve the designation of the Enforcement Agency.

ANALYSIS:

Board staff has reviewed the DIP submitted by the Vernon City Council designating the Health Department of the City of Vernon as the enforcement agency. To date, Board staff has not received the Enforcement Program Plan (EPP) for the City of Vernon.

Statute and regulation specifies that prior to certification all designated local agencies must have at least one permitted solid waste facility within their jurisdiction. At this time, the City of Vernon does not have a permitted solid waste facility within its jurisdiction. The City "anticipates" that a Materials Recovery Facility (MRF) will be sited in the future. Per recent telephone communication, a representative for the City of Vernon stated California Environmental Quality Act (CEQA) documentation for a proposed facility is in draft status.

Board staff have advised the City of Vernon that when the local agency and its defined jurisdiction meet the requirements of statute and regulation for the designation and certification of an enforcement agency, the City of Vernon can designate a local agency. Public Resources Code allows new designations and the withdrawal of existing designations, at any time, as long as the designation and certification requirements are met.

STAFF COMMENTS:

Regulations allow the Board to issue a temporary LEA certification and/or designation approval for specific time periods on a case by case basis.

The PRC requires the existence of at least one permitted solid waste facility, within the jurisdiction of a local agency, before the Board can approve the designation. Staff recommends that pursuant to statute, the Board deny granting a temporary certification in situations where a jurisdiction either does not have a permitted solid waste facility or does not prove that concurrence in a solid waste facility permit is imminent as evidenced by documentation of an issued Conditional Use Permit (CUP) or that the proposed facility has an approved and certified Environmental Impact Report.

Due to regulatory time frames, including: DIP review 45 days, EPP review 90 days and Committee and Board agenda items, Board staff have brought this item forward for the consideration of the Board.

The Board has the following options:

1. Approve the DIP and inform the City of Vernon to prepare and submit their EPP for consideration.

2. Disapprove the DIP and not issue the requested certifications and advise the City of Vernon to designate a viable local agency/LEA.

3. Take no action. This option provides for no enforcement agency designation. And if the designated Enforcement Agency for Los Angeles County fails to be certified and designated, the Board would need to perform the Enforcement Agencies duties starting August 2, 1992.

4. Issue a temporary certification for a time-limited, conditional certification and designation approval.

ATTACHMENTS:

1. The DIP cover letter requesting Board approval of the designation dated March 19, 1992.
2. DIP document indicating request for type "C" certification dated March 19, 1992.
3. CIWMB Resolution for the disapproval of the Designation Information Package for the City of Vernon.

Prepared by: Diane Vlach/M.H.Amerine Phone 255-2408

Reviewed by: Mary T. Coyle/Martha Vazquez Phone 255-2431

Legal review: RFC Date/Time 4/14/92 20h 20

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 92-36

April 29, 1992

Resolution Disapproving the Designation Information Package of the City of Vernon Health Department as the Local Enforcement Agency for the City of Vernon.

WHEREAS, the California Integrated Waste Management Act of 1989 requires local governing bodies to designate an enforcement agency to carry out solid waste permitting, inspection and enforcement duties in their jurisdiction; and

WHEREAS, Regulations require a designated local agency to develop, submit for Board approval, a Designation Information Package pursuant to regulation; and

WHEREAS, the California Integrated Waste Management Board has received and reviewed the Designation Information Package for the City of Vernon; and

WHEREAS, the Designation Information Package of the City of Vernon has requested that the Board approve the Designation Information Package and issue certification type "C" to the designated local agency pursuant to Title 14 California Code of Regulations Section 18071 without having a permitted solid waste facility within the jurisdiction; and

WHEREAS, the City Council of the City of Vernon has designated the above local agency and requests Board approval of their designation; and

WHEREAS, the Board finds that the above designated enforcement agency has failed to demonstrate, via its Designation Information Package, that it meets the requirements of Public Resources Code Division 30 Part 4, Chapter 2, Article 1;

NOW, THEREFORE, BE IT RESOLVED, the California Integrated Waste Management Board pursuant to Public Resources Code Division 30 Part 4, Chapter 2, Article 1 disapproves the Designation Information Package to the City of Vernon Health Department as the Local Enforcement Agency for the City of Vernon.

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 April 29, 1992.

Date:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
April 22, 1992

AGENDA ITEM 9

ITEM: Consideration of Methods for Including Facilities in the *Inventory of Solid Waste Facilities Which Violate State Minimum Standards*

BACKGROUND:

The Board's Compliance Branch must inspect annually all solid waste facilities in California pursuant to section 43219(b) of the Public Resources Code (PRC). The implementation of the Facility Evaluation Program was presented to the Board at its meeting in January, 1991. Board staff currently presents all program results to the Board for each local enforcement agency (LEA) jurisdiction in the form of a Facilities Evaluation Report (FER).

The FER is a compilation of the State inspection results of all the facilities within an LEA jurisdiction. The FER also includes staffs' recommendation that the Board issue the operator/owner a 90-Day Notice of Intent to include the facility in the *Inventory of Solid Waste Facilities Which Violate state minimum standards (Inventory)* pursuant to PRC section 44104, for any and all outstanding state minimum standards (SMS) violations. PRC 44104 states, "if, within 90 days of that notice, the violation has not been corrected, the solid waste facility shall be included in the inventory". An owner/operator would have one year from the date of inclusion in the *Inventory* to correct the violation(s); if the violation(s) are not corrected the LEA shall revoke the Solid Waste Facilities Permit. Permit revocation would remain in effect until the violation(s) are corrected pursuant to PRC 44106(b).

As of this date 16 FERs have been presented to the Board. Since mid 1991 to the present, the Board has authorized 39 facility operators/owners to receive the 90-Day Notice of Intent. Dependent on the facilities' current compliance status, all or some of these facilities will need to be included in the *Inventory*. Board staff is poised at this decision-making juncture due to the constraints of the current process as outlined below. An evaluation of resources and a Board-approved procedure is necessary prior to moving forward with including facilities in the *Inventory*.

ANALYSIS:

Staff has developed four scenarios or methods for including a facility in the *Inventory*. All four methods include the two following legally required components:

- 90-Day Notice of Intent
- A follow-up compliance inspection which reports the compliance status of the SMS violations noted in the 90-Day Notice.

These options are listed in order from least to most amount of resources needed to accomplish the goal of including facilities in the *Inventory*. Method 4 was the default method approved by the Board when staff presented the Facilities Evaluation Program and the first FER to the Board in early 1991. A flowchart depicting all methods is included as Attachment 1.

Method 1:
This method is the most expeditious as it excises the Committee and Board agenda item preparation included as components of the three methods listed below.

- Annual inspections conducted for LEA jurisdiction
- SMS violations documented, Board staff sends facility owner/operator a 90-Day Notice of Intent
- Board staff conducts 90-Day compliance inspection
- "Noticed" violations still exist, site is routinely included in *Inventory*

Staff would prepare an informational item semi-annually which would give the status of the facilities in the *Inventory*.

Pros: The law fully supports automatic listing of facilities in continued violation of SMS.

The maximum time frame between a notation of a violation and inclusion in the *Inventory* would be significantly reduced. The purpose of the *Inventory* is to maintain a current list of facilities which have continuous or repeated violations of State Minimum Standards. The purpose of keeping information current is well served when the process for listing takes less than six months.

As a result of a facility not being the single focus of Committee and Board agendas, the facility and its owner/operator will not be exposed to increased public attention; thus, increasing the cooperative relationships with industry.

The facility owner/operator would be able to present compliance information to the Deputy Director of Permitting and Compliance as evidence that the facility should not be included in the *Inventory* based on compliance with "noticed" violations.

Staff will be able to increase the number of annual State inspections in order to provide for environmentally safe disposal of solid wastes.

The demand on staff time and Board resources would be reduced from that outlined in Methods 2,3, and 4.

Cons: The Board would not be directly involved with the inclusion of facilities in the *Inventory* but would continue to be involved in hearing status reports of the facilities in the *Inventory*.

Method 2:

- Annual inspections conducted for LEA jurisdiction
- SMS violations documented
- Agenda Item presenting facilities with SMS violation(s) to the Permitting and Enforcement Committee
- Agenda Item to full Board to approve 90-Day Notice of Intent
- Board staff conducts 90-Day compliance inspection
- "Noticed" violations still exist, site is routinely included in *Inventory*

Staff would prepare an informational item semi-annually which would give the status of the facilities in the *Inventory*.

Pros: The law fully supports automatic listing of facilities in violation of SMS.

The maximum time frame between a notation of a violation and inclusion in the *Inventory* would be reduced.

The demand on staff time and Board resources would be reduced.

Cons: The facility owner/operator would only present compliance information to the Board during the Consideration of the Intent to Include Notice, rather than at the Consideration of including the facility in the *Inventory*.

The Board would not be directly involved with the inclusion of facilities in the *Inventory,* but would continue to be involved in the 90-Day Notice of Intent determination.

As a result of being the single focus of Committee and Board agendas, the facility and its owner/operator are exposed to increased public attention.

Method 3:

- Annual inspections conducted for LEA jurisdiction
- SMS violations documented, Board staff sends facility owner/operator a 90-Day Notice of Intent
- Board staff conducts 90-Day compliance inspection
- "Noticed" violations still exist, and no protest by operator, site is automatically included in *Inventory*

or,

- "noticed" violations still exist, operator protests inspection results via written request within 10 days
- Agenda item preparation
- An additional verification inspection just prior to Permitting and Enforcement (P&E) Committee meeting
- Board staff brings subject facility in violation of those "noticed" violations to the Board's P&E Committee and then to the full Board as an agenda item
- The facility owner/operator presents compliance information to the P&E Committee and/or Board as evidence that the

facility should not be included in the *Inventory* for "Noticed" violations
- Committee and Board considers staff recommendation to include the facility in the *Inventory*

Note: If a written request is <u>not</u> received within the proscribed time the facility would be included in the *Inventory*. This would be considered an administrative action and would be handled by Board staff.

Pros: A certain amount of due process resulting from an opportunity for appeal of Board staff's inspection results would be afforded the owner/operator of the facility.

An agenda item would only be required when a Board staff finding of non-compliance is appealed by the owner/operator, thus saving staff time and Board resources as compared to Method 4.

Cons: As PRC 44104(b) clearly states that "if, within 90 days of that notice, the violation has not been corrected, the solid waste facility shall be included in the inventory", the consideration by the P&E Committee and the Board are not required by statute.

There would be an increase on staff time and Board resources to develop and present the item first to the Permitting and Enforcement Committee and then the full Board. An additional inspection may be required to verify last-minute compliance. This would require a considerable amount of staff time, and would affect the ability of compliance staff to complete required annual inspections and assist LEAs with compliance objectives.

The time between notation of the violation and inclusion of the facility in the *Inventory* would be extended. The purpose of the *Inventory* is to maintain a <u>current</u> list of facilities which have continuous or repeated violations of State Minimum Standards. The purpose of keeping information current is not served when the process for listing takes months or more than a year.

As a result of being the single focus of Committee and Board agendas, the facility and its owner/operator will be exposed to increased public attention.

Method 4: (Current method)
- Annual inspections conducted for LEA jurisdiction
- Agenda Item (currently as FER) presenting inspection results of facilities with SMS violation(s) to the P&E Committee
- Agenda Item to full Board to approve 90-Day Notice of Intent
- Board staff conducts 90-Day compliance inspection
- Agenda Item preparation
- Additional verification inspection just prior to P&E meeting

- Board staff brings each facility still in violation of "noticed" violations to the Board's P&E Committee and then to the full Board as an agenda item
- P&E Committee and Board consider staff recommendation to include the facility in the *Inventory*

Pros: The Board could either act to accept or reject Board staff's recommendations to issue a 90-Day notice and/or to include the facility in the *Inventory*.

The full Board would make both the initial 90-Day Notice determination and the final determination to include any facility in the *Inventory* thereby giving owners and operator due process not provided for in PRC 44104.

Cons: PRC 44104(b) clearly states that "if, within 90 days of that notice, the violation has not been corrected, the solid waste facility shall be included in the inventory." The use of method 4 may not result in the uniform application of inclusion in the *Inventory*.

This option results in the greatest demand on staff time and Board resources. A Board agenda presentation for each facility or grouping of facilities would increase compliance time frames and would require an additional facility inspection to determine current compliance status of each facility just prior to presentation of the agenda item to the Board. Additional presentations and inspections have not been budgeted for in the program and would adversely affect the ability of staff to assist LEAs and to complete statutorily required annual inspections.

The time when a violation of SMS is first noted and when the facility is finally included in the *Inventory* would be at least six months.

As a result of being the single focus of two separate Committee and Board agendas, the facility and its owner/operator will be exposed to increased public attention.

SUMMARY:

All four methods achieve the same goal and require compliance activities by Board staff and follow-up enforcement action by the LEA and Board staff. Method 4 uses the most resources to accomplish the goal of including facilities which violate State Minimum Standards in the *Inventory*, as outlined in each of the four methods.

Regardless of which method is used, the Board is required by law to prepare and publish the *Inventory* on a semi-annual basis.

Attachment:

1. Flowchart of Enforcement Inventory Options

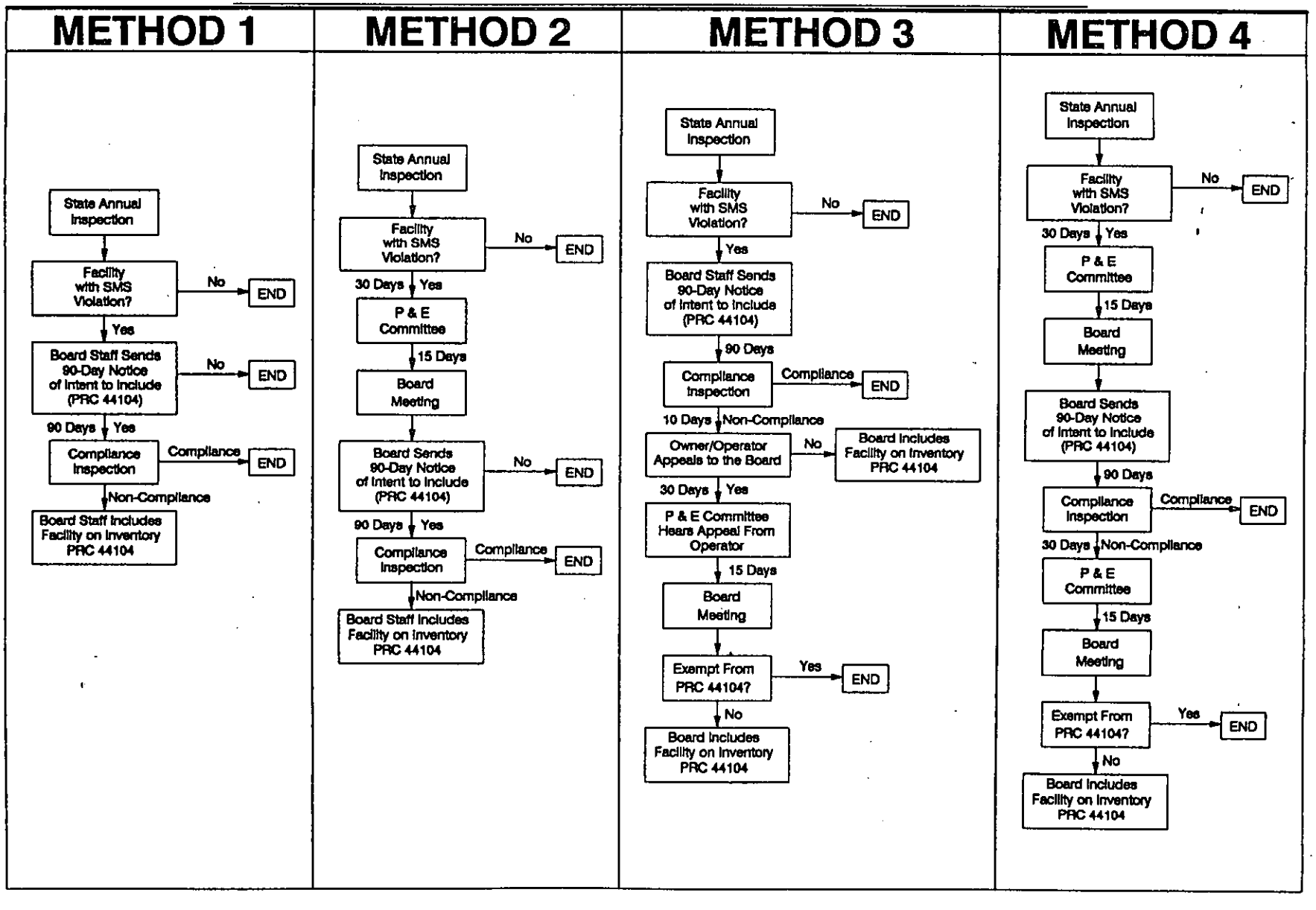
Prepared by: SA for Mark deBie/Sharon Anderson SA 4/14 Phone: 255-2465

Reviewed by: SA for John Bell/Martha Vazquez Phone: 255-2431

Legal review: R Date/Time: 9/14 2000

Enforcement Flowchart Revision

ATTACHMENT 1



182

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

PERMITTING AND ENFORCEMENT COMMITTEE

April 22, 1992

AGENDA ITEM 12

ITEM: Consideration of Approval of the Permit Desk Manual

BACKGROUND:

Chronology

- On June 19, 1991, the Board awarded a contract for the rewrite of the 1989 edition of the Permit Desk Manual.

- On October 1, 1991, the contractor provided Board staff with the first draft of the Manual. Staff reviewed the draft and provided the contractor with comments.

- On January 24, 1992, the contractor provided Board staff with a second draft of the Manual. Copies of the second draft were distributed to Board Advisors, staff, and to the Members of the Enforcement Advisory Council (EAC). The intent of the distribution was to solicit comments from all recipients of the draft manual during the EAC meeting on February 21, 1992.

- During the EAC meeting on February 21, 1992, the matters of the Permit Desk Manual were discussed as agenda item and comments were received from several members. The members also voted in support of the adoption of the Manual by the Board during its March, 1992 meeting.

- The consideration of approval of the Manual by the Board's Permitting and Enforcement Committee during its March 11 meeting was postponed due to time constraints.

- The delay has allowed additional time for the solicitation of further comments from Local Enforcement Agencies (LEAs). Copies of the draft manual have been mailed to LEAs on request and comments are expected by April 20, 1992.

- The contract has been agumented by $14,678 to cover the costs of addressing anticipated comments, as well as conducting workshops. This brings the total cost for the project to $50,000, which does not exceed the amount the Board approved initially. After the Manual has been finalized, three workshops will be held at three different locations in the State for LEA training on the use of the Manual.

DISCUSSION: The Permit Desk Manual is one of the many tools the Board uses to communicate and transmit new statutory and regulatory mandates and policies to the LEAs and Operators of solid waste facilities. By issuing the Permit Desk Manual the Board contributes to the education of the LEAs and the regulated community, thus improving the efficiency and the effectiveness of the execution of the review and preparation of Solid Waste Facilities Permits and supporting documentation. Existing and future solid waste facilities operators use the Manual as guidance in the preparation of Solid Waste Facilities Permit applications.

The Board, during the June 19, 1991 meeting, awarded a contract for $35,322 to Bryan A. Stirrat & Associates for the rewrite of the 1989 edition of the Permit Desk Manual. The contract was signed by the Chairman of the Board on June 20, 1991 and by Mr.Bryan A. Stirrat, of Bryan A. Stirrat & Associates, on June 25, 1991. Contract work for the Permit Desk Manual commenced on August 1, 1991 and has progressed well. Board staff have met with the contractor several times since the commencement of the work to discuss the form and content of the Manual and the various other aspects of the contract. Copies of the first draft of the Manual were submitted to Board staff for review and comments on October 1, 1991. Staff reviewed the draft and comments were forwarded to the contractor on October 31 and November 6, 1991.

Copies of the second draft of the Manual were provided by the contractor on January 24, 1992. These copies were reproduced and distributed to Board Advisors, staff, and to all members of the EAC for review and comment. The matter of the Permit Desk Manual was discussed as a potential Board agenda item during the EAC meeting on February 21, 1992. At the meeting, comments were received from several members and the members voted to support the Board adoption of the Manual during its March 1992 meeting.

The Desk Manual contains detailed information on the following topics:

1. Permitting a Solid Waste Facility
2. Solid Waste Facility Permit Applications
3. Reports of Facility Information
4. Periodic Site Review
5. Review of Permits

6. Information to be Contained in a Solid Waste Facilities Permit

7. Exclusions and Exemptions

8. Title 14, California Code of Regulations

9. California Integrated Waste Management Statutes

Because of the increasing complexity of the solid waste facilities permitting process, LEAs, Operators, and consultants are looking forward to the completion and adoption of the revised Permit Desk Manual.

STAFF RECOMMENDATION:

Adopt and approve the distribution of the Permit Desk Manual.

Prepared by: Tadese Gebre-Hawariat TGH. R. Stevens 4/13/92 Phone: 255-2438

Reviewed by: Martha Vazquez Phone: 255-2454

Legal review: KFC Date/Time: 4/14 0932

California Integrated Waste Management Board

PERMITTING AND ENFORCEMENT COMMITTEE

April 22, 1992

Agenda Item 13A

ITEM: Discussion and Consideration of Board Policy Implementing Public Resources Code Section 44009, Which Requires The Board To Object to the Issuance of a Solid Waste Facility Permit If The Facility Would Prevent or Substantially Impair the Achievement of the Waste Diversion Requirements Mandated By Public Resources Code Section 41780.

BACKGROUND:

The Integrated Waste Management Act of 1989 (Act) has refocused the State's solid waste planning from traditional landfilling to an integrated approach of source reduction, resource recovery and landfilling. This redefinition of solid waste management necessitated the creation of a new comprehensive planning process. Previously adopted County Solid Waste Management Plans (CoSWMPs) no longer had any force or effect on or after January 1, 1990. Replacing CoSWMPs are Countywide Integrated Waste Management Plans (CoIWMPs) which focus on all aspects of solid waste management as part of a planning process to divert 25% of the solid waste stream from landfilling and transformation by 1995 and 50% by the year 2000.

The developmental period for a CoIWMP and all of its elements may range between 2-4 years from the date that the CoSWMPs were no longer in effect. The period of time from which the old CoSWMP ceased to exist and the new CoIWMP is approved by the Board is referred to as "The Gap." The Gap period is unique in that no local planning process exists within which to guide facility planning and siting decisions. Recognizing the need to establish a link between local planning and the facility siting and permitting process, the Legislature enacted and the Governor signed into law AB 2296, Cortese (Stats. 1990, Chapter 1617).

The Gap legislation fulfilled two needs:

1. where a proposed facility, or expansion of an existing facility, had not been previously incorporated into a locally approved CoSWMP, a process was established to ensure local consideration of the initial site identification and its description; and,

2. for every solid waste facility permit, the Board could not concur in the issuance of the permit if, based upon substantial evidence in the record, a facility would prevent or substantially impair local achievement of the waste diversion mandates in the Act. This provision created the "link" between the local planning process and the solid waste facilities permitting process.

Since the enactment of AB 2296, Board staff have initiated an evaluation of each proposed solid waste facilities permit. Board staff review each proposed permit to determine if evidence of prevention or impairment exists. This evaluation relies primarily upon information contained in the proposed permit and information provided by local planning officials. As the number of draft Source Reduction and Recycling Elements (SRREs) submitted to the Board for review and comment has increased, additional information has been available to enable staff to comment on the more specific aspects of local waste diversion programs. It is very important to note that the draft SRREs may not have yet been adopted locally at the time of submittal to the Board for review and the information contained in the SRREs could change significantly through the local approval process.

DISCUSSION:

The purpose of the Board's consideration of whether a facility "prevents or substantially impairs" the achievement of the mandatory waste diversion levels ensures that a local community has properly considered its obligation to plan and implement waste diversion programs. Without developed planning documents to guide the siting and scope of new or expanded solid waste facilities, it may be difficult for communities to project whether proposed projects would prevent or impair the achievement of the statutory waste diversion mandates. New or expanded solid waste facilities require large capital outlay and commitment which may not feasibly be modified in order to accommodate increased levels of diversion.

The Board is not required by statute to make a determination that each facility does or does not prevent or substantially impair the achievement of the waste diversion mandates. Rather, if substantial evidence is entered into the record, and the Board concurs that the evidence of prevention or impairment is substantial, then the Board may not concur in the issuance of the solid waste facilities permit.

By not requiring the Board to make a determination for each facility permit, the statute relies upon local government, the regulated community, interest groups and Board staff to bring any significant issues forward in the record which should be considered. The statute does not require that the Board evaluate each facility and assess the positive contribution that it would

make towards waste diversion. In other words, if the evidence in the record does not establish prevention or impairment, but does establish that a facility may not be diverting as much waste as possible, these facts alone would not be grounds for objecting to the permit. The requirement to divert solid waste from disposal to meet the statutory mandate is not a requirement for each facility; rather each jurisdiction must ensure that based on all its existing and planned programs and facilities, that it will be able to comply with the mandates.

Board staff have identified the informational criteria which should be gathered in order to evaluate whether a facility prevents or substantially impairs the achievement of the statutory waste diversion mandates. The criteria include:

- the permitted daily tonnage at the proposed facility;
- the fraction of the permitted daily tonnage which originates in the jurisdiction in which the facility is located;
- the quantity (expressed in tons) of solid waste generated by the jurisdiction in which the facility is located and which, based upon 1990 base year generation calculations, is destined for disposal;
- identification of any controlling agreements or contracts associated with the proposed facility which would commit a specific quantity of solid waste to be handled at the proposed facility and what that specific quantity is;
- the quantity of solid waste (expressed in tons) which would need to be diverted in order for the jurisdiction to achieve 25% and 50% waste diversion;
- identification of existing or proposed activities in a SRRE which are planned in order for the jurisdiction in which the facility is located to achieve 25% and 50% waste diversion; and,
- an identification of the waste management alternatives which the jurisdiction proposes to implement to satisfy the mandates of Public Resources Code Section 41780 if no SRRE has been prepared and no specific waste diversion activities have been proposed.

Based upon the information, it will be possible to identify whether conditions exist which would adversely impact a jurisdiction's ability to achieve the statutory waste diversion mandates. Such adverse conditions could include the following:

- That the facility serves a single jurisdiction and there are no opportunities for waste diversion prior to handling at the proposed facility; and, the proposed facility does not incorporate any waste diversion activities as a part of its day-to-day operations.

- That the proposed facility has been targeted by the jurisdiction in which it resides for implementation of a significant portion of its diversion activities and the proposed permit does not reflect these activities.

- That the proposed facility does not incorporate waste diversion activities and, based upon permit or other contractual arrangements or agreements, would restrict the flow of waste in the jurisdiction from alternate facilities incorporating waste diversion.

- That the locally adopted (or draft) SRRE designates specific waste diversion activities to be implemented at the proposed facility and the proposed permit for the facility does not include the specific activities, referenced in the plan, within the permitted boundaries of the facility.

ANALYSIS:

Facility planning and implementation is a lengthy process, commencing with local siting and land use activities. Most of the local decision points in establishing or expanding a facility offer opportunities for interested local officials, the regulated community and the public to examine a facility's impact on the local jurisdiction's waste diversion needs. The solid waste facilities permit, the final decision point in the process, serves as an umbrella permit, incorporating local and state conditions into the final operating permit. Pertinent activities for local and state consideration of waste diversion needs early on should include the following:

<u>Site Identification</u>

The initial siting of a solid waste facility is subject to the requirements of Public Resources Code Section 50000. This section is what is referred to as "The Gap" language.

To date relatively few new facilities have been considered by the Board. When a proposed facility has not previously been identified an a locally approved CoSWMP, one of the two following actions could take place at the local level prior to Board consideration:

1. For solid waste facilities other than material recovery facilities or transfer stations, the proposed facility must be locally approved by the county and a majority of the cities within the county which contain a majority of the population of the incorporated area of the county. A county or city can disapprove the site identification and description of the proposed facility if there is substantial evidence that there will be one or more significant adverse impacts within its boundaries.

This approval process allows for early consideration of the statutory waste diversion levels and determining whether the proposed facility may prevent or substantially impair the achievement of these mandates as an adverse impact.

2. For material recovery facilities and transfer stations[1], the site identification and description must be submitted to the Local Task Force for review and comment. The comments are to include, but are not limited to a consideration of the relationship between the proposed facility and the statutory waste diversion mandates. For purposes of this requirement, a materials recovery facility means a transfer station which, as a condition of its permit, shall recover for reuse or recycling at least 15% of the total volume of the material received by the facility.

Whether or not a facility was previously identified in a locally approved CoSWMP, the city or county in which the site is located must also make a finding that the establishment or expansion of the site is consistent with the applicable General Plan.

CEQA

The California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) does not require that the lead agency for a project specifically address state requirements for waste diversion. While the lead agency for a project may incorporate waste diversion activities into the project as mitigation measures, this would not satisfy the "prevent or substantially impair" or the post-Gap conformance requirements (Public Resources Code Section 50001).

---

[1] This provision applies to transfer stations when a county did not act by February 1, 1991, to adopt a local ordinance which would specify the alternative process identified under action (1) above.

The Board currently reviews and comments on environmental documents prepared in compliance with CEQA as both a reviewing agency and as a responsible agency.

As a reviewing agency, the Board is considered an expert in the area of solid waste management. Board staff provides comments incorporating this expertise on both the impacts of a project and the proposed mitigation measures. As a reviewing agency, Board staff has the latitude to consider a project's impact and proposed mitigation measures for its compatibility with the statutory waste diversion mandates and can propose additional mitigation measures and other suggestions.

As a responsible agency, Board staff provides comments on the impacts and mitigation measures proposed for a project and any additional mitigation measures that should be considered in order to satisfy the specific statutory and regulatory permitting issues that the Board is required to address once the solid waste facilities permit is brought before the Board for consideration.

Local Land Use Requirements

Local decisions regarding proposed land use always occurs prior to the establishment or expansion of a facility being considered for a solid waste facilities permit. In granting use permits, local authorities consider the proposed use of the facility, its compatibility with surrounding uses, impacts of the facility and mitigation measures, construction and operation conditions to address local and state concerns, as well as any other local considerations.

It is not required under local land use requirements that a jurisdiction consider impacts on its ability to achieve the statutory waste diversion levels. However, it is certainly an appropriate time during which the local jurisdiction may wish to consider the compatibility between the proposed facility and the jurisdiction's waste diversion needs. In evaluating the proposed land use, a jurisdiction could look at the specific elements of the project, which may include the project's compatibility with the statutory waste diversion mandates.

Board Concurrence in a Solid Waste Facilities Permit

During "The Gap" period, the opportunity to consider the implementation of diversion activities exists as an element of the Board's requirements prior to concurring or objecting to the issuance of a solid waste facilities permit. A solid waste facilities permit is prepared by the Local Enforcement Agency (LEA) and submitted to the Board for concurrence. During the Board's evaluation it may consider evidence which

has been entered into the record which brings into question whether the proposed facility will prevent or substantially impair the achievement of the statutory waste diversion mandates.

SUMMARY:

Staff evaluation of each permit application has proven time consuming and many times ineffective when the basis for staff's evaluation are draft documents which may have been modified, or clarified, between the time in which a permit application is submitted and the time in which the proposed permit is heard by the Board.

While local governments may not have finalized their planning needs at this stage of their CoIWMP development, ample opportunities do exist for local consideration of the impacts associated with proposed facilities. Whether through local land use deliberations, CEQA, local approvals of site identifications and descriptions, or Local Task Force requirements, local officials are clearly in a more favorable position to evaluate a proposed facility's impacts and its compatibility with local waste diversion needs. It is clearly in the interest of a city or county to ensure that a proposed facility will not prevent or substantially impair its statutory requirement to divert 25% of its solid waste stream from disposal by 1995 and 50% by the year 2000.

Staff proposes that the Board consider the options listed below for fulfilling its obligation under Public Resources Code Section 44009 pertaining to prevention and impairment. Both options support local autonomy in planning for solid waste infrastructure while maintaining the link between the planning process and the solid waste facilities permit process. The first option, which is a voluntary action, would not require the development of regulations for implementation. The second option would expand the findings required to be submitted by the LEA along with a permit application. This option would necessitate that the Board initiate a rulemaking process.

1. LEA Evaluation of the Record

This option would establish specific criteria (similar to those described under "Discussion") which the LEA may elect to evaluate. The LEA could elect to review the record, prior to transmittal of the permit application to the Board, and determine if evidence of prevention or impairment exists in the record based upon the criteria. The LEA would then provide the results of its evaluation in a cover letter transmitting the solid waste facilities permit application to the Board. The LEA would not make a determination if the evidence that exists is substantial. Rather, the LEA would evaluate whether any evidence that exists falls within the criteria specified by the Board.

If the LEA elected not to exercise this option, Board staff would perform the evaluation based upon the same criteria. If either the LEA or Board staff determine that evidence, based upon the criteria, exists in the record, the Board would evaluate the evidence and whether it was "substantial" during consideration of the permit item.

2. Local Planning Determination

This option would require that the permit application include a specific finding, from the city or county entity responsible for preparation of the CoIWMP (generally the local Planning Department), as to whether the facility does or does not prevent or substantially impair the achievement of the waste diversion mandates of Public Resources Code Section 41780. During the Board's consideration of a permit application, it may chose to object to the issuance of a permit if this finding is not included.

3. Local Consideration

This option would assume that local consideration of waste diversion needs and the compatibility of a proposed facility with those needs was addressed in the processes leading up to the consideration of a solid waste facilities permit. This option would provide the greatest level of local autonomy and would only necessitate the Board's consideration of prevention or impairment if evidence was presented to the Board by local government, the regulated community, interest groups or the public. Board staff would evaluate that information which was presented based upon the criteria listed under "Discussion." During the Board's consideration of the permit application, it would evaluate the evidence submitted and its applicability to the Board's criteria.

Prepared by: Caren Trgovcich _____ Phone 255-2207

Reviewed by: Ralph Chandler _____ Phone 255-2182

Legal Review: _____ Date/Time 4-15-92 11h00

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

PERMITTING AND ENFORCEMENT COMMITTEE

July 15, 1992

AGENDA ITEM 16

ITEM: Discussion And Consideration Of Approval To Allow First Public Notice For Regulations Implementing Public Resources Code Section 44009, Which Requires The Board to Object to the Issuance of a Solid Waste Facility Permit If The Facility Would Prevent or Substantially Impair the Achievement of the Waste Diversion Requirements Mandated By Public Resources Code Section 41780.

BACKGROUND:

The Integrated Waste Management Act of 1989 (Act) has refocused the State's solid waste planning from traditional landfilling to an integrated approach of source reduction, resource recovery and landfilling. This redefinition of solid waste management necessitated the creation of a new comprehensive planning process. Previously adopted County Solid Waste Management Plans (CoSWMPs) no longer had any force or effect on or after January 1, 1990. Replacing CoSWMPs are Countywide Integrated Waste Management Plans (CoIWMPs) which focus on all aspects of solid waste management as part of a planning process to divert 25% of the solid waste stream from landfilling and transformation by 1995 and 50% by the year 2000.

The developmental period for a CoIWMP and all of its elements may range between 2-4 years from the date that the CoSWMPs were no longer in effect. The period of time from which the old CoSWMP ceased to exist and the new CoIWMP is approved by the Board is referred to as "The Gap." The Gap period is unique in that no local planning process exists within which to guide facility planning and siting decisions. Recognizing the need to establish a link between local planning and the facility siting and permitting process, the Legislature enacted and the Governor signed into law AB 2296, Cortese (Stats. 1990, Chapter 1617).

The Gap legislation fulfilled two needs:

1. where a proposed facility, or expansion of an existing facility, had not been previously incorporated into a locally approved CoSWMP, a process was established to ensure local consideration of the initial site identification and its description; and,

2. for every solid waste facility permit, the Board could not concur in the issuance of the permit if, based upon substantial evidence in the record, a facility would prevent or substantially impair local achievement of the waste diversion mandates in the Act. This provision created the "link" between the local planning process and the solid waste facilities permitting process.

Since the enactment of AB 2296, Board staff have initiated an evaluation of each proposed solid waste facilities permit. Board staff review each proposed permit to determine if evidence of prevention or impairment exists. This evaluation relies primarily upon information contained in the proposed permit and information provided by local planning officials. As the number of draft Source Reduction and Recycling Elements (SRREs) submitted to the Board for review and comment has increased, additional information has been available to enable staff to comment on the more specific aspects of local waste diversion programs. It is very important to note that the draft SRREs may not have yet been adopted locally at the time of submittal to the Board for review and the information contained in the SRREs could change significantly through the local approval process.

DISCUSSION:

At its April 22, 1992, Permitting and Enforcement Committee, Committee members heard extensive testimony concerning the issue of "prevent or substantially impair" and staff options for implementation. Of particular concern was the range of interpretations on the meaning of "prevent or substantially impair." The Committee chose to defer action on this item in order to seek further clarification of this requirement.

Members of the Permitting and Enforcement Committee also met with members of the Legislature to clarify the intent, and the Board's responsibility, in addressing the "prevent or substantially impair" requirement. Specifically, the legislation was intended to focus on circumstances where a substantial portion of the solid waste stream has been committed to a waste management method which does not incorporate waste diversion. The waste stream may be committed either through contracts or other agreements.

Based upon this information and the author's letter to the Journal at the enactment of AB 2296, staff proposed at the June 10 meeting of the Permitting and Enforcement Committee a process for the implementation of the "prevent or substantially impair" provision in the Public Resources Code. The staff proposal is described in the attached proposed regulations.

STAFF COMMENTS:

Staff recommends that the Committee approve submittal of a formal notice of the regulations, implementing the "prevent or substantially impair" provision of the Public Resources Code, for publication in the California Regulatory Notice Register.

Attachment

Prepared By: Caren Trgovcich Phone: 255-2207

Legal Review: _____ Date/Time _____

Proposed Regulations

(Amendments to Title 14, Division 7, Chapter 5, Article 3.1)

Section 18207 Proposed Permit; Board Review

(a) No later than 75 days after filing of the application, the enforcement agency shall provide the board, the applicant, and any person so requesting in writing a copy of the proposed permit. The proposed permit shall contain the conditions the enforcement agency proposes to include in the permit and shall be accompanied by proposed findings to satisfy subsection (a) of Public Resources Code section 44014. The copy of the proposed permit provided the applicant shall also be accompanied by a form request for a hearing, which the applicant may use to obtain a hearing before the hearing panel to challenge any term or condition of the permit.

(b) The LEA shall submit with the proposed permit a written statement on whether there exists contracts or other arrangements requiring the disposal or transformation of solid waste which may otherwise be utilized to achieve the waste diversion mandates specified in Public Resources Code section 41780. The LEA shall include, along with the statement, an identification of any evidence so discovered.

(~~b~~c) The board shall mark the proposed permit or order with the date of receipt at the time the envelope is opened. The board shall consider each proposed permit or order, at a public meeting, at which any person may testify or offer comments. Written comments may be submitted to the board and will become part of the board record of the action. Such written comments shall be made available to the enforcement agency. The board shall either concur in or object to the proposed permit or order. For purposes of meeting the requirements prescribed in section 44009 of the Public Resources Code pertaining to "prevent or substantially impair," the board shall consider the evidence submitted in accordance with subsection (b) above. If the board objects to a proposed permit, it shall accompany its objection with an explanation of its action, which may suggest conditions or other amendments that may render the proposed permit unobjectionable; however, such suggestions do not constitute approval of the proposed permit subject to incorporation of the suggestions.

(~~c~~d) Any solid waste facilities permit issued for any facility accepting hazardous wastes as defined by Health and Safety Code sections 25115 and 25117 shall comply with Health and Safety Code section 25204.

STATE OF CALIFORNIA

Pete Wilson, Governor

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, California 95826

Michael Frost, Chairman
Wesley Chesbro, Vice Chairman
Sam Egigian, Board Member
Jesse Huff, Board Member
Kathy Neal, Board Member
Paul Relis, Board Member

Tuesday, April 28-Thursday, April 30, 1992
meeting of the

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Oakland, California

THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD WILL CONVENE ON TUESDAY, APRIL 28, 1992, AT 1:30 P.M. AT THE WATERFRONT PLAZA HOTEL, TEN WASHINGTON STREET, IN OAKLAND, AND IMMEDIATELY ADJOURN TO A CLOSED SESSION TO DISCUSS THE APPOINTMENT OR EMPLOYMENT OF PUBLIC EMPLOYEES AND LITIGATION UNDER AUTHORITY OF GOVERNMENT CODE SECTION 11126(A) AND (Q), RESPECTIVELY.

NO PUBLIC BUSINESS WILL BE CONDUCTED.

REGULAR MONTHLY BUSINESS MEETING

Wednesday, April 29 and Thursday, April 30, 1992
10:00 a.m. 9:00 a.m.

Alameda County Board of Supervisors Chambers
1221 Oak Street Room 512
Oakland, CA 94612

AGENDA

Note:
- *Agenda items may be taken out of order.*
- *Persons interested in addressing the Board must fill out a speaker request form and present it to the Board's Administrative Assistant on the date of the meeting.*
- *If written comments are submitted, please provide 20 two-sided copies.*

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 first considered.

To comply with legal requirements, this Notice and Agenda may be published and mailed prior to a Committee Meeting where determinations are made regarding which items go to the Board for action. Some of the items listed below, therefore, may, upon recommendation of a Committee, be pulled from consideration by the full Board.

Page

1. CONSIDERATION OF CONSENT AGENDA ITEMS

2. REPORTS OF THE BOARD'S COMMITTEES

3. CONSIDERATION OF CONTRACTS AND INTERAGENCY AGREEMENTS, INCLUDING BUT NOT LIMITED TO, THE NATIONAL INDUSTRIAL COMPETITIVENESS THROUGH ENVIRONMENT, ENERGY, AND ECONOMICS (NICE3) FEDERAL GRANT APPLICATION (INTEGRATED WASTE MANAGEMENT PLANNING COMMITTEE) — 1

4. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR BADLANDS SANITARY LANDFILL, RIVERSIDE COUNTY (PERMITTING & ENFORCEMENT COMMITTEE) — 6

5. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR SANTIAGO CANYON SANITARY LANDFILL, ORANGE COUNTY (PERMITTING & ENFORCEMENT COMMITTEE) — 53

6. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR LOPEZ CANYON LANDFILL, LOS ANGELES COUNTY (PERMITTING & ENFORCEMENT COMMITTEE) — pulled

7. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A NEW SOLID WASTE FACILITIES PERMIT FOR WHITE FEATHER FARMS COMPOSTING FACILITY, RIVERSIDE COUNTY (PERMITTING & ENFORCEMENT COMMITTEE) — 88

8. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR LANCASTER SANITARY LANDFILL AND RECYCLING CENTER, LOS ANGELES COUNTY (PERMITTING & ENFORCEMENT COMMITTEE) — 125 C

9. CONSIDERATION OF THE CERTIFICATION AND DESIGNATION OF THE ENVIRONMENTAL HEALTH DIVISION OF THE RIVERSIDE COUNTY HEALTH DEPARTMENT AS THE LOCAL ENFORCEMENT AGENCY (LEA) FOR RIVERSIDE COUNTY (PERMITTING & ENFORCEMENT COMMITTEE) — 126 C

C = consent agenda

Page

10. CONSIDERATION OF THE CERTIFICATION AND DESIGNATION OF THE CITY OF VERNON HEALTH DEPARTMENT AS THE LOCAL ENFORCEMENT AGENCY (LEA) FOR THE CITY OF VERNON (PERMITTING & ENFORCEMENT COMMITTEE)
pulled

11. CONSIDERATION OF METHODS FOR INCLUDING FACILITIES IN THE INVENTORY OF SOLID WASTE FACILITIES WHICH VIOLATE STATE MINIMUM STANDARDS (PERMITTING & ENFORCEMENT COMMITTEE)
pulled

12. CONSIDERATION OF APPROVAL OF PERMIT DESK MANUAL (PERMITTING & ENFORCEMENT COMMITTEE)
pulled

13. CONSIDERATION OF ADOPTION OF EMERGENCY REGULATIONS AMENDING 14CCR, SECTIONS 18230 THROUGH 18245: FINANCIAL RESPONSIBILITY FOR OPERATING LIABILITY CLAIMS (PERMITTING & ENFORCEMENT COMMITTEE) 131
7 to 5

14. DISCUSSION AND CONSIDERATION OF BOARD POLICY IMPLEMENTING PUBLIC RESOURCES CODE SECTION 44009, WHICH REQUIRES THE BOARD TO OBJECT TO THE ISSUANCE OF A SOLID WASTE FACILITY PERMIT IF THE FACILITY WOULD PREVENT OR SUBSTANTIALLY IMPAIR THE ACHIEVEMENT OF THE WASTE DIVERSION REQUIREMENTS MANDATED BY PUBLIC RESOURCES CODE SECTION 41780 (PERMITTING & ENFORCEMENT COMMITTEE)
pulled

15. CONSIDERATION OF DELEGATION OF AUTHORITY TO THE EXECUTIVE DIRECTOR FOR REQUESTS FROM STATE AGENCIES TO RETAIN MONIES DERIVED FROM THE SALE OF RECYCLABLES (ADMINISTRATION COMMITTEE) 139
C

16. CONSIDERATION OF AB 4 (GOVERNMENT PROCUREMENT) REPORT TO THE LEGISLATURE (MARKET DEVELOPMENT COMMITTEE) not on consent.

17. CONSIDERATION OF REPORT TO THE LEGISLATURE: TIRE RECYCLING PROGRAM ANNUAL REPORT (POLICY, RESEARCH & TECHNICAL ASSISTANCE COMMITTEE) 144
C

18. CONSIDERATION OF INTERIM STATEWIDE LANDFILL CAPACITY REPORT (POLICY, RESEARCH & TECHNICAL ASSISTANCE COMMITTEE) 149

C 19. CONSIDERATION OF STATE LEGISLATION - AB 181 (TANNER); AB 2393 (CORTESE); AB 2446 (EASTIN); AB 2920 (LEE); AB 3073 (SHER); AB 3434 (CLUTE); SB 1346 (MCCORQUODALE); SB 1523 (KILLEA); SB 1546 (CRAVEN); SB 1668 (BERGESON) (LEGISLATION & PUBLIC AFFAIRS COMMITTEE) 153
C except AB 3434 SB 1546

20. CONSIDERATION OF FEDERAL LEGISLATION (LEGISLATION & PUBLIC AFFAIRS COMMITTEE) 211

21. CONSIDERATION OF PETITION FOR REDUCTION IN THE SOURCE REDUCTION AND RECYCLING ELEMENT DIVERSION REQUIREMENTS FOR THE CITY OF SAN JUAN BAUTISTA, SAN BENITO COUNTY (INTEGRATED WASTE MANAGEMENT PLANNING COMMITTEE) 230
C

C = consent agenda

THE FOLLOWING ITEM WILL TAKE PLACE WEDNESDAY EVENING, APRIL 29, 1992:

22. RECEPTION HOSTED BY THE ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY AT THE WATERFRONT PLAZA HOTEL, OAKLAND

THE FOLLOWING ITEMS, ALONG WITH ANY HOLDOVER ITEMS ABOVE WILL BE HEARD BY THE BOARD ON THURSDAY, APRIL 30, 1992:

23. PRESENTATIONS BY LOCAL OFFICIALS

24. OPEN DISCUSSION

25. 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
8800 Cal Center Drive
Sacramento, CA 95826

Pat Chartrand
(916) 255-2156

NOTICE - SOUTHERN CALIFORNIA COMPOSTING REGULATORY WORKSHOP

The California Integrated Waste Management Board will be holding a composting regulatory workshop on Monday, April 27, 1992, starting at 10:00 a.m. at the Board Room of the Los Angeles County Sanitation Districts, 1955 Workman Mill Road, Whittier, California. The public will be invited to give testimony at the workshop to aid the Board in the development of composting regulations. This workshop will follow up on the Composting Workshop held in Sacramento on December 17, 1991. For more information, please contact Michael Finch at (916) 255-2413.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, California 95826

Michael Frost, Chairman
Wesley Chesbro, Vice Chairman
Sam Egigian, Board Member
Jesse Huff, Board Member
Kathy Neal, Board Member
Paul Relis, Board Member

ADDENDUM

Tuesday, April 28-Thursday, April 30, 1992
meeting of the

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Oakland, California

REGULAR MONTHLY BUSINESS MEETING

Wednesday, April 29 and Thursday, April 30, 1992
10:00 a.m. 9:00 a.m.

Alameda County Board of Supervisors Chambers
1221 Oak Street Room 512
Oakland, CA 94612

THE FOLLOWING ITEM HAS BEEN ADDED TO THE AGENDA AS #23A FOR THE REGULAR MONTHLY BUSINESS MEETING ON APRIL 29 AND 30, 1992:

Page 241

23A. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR KELLER CANYON, CONTRA COSTA COUNTY (PERMITTING & ENFORCEMENT COMMITTEE)

set to be heard at 2:00 P.M. 4/29/92

For further information contact:
INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, CA 95826

Pat Chartrand
(916) 255-2156

California Integrated Waste Management Board

April 29-30, 1992

Agenda Item #3

ITEM: Consideration of Contracts and Interagency Agreements, including but not limited to, NICE3 Federal Grant Applications

COMMITTEE ACTION:

This item was heard at the IWM Planning Committee meeting on April 9, 1992. The Committee approved the item with the stipulation that there must be Board approval before the applications are submitted to the US Department of Energy.

BACKGROUND:

The Board recently received notice that federal grants are available through the "National Industrial Competitiveness through Environment, Energy, and Economics" (NICE3). The application deadline is April 30, 1992.

NICE3 is a joint cost-sharing program of the US Department of Energy (the lead), the US Environmental Protection Agency, and the US Department of Commerce. The program's goal is to improve industrial energy efficiency and to reduce costs and emissions to the environment. The program will demonstrate new technologies for pollution prevention, for improving energy efficiency, and for overcoming barriers to pollution prevention. The program offers grants of up to $400,000 per project to states to support their development and implementation of new processes and equipment which can significantly reduce high-volume industrial wastes, conserve energy and energy-intensive feedstocks, and improve the cost-competitiveness of industry. Grant award is expected to be in late 1992.

FY 91-92 is the second year of the pilot NICE3 program. This year there is a total of $1.4 million in grants which can be awarded to seven states (California, Illinois, Louisiana, New Jersey, New York, Ohio, and Texas). Awards are made through the states which must provide at least a 50% match. A combination of state and industry funds can be provided to obtain the matching funds.

The program targets four industries by SIC Code:

- SIC Code 26 - Paper
- SIC Code 28 - Chemicals
- SIC Code 29 - Petroleum and Coal Products
- SIC Code 33 - Primary Metals

Other industries can be targeted by applicant states if they can demonstrate outstanding opportunity for enhancing the competitiveness of the industries.

The program is currently soliciting grant proposals which focus on simultaneous reduction in industrial energy use and pollution and improved economics of production. Selected projects can include those which develop and test strategies for overcoming regulatory and other barriers to implementation of new technologies.

The intent of the program is to provide highly-leveraged funding to get innovative project demonstrations implemented in industry, not to do lengthy research. Thus, the grants are seed money to offset start-up risk of new pollution prevention technologies, and subsequent funding is expected to be provided by the affected industries. Projects may be funded for up to three years with funds being released subject to work progress.

Industrial support is required. The support can be through cost-sharing or other significant participation which shows a substantial interest in the proposed project. One or more industrial organization or trade association can provide this support.

Selection criteria for the grants are based on how well the proposed project would increase economic competitiveness of the industry by reducing costs through energy conservation and pollution prevention. To be selected, a project must:

- be innovative
- demonstrate cost-effectiveness
- save energy
- result in a net reduction in process waste generation
- decrease the overall cost per unit of production

Selected projects should also show potential for other benefits to the US, outside the affected industry, if the innovative project is widely implemented.

ANALYSIS:

Staff has developed two proposals for grant applications. Both deal with aspects of improving the recycled paper industry.

(1) <u>Mixed Waste Paper Recycling Technology Demonstration</u> - This project would demonstrate how a typical paper production facility can substitute postconsumer mixed waste paper for up to 40% of its raw material fiber input. If fully implemented, technologies for using 40% mixed waste paper fiber would provide domestic markets

for 11,000 TPY of mixed waste paper for each 100 tons per day of mill capacity. Raw material costs would be reduced by $280,000 annually, and energy savings would be 13 billion btu per year. The avoided disposal cost of the diverted mixed waste paper is estimated at $288,000 annually.

The budget for this project is $310,000. The grant proposal requests $100,000 from NICE3. The remainder would be provided by the CIWMB ($110,000) and participating industry ($100,000). Most ($80,000) of the Board's share would come from the "1994 Paper Study" contract which would materially contribute to the success of this project. The other $30,000 of the Board's share would be for project staffing (est. 0.4 PY spread over three years). Industry participation would be advertised for through an RFP expected to be released in January, 1993. The project would be completed with a report of Board findings in January, 1996.

The project would be directed by Tim Dunn and staffed by Jerry Hart (Markets Development Branch, Planning and Assistance Division).

(2) Recycled Papermill Siting Study - This proposal would identify potential locations in California for recycled papermills. The study would assess such factors as availability of water and other inputs, access to transportation, proximity to feedstock supplies, and regulatory constraints in identifying potential mill locations.

California currently disposes at least 42 million tons of municipal solid waste annually, with paper comprising approximately 28 percent of the waste stream and the largest category of waste disposed. If all paper waste diversion were to be achieved through recycling, if there were no increases in waste generation due to population increases, and if there were no changes in waste stream composition, the State could expect to need mill capacity to absorb 3.5 MTPY of waste paper in 1995 and 7.0 MTPY in 2000. Some of that capacity will be found in export markets and at domestic mills in other states. However, it is prudent for California to develop its own mill capacity to the extent possible.

Currently it is unknown how much additional mill capacity can be sited in California given the many institutional and other barriers to be overcome. Assuming that this project can find potential sites for half of the Year 2000 expected mill capacity need, this project offers the following benefits:

- diversion of 3.5 MTPY of waste paper from landfill disposal
- reduction in energy consumption of 1.25 trillion btu

- a savings to industry of $27 million annually in raw material costs

- a savings to California of $28 million annually in avoided disposal costs.

This project also offers several benefits to the Board's efforts to prepare a Market Development Plan. It would satisfy one of the proposed objectives of the statewide plan: to determine optimum locations for recycled paper mills. The project would provide insights for development of joint agency (Commerce, OPR, Cal/EPA, ARB, SWRCB, and CIWMB) processes to facilitate siting of recycled paper mills. Finally, project funding would be used to produce a guidance book that describes for the paper industry the availability of incentives, the State's various "zone" programs, state and local permit requirements, CEQA requirements, etc.

The total direct cost of the project will be $325,000. The paper industry participants will provide information regarding recycled papermill technologies, inputs, and production by-products. The Board will provide up to $226,000 in matching funds for the project. This Board's share can be derived from funding of a contract for a study of "Environmental Factors of Recycled Fiber Manufacturing" (max. $150,000; bids and proposals due April 27) and from expenses incurred by the Board in preparing a Market Development Plan for California. The remaining $99,000 of the project funds will be provided by NICE^3 grant funds.

Industry participation and a contract for industrial siting assistance would be advertised for through an RFP expected to be released in January, 1993. The project would be completed in June, 1994. (The Environmental Factors contract portion of the work is scheduled to be completed in June, 1993.)

Assignment of staff to this project has not yet been determined. A Board-established task force to advise on market development for secondary fiber would help oversee this NICE3 project. Task force participants would be drawn from the paper industry, the California Department of Commerce, environmental groups, and local government.

STAFF COMMENTS:

The California Energy Commission is the State liaison for NICE3 grant applications. The proposal for the Mixed Waste Paper Recycling Technology Demonstration has been reviewed by the Commission; Commission staff has indicated that this application will be forwarded to the US DOE with a letter of support.

Commission staff has offered to help develop the grant application for the Recycled Papermill Siting Study. A copy of the draft application for this study will be sent to the Commission for review. The proposal discussed at the Board meeting will be one which incorporates suggestions made by Commission staff to make the application more competitive.

Approval of the grant applications is needed at the April 29 Board meeting in order to meet the April 30 deadline for submitting the applications to the US Department of Energy office in Oakland.

Prepared by: Carole Brow CB **Phone:** 255-2205

Reviewed by: Don Wallace **Phone:** 255-2185

Legal review: R **Date/time:** 4/16 16L 19.

c:\brow\nice3\nice3bd.apr

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

April 29, 1992

AGENDA ITEM 4

ITEM:	Consideration of Concurrence in the Issuance of a Revised Solid Waste Facilities Permit for the Badlands Sanitary Landfill, Riverside County
COMMITTEE ACTION:	On April 22, 1992, the Permitting and Enforcement Committee voted unanimously in favor of consideration in the issuance of Solid Waste Facilities Permit No. 33-AA-0006.

BACKGROUND:

Facility Facts

Project:	Revised Solid Waste Facilities Permit to increase the permitted tonnage from 440 to 1400 tons per day
Facility Type:	Area Fill
Name:	Badlands Sanitary Landfill Facility No. 33-AA-0006
Location:	31125 Ironwood Avenue Moreno Valley, Riverside County
Setting:	Surrounding land use is open space and includes a portion of De Anza Cycle Park
Operational Status:	Active facility with a remaining site life of 15 years
Permitted Daily Capacity:	1400 tons per day
Volumetric Capacity:	13,680,000 cubic yards
Area:	141 acre portion of 1081 acre parcel
Owner:	County of Riverside
Operator:	County of Riverside Waste Management Department
LEA:	County of Riverside Department of Health

SUMMARY:

Site History The Badlands Sanitary Landfill began accepting wastes in 1978, but was not permitted by the Local Enforcement Agency (LEA) until June 21, 1979. A Solid Waste Facilities Permit (SWFP) was concurred in by the CIWMB on July 20, 1979. The daily average disposal rates for the past four years have been: 1987 - 210 tons per day (tpd), 1988 - 343 tpd, 1989 - 410 tpd, and 1990 - 416 tpd. It is estimated that there are 930,000 tons of waste in place. As of January, 1992, the remaining capacity was estimated to be 6.73 million tons, or approximately 13.68 million cubic yards. The site is scheduled to remain in service until the year 2006.

The area of the facility is 1081 acres, of which 141 acres are being developed as a single Waste Management Unit. Of the 141 acres, 33 acres are currently under fill. The proposed permit would increase the allowable daily tonnage from 97 to 1400 tons per day. Currently, the site is accepting approximately 440 tons per day. This increase in tonnage per day is a violation of the terms and conditions of the permit, Public Resources Code (PRC) Section 44014(b). The tonnage increase has been addressed by the LEA as a significant change through the issuance of a Notice and Order (N&O) on December 1, 1989, stating that a revised permit is needed to remain in compliance with the PRC. The original N&O set a 270 day deadline for the operator to acquire a revised permit. An additional 120 day extension was granted on September 1, 1990.

The facility currently serves the Moreno Valley area. It only accepts non-hazardous solid waste that includes: municipal solid waste, approved agricultural wastes, construction/demolition wastes, tires, approved industrial wastes, inert materials, dead animals, and contaminated soils that have been cleared for disposal by the local Regional Water Quality Control Board (RWQCB).

The land surrounding the Badlands landfill consists of vacant open space, mountains ranging from 2000-2400 feet, low density residential uses (mobile homes), and the De Anza motorcycle park.

Compliance History The facility is currently operating under Waste Discharge Requirements (Board Order No. 91-105) adopted by the Santa Ana Regional Water Quality Control Board on July 16, 1991. A Cleanup and Abatement Order (C & A No. 91-69) was signed by the Executive Officer of the RWQCB on June 24, 1991. The Cleanup and Abatement Order to the site required the following conditions:

1. Sloping all surfaces of the landfill to promote rapid drainage away from and off of the landfill. This will prevent ponding and infiltration of water into the refuse.

2. Installing downspout pipes or equivalent features to allow flow of water from the top of the landfill without causing erosion into refuse, which can result in large amounts of water entering the refuse.

3. Designing the above two features to carry rainwater which would result from a maximum intensity storm.

The Cleanup and Abatement Order stipulated a November 29, 1991 deadline for compliance. The operator has performed a significant amount of work in grading the land around the fill area in order to mitigate the impacts of stormwater on the site. CIWMB staff performed an inspection of the site on March 19, 1992 and observed the operator using equipment to bring the site into compliance with drainage and erosion violations. The operator was complying with the Stipulated Order of Compliance issued on October 24, 1991, working diligently to correct the drainage problems on site. The CIWMB staff commend the operator and the LEA on making progress toward bringing the site into full compliance.

On March 19, 1992, CIWMB staff further documented violations with State Minimum Standards for solid waste handling. Specifically, the three violations of Title 14, Chapter 3 of the California Code of Regulations (CCR) were noted by Board staff and include:

Section 17658 - Site Security
Section 17708 - Drainage and Erosion Control
Section 17710 - Grading of Fill Surfaces

Several motorcycle tracks were observed at the landfill. The De Anza motorcycle park is near the landfill and unauthorized entry by motorcyclists is a continuing problem. The dirt berm that had been built by the operator to discourage unauthorized entry by motorcyclists was washed away by the recent heavy rains.

On the second lift's bench (southeast side of the fill) cover was eroded and waste was exposed. In addition, the bottom of the downdrain needs to be repaired. Furthermore, the grading of the same bench was still based on previous drainage plans. Since the drainage plan has been redesigned, the downdrain at the

base of the grade was removed, causing erosion down to waste in this area. The inspector noted that the operator was repairing this problem on the day of the inspection.

On March 19, 1992, Board staff also documented a violation of PRC Section 44004 - Significant Change. The site was receiving an average of 273 tons per day (tpd) of waste while permitted to receive a maximum of 97 tpd. This violation had previously been documented by the LEA in September, 1989 and resulted in the above described Stipulated Order of Compliance.

Summary of Permit Consideration Issues A recommendation regarding Board concurrence in the proposed permit is not included as part of this agenda item. Board staff have determined that violations of State Minimum Standards were documented at this facility prior to Board consideration of the proposed permit. Upon issuance of the revised permit, the violation of PRC Section 44004 will be remedied. The status of the State Minimum Standards violations at this site will be addressed by the LEA during the April 29, 1992 Board meeting.

Project Description The area fill method is used at this facility. Incoming wastes are identified by type at the weighing scale, a fee is collected at the fee collection building, and then the wastes routed to the active work face for unloading. Wastes are unloaded under the scrutiny of the traffic director and are then spread and compacted in layers. At the end of each operating day, the active cell is covered with six inches of compacted soil. Cells form progressing terraces until the grades defined by the site grading plan are established.

The facility is open from 8:00 a.m. to 4:30 p.m., Monday through Saturday. Operations are not conducted before sunrise or after sunset.

Environmental Controls The landfill surface is drained by maintaining a drainage gradient and by drainage ditches on the side of the landfill to convey off-site runoff away from filled areas.

Erosion is generally controlled by regulating the velocity of rainfall runoff. The intermediate cover of the landfill is graded to drain nuisance sheet flow. During more severe storms, compacted dirt cover is susceptible to erosion. Interceptor berms and other methods of surface control are used to minimize erosion by cutting off long reaches of flow to drain into strategically located downdrains, thus reducing the resultant flow rate and velocity.

Refuse is pushed, compacted and covered throughout the day in order to minimize odors from the landfill. Fugitive dust is mitigated through the use of a 4000 gallon water truck fitted with spray discharge nozzles. The water for dust control is obtained from a fire hydrant located on the corner of Ironwood Avenue and Theodore Street. No significant numbers of vectors have been observed at the site to date; however, with the increase in tonnage in the future the operator will pay close attention to keeping all of the refuse covered as soon as it is placed. The operator has hired Refuse Control Coordinators to take care of any potential litter problems.

There are four groundwater monitoring wells installed at the site, and seven gas probes. The groundwater wells are sampled on a quarterly basis, and the Riverside County Waste Management Department has commissioned a study to determine the hydrogeologic conditions at the site.

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. The permit was originally submitted on February 25, 1992; however, the LEA resubmitted the permit on March 4, 1992. The last day for the CIWMB to act on this permit is May 4, 1992.

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 Riverside 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 Riverside County General Plan. Board staff agrees with said finding.

3. Consistency with Waste Diversion Requirements

Board Planning and Assistance Division staff evaluate proposed permits, pursuant to PRC 44009, to determine if the proposed project would impair or substantially prevent the achievement of waste diversion goals. Based on considerations of available information, staff determined that the issuance of the proposed permit would neither prevent nor substantially impair achievement of mandated waste diversion goals. The analysis used in making this determination is included as Attachment 4.

4. California Environmental Quality Act (CEQA)

State law requires the preparation and certification of an environmental document and Mitigation Monitoring and Implementation Schedule (MMIS). The Riverside County Planning Department prepared a Negative Declaration (ND) (SCH # 90020749) for the proposed project. As required by CEQA, the ND identified the potential adverse environmental effects and appropriate mitigation measures for the proposed project. The Riverside County Planning Department approved the Negative Declaration and filed a Notice of Determination on November 19, 1990.

A Mitigation Monitoring and Implementation Schedule (MMIS) has been submitted to the Board. Potential environmental impacts and mitigation measures associated with the site's operations are identified and incorporated into the MMIS (Attachment 5).

After reviewing the environmental documentation for the project, Board staff has determined that CEQA has been complied with, and that the ND is adequate and appropriate for the Board's use in evaluating the proposed project. The Notice of Determination for the Negative Declaration is included as Attachment 8.

5. Compliance with State Minimum Standards

On March 19, 1992, CIWMB staff conducted an inspection of the Badlands Sanitary Landfill in conjunction with the LEA. The facility was in violation of PRC Section 44004 - Significant Change. Upon issuance of the revised permit, the violation of PRC Section 44004 will be remedied. The facility was also in violation with State Minimum Standards for solid waste handling.

Specifically, the three violations of Title 14, Chapter 3 of the California Code of Regulations (CCR) were noted by Board staff and include:

Section 17658 - Site Security
Section 17708 - Drainage and Erosion Control
Section 17710 - Grading of Fill Surfaces

Several motorcycle tracks were observed at the landfill. The De Anza motorcycle park is near the landfill and unauthorized entry by motorcyclists is a continuing problem. The dirt berm that had been built by the operator to discourage unauthorized entry by motorcyclists was washed away by the recent heavy rains.

On the second lift's bench (southeast side of the fill) cover was eroded and waste was exposed. In addition, the bottom of the downdrain needs to be repaired. Furthermore, the grading of the same bench was still based on previous drainage plans. Since the drainage plan has been redesigned, the downdrain at the base of the grade was removed, causing erosion down to waste in this area. The inspector noted that the operator was repairing this problem on the day of the inspection.

6. Conformance with Closure and Post-Closure Maintenance Plans

A Preliminary Closure and Post-Closure Maintenance Plan must be submitted to the CIWMB by June 30, 1994. Riverside County Waste Management Department established an Enterprise Fund and Escrow Agreement as a Financial Assurance Mechanism for the costs of Closure and Postclosure Maintenance for the Badlands Sanitary Landfill. The mechanism meets the requirements of Title 14, California Code of Regulations (CCR), Division 7, Chapter 5, Article 3.5, Section 18285 for providing adequate financial assurance. The CIWMB Financial Assurance Section staff report is included as Attachment 7.

DISCUSSION:

The LEA has submitted a proposed permit to the Board. Because a Solid Waste Facilities Permit has been proposed, the Board must either object to or concur with the proposed permit as submitted by the LEA. Staff has reviewed the proposed permit and its supporting documentation and have found that the proposed permit is acceptable for consideration of concurrence. However, staff

remain concerned about the status of the State Minimum Standards violations at the site. In addition, the site is currently operating under a C&A Order for drainage and erosion control problems at the site. Staff have determined that the current and continuing remediation work performed by the operator to correct deficiencies cited by the RWQCB has been adequate to satisfy the requirements of the June 1991 Cleanup and Abatement Order.

The LEA will discuss the progress made in correcting the violations of State Minimum Standards noted during the March 19, 1992 inspection at the April 29, 1992 Board meeting.

BOARD OPTIONS:

The Board has three possible options in the consideration of the proposed Solid Waste Facilities Permit for the Badlands Sanitary Landfill.

1. The Board may concur in the proposed permit as submitted by the LEA. This option would be appropriate if the State Minimum Standards violations have been corrected and are certified as such by the LEA. In addition, the progress of work in response to the C&A is deemed adequate to meet the requirements of State standards, pursuant to PRC Section 44009.

2. The Board may object to the proposed permit and submit its objections to the permit to the enforcement agency for its consideration. This option would be appropriate if it is determined that the facility is not consistent with State standards pursuant to PRC Section 44009.

3. The Board may take no action on the proposed permit as it was submitted. If the Board elects to take no action and fails to concur or object in writing within 60 days of receipt of the proposed permit from the LEA, PRC Section 44009 states that the Board shall be deemed to have concurred in the issuance of the permit as submitted.

ATTACHMENTS:

1. Location Map
2. Site Map
3. Permit No. 33-AA-0006
4. AB 2296 Conformance
5. Mitigation Monitoring and Implementation Schedule
6. LEA correspondence waiving 60 day requirement
7. CIWMB Financial Assurance Section memo
8. Notice of Determination

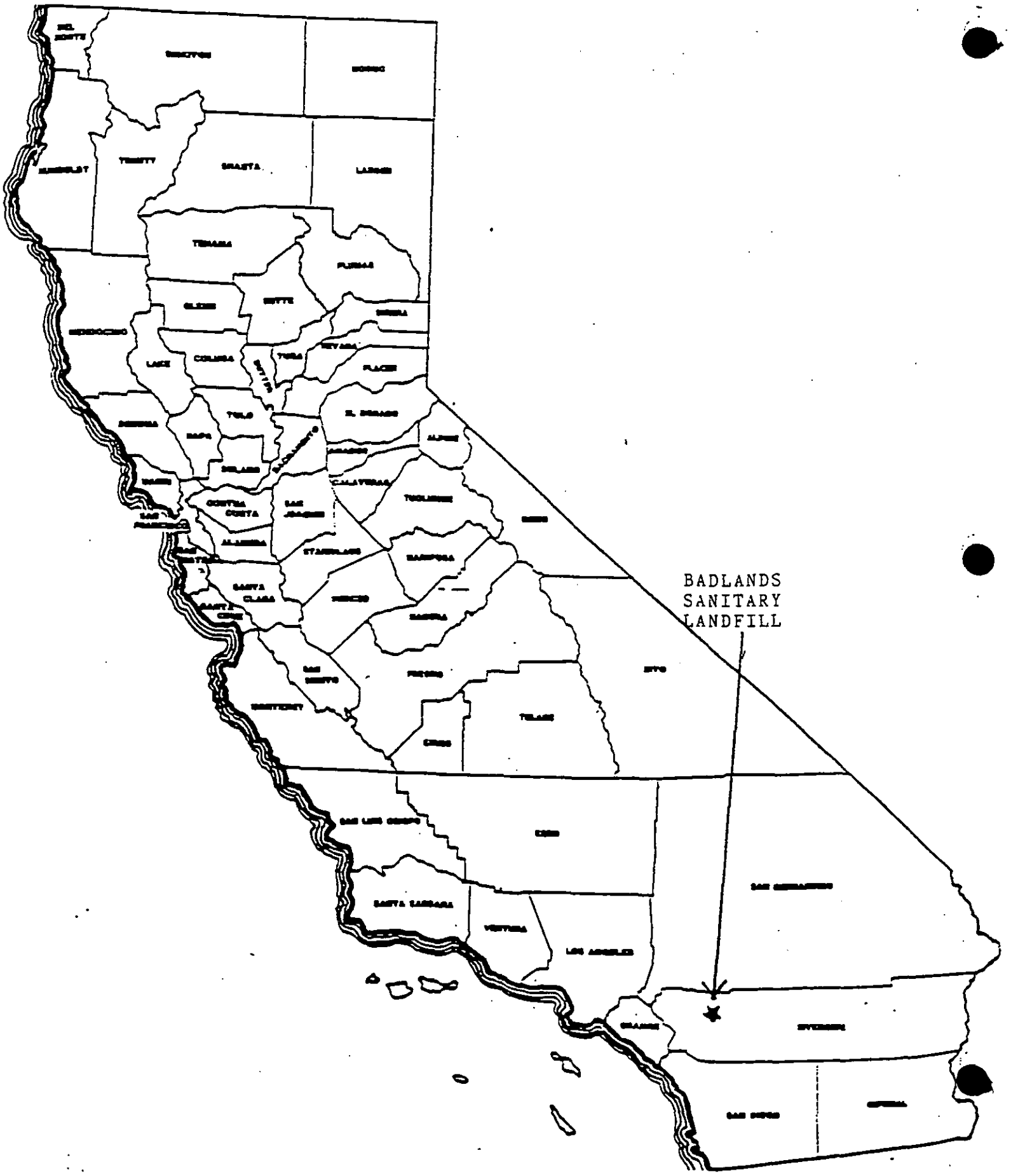
PS R. Stevens 4/22/92

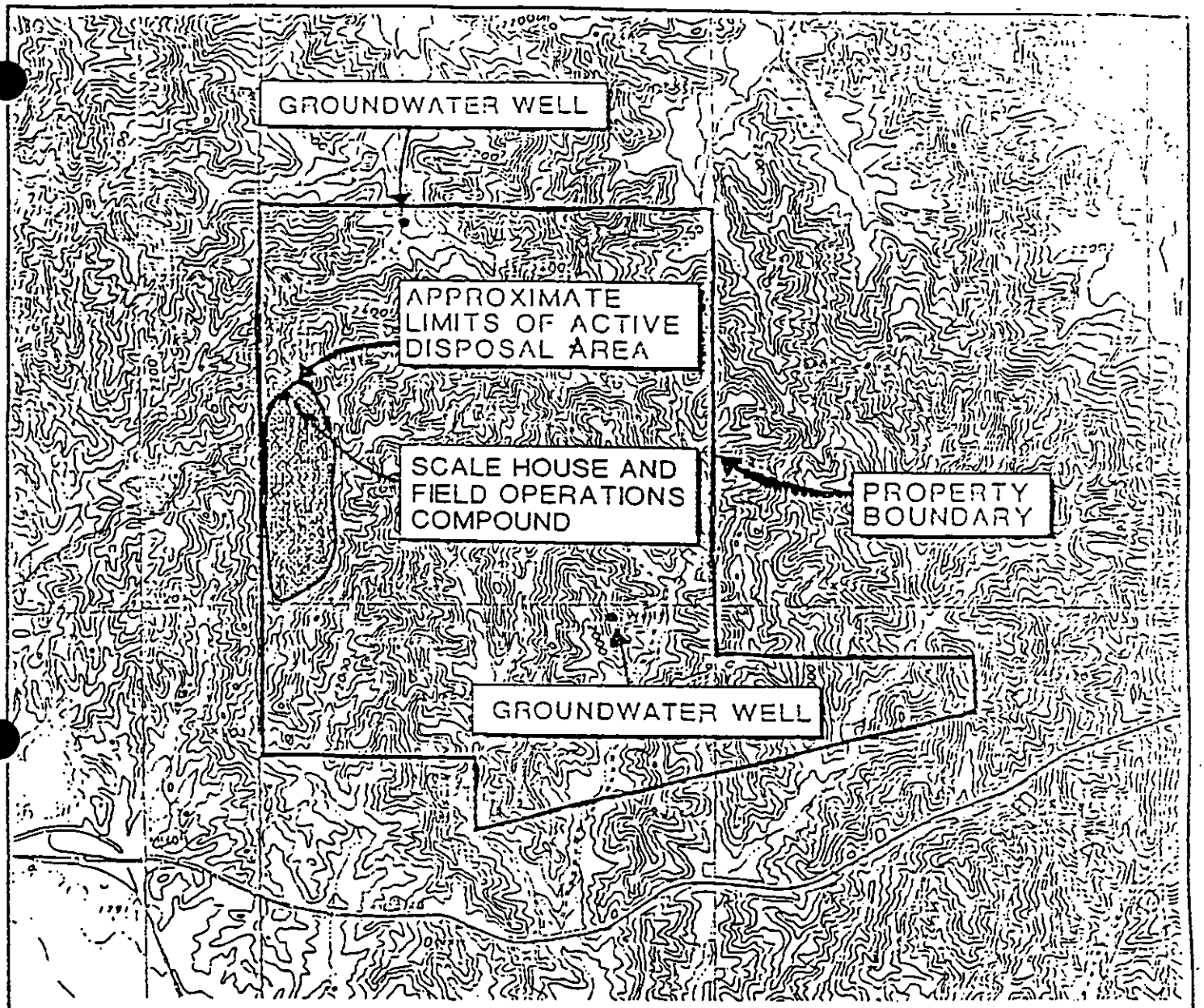
Prepared by: Paul Sweeney/Rosslyn Stevens Phone: 255-2577

Approved by: Phillip J. Moralez/Martha Vazquez Phone: 255-2453

Legal Review: RFC Date/Time 4/22 17h55

ATTACHMENT 1





EXPLANATION

—2000— CONTOUR INTERVAL 20 FEET

ADAPTED FROM U.S. GEOLOGICAL SURVEY
EL CASCO 7.5 QUADRANGLE MAP, 1979
SUNNYMEAD 7.5 QUADRANGLE MAP, 1979

N

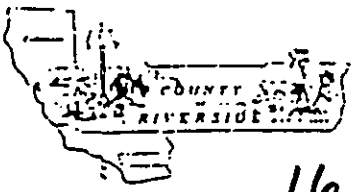
SCALE:	SOURCE:

COUNTY OF RIVERSIDE

WASTE MANAGEMENT DEPARTMENT

BADLANDS SANITARY LANDFILL

STRUCTURE LOCATIONS



16

FIGURE 7

ATTACHMENT 3

OPERATING PERMIT FOR FACILITIES RECEIVING SOLID WASTE

TYPE OF FACILITY	FACILITY/PERMIT NUMBER
Sanitary Landfill	33-AA-0006

NAME AND STREET ADDRESS OF FACILITY	NAME AND MAILING ADDRESS OF OPERATOR
Badlands Sanitary Landfill 31125 Ironwood Ave. Moreno Valley, California	Riverside County Waste Management Dept. 11728 Magnolia Ave., Suite A Riverside, CA 92503

PERMITTING ENFORCEMENT AGENCY	CITY/COUNTY
Local Solid Waste Management Enforcement Agency for the County of Riverside	County of Riverside

PERMIT

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

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

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

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

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

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

APPROVED:

APPROVING OFFICER

John M. Fanning, Chairman, LEA

NAME/TITLE

AGENCY ADDRESS

Local Solid Waste Management Enforcement Agency for the County of Riverside
County Health Department
4065 County Circle Drive
P.O. Box 7600
Riverside, CA 92513-7600

SEAL

AGENCY USE/COMMENTS

PERMIT RECEIVED BY CWMB	CWMB CONCURRANCE DATE
FEB 25 1992	
PERMIT REVIEW DUE DATE	PERMIT ISSUED DATE

CWMB (Rev. 7/84)

PROPOSED PERMIT FOR BADLANDS SANITARY LANDFILL

FINDINGS

1. The following describe the design and operation of the facility as authorized by this permit:

   A. Badlands Sanitary Landfill, 31125 Ironwood Avenue, Moreno Valley, California, is owned by Riverside County and operated by the Riverside County's Waste Management Department.

   B. The site occupies 1081 acres including all of Section 32, Township 2 South, Range 2 West; the north half of Section 5 and the northwest quarter of Section 4, Township 3 South, Range 2 West, San Bernardino Baseline and Meridian in Riverside County, California. Maps showing the general location and details of on-site structures within 1000 feet of the perimeter of the property are shown in the Report of Disposal Site Information, Badlands Sanitary Landfill, dated January 1992. This is a Class III landfill. Of the 1081 acres, 141 acres are being developed as a single wast management unit. Currently 33 acres of the 141 acres actively in use are under fill with the remaining 108 acres scheduled to be landfilled according to the fill sequence described in the Report of Disposal Site Information.

   C. The physical plant begins with the lockable gates at the entrance to the facility. A partially paved access road leads from the gates to a fee collection building near the highest point at the site, and continues to the active work area. A railroad boxcar is adjacent to the fee collection building, and serves as storage and office space. The area around the boxcar is the equipment compound and maintenance area.

   D. This facility receives non-hazardous wastes which include:

      1. municipal solid wastes
      2. approved agricultural wastes
      3. construction/demolition wastes
      4. tires
      5. approved industrial wastes
      6. inert materials
      7. dead animals

   E. This facility receives an average of 440 tons of waste per operating day. Peak loading is anticipated to reach 1,400 tons per day within five years. The facility shall receive no greater than 1,400 tons per operating day. (Negative Declaration E.A. No. 35310, pages 1, 9, and 10)

4065 County Circle Dr., Riverside, CA 92503 ▪ P.O. Box 7600, Riverside, CA 92513-7600 Fax # 358-4529

The current waste management unit has an estimated remaining capacity of 6.73 million tons as of January 1992, and will be filled to grade by 2006. (Computed from information in the Report of Disposal Site Information, January 1992, pages 10 & 11)

F. The area method of landfilling is used at this facility. Wastes are weighed at the fee collection building, and then routed to the active work face where they are discharged. Wastes are spread, compacted by layers, and confined to the cell using heavy equipment. At the end of each operating day, the active cell is closed with six inches of compacted soil. Cells are combined into progressing terraces until the grades defined by the site grading plan are established.

G. Resource recovery and salvaging operations are not currently conducted at this facility. However, the County has prepared a County Integrated Waste Management Plan to meet the requirements of AB 939. As a part of this plan, programs will be implemented to reduce the quantity of wastes requiring disposal at all County landfills.

H. Hazardous wastes are not accepted at this facility. Hazardous wastes shall be handled in a manner approved by the Local Solid Waste Management Enforcement Agency and the California Integrated Waste Management Board as per Title 22, California Code of Regulations.

In-coming wastes are identified by type at the weighing scale by the fee collectors. In addition, after being routed to the working face, the wastes are unloaded under the scrutiny of the traffic director.

Hazardous wastes are not accepted at this facility. Any hazardous waste inadvertently discharged at this facility shall be handled according to the "Protocol for Handling of Improperly Disposed of Hazardous Waste at Class III County Solid Waste Facilities" (see attachment 1).

I. Within the next five years, the operator may increase the hours of operation to begin as early as 6:00 a.m. and end as late as 8:00 p.m.; it being stipulated that the site would not operate except during daylight hours. This contingency is addressed in the Negative Declaration, E.A. No. 35310. See Specification #7 for implementation details.

J. The facility is open from 8:00 a.m. to 4:30 p.m., Monday through Saturday. Operations must not be conducted before sunrise or after sunset. The facility is closed on New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, and Christmas Day.

2. The following agencies and documents condition operation and use of this facility, and are adopted by reference.

A. Report of Disposal Site Information dated January 1992.

B. California Regional Water Quality Control Board - Santa Ana Region: Waste Discharge Requirement No. 91-105, dated July 19, 1991.

C. South Coast Air Quality Management District exemption from Rule 1150.1, letter dated September 8, 1989.

D. Riverside County Planning Department, Environmental Assessment (Negative Declaration and Mitigation Measure Monitoring Program) Number 35310, State Clearing House Number 90020749, adopted November 13, 1990.

3. The following findings are required pursuant to PRC sections 44009, 50000 and 50000.5:

   A. The Riverside County Solid Waste Management Plan, as amended in October 1989, identifies the Badlands Sanitary Landfill.

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

   C. This facility was found to be consistent with, and shown to be designated in, the Riverside County Comprehensive General Plan by the Riverside County Planning Department in a letter dated July 23, 1990.

4. The design and operation of this facility is in compliance with the State Minimum standards for Solid Waste Handling and Disposal as determined by the LEA on January 16, 1991.

5. This facility is in conformance with applicable fire standards by complying with the State Public Resources Code Section 4373 and 4374 which requires that any solid waste facility for which a permit is required shall be maintained with a clearance of flammable material for a minimum distance of 150 feet from the periphery of any exposed flammable solid.

6. The Riverside County Planning Department has made a written finding that this facility is compatible with surrounding land uses in a letter dated July 23, 1990.

7. A Notice of Determination was filed with the State Clearinghouse (SCH #90020749) on November 19, 1990 by the Riverside County Board of Supervisors for Negative Declaration, E.A. No. 35310.

CONDITIONS

Requirements:

1. This facility must comply with State Minimum Standards for Solid Waste Handling and Disposal, California Code of Regulations, Title 14.

2. The facility must comply with all federal, state, and local requirements and enactments; including all mitigation measures given in Environmental Assessment Number 35310 filed pursuant to Public Resources Code, Section 21081.6.

3. Any additional information must be provided as required by the Local Solid Waste Management Enforcement Agency.

4. The Local Solid Waste Management Enforcement Agency may require the installation of monitoring probes to detect gas migration. If needed, a landfill gas control system shall be installed.

Prohibitions:

The following actions are prohibited at this facility:

a. disposal of hazardous or designated wastes
b. scavenging
c. open burning
d. disposal of liquid wastes
e. disposal of infectious wastes
f. disposal of sludge from waste water treatment facilities
g. night time operations
h. discharging of explosives or detonation of explosive devices
i. acceptance of any waste material after the proposed grade has been reached
j. allow standing water to collect on covered fill surfaces

Specifications:

1. The operator will meet State Waste Tire Storage And Disposal Standards, California Code of Regulations, Title 14, Chapter 3, Article 5.5.

2. All waste received at this facility, with the following exceptions, shall be covered with six inches of compacted cover material at the end of every operating day:

   a. Tree limbs, tree root balls and tires shall be covered with six inches of compacted cover within 60 days of receipt.

   b. Asphalt and concrete that is not contaminated with any other waste may be stockpiled in quantites and at a location approved by the LEA for the purpose providing a safe surface for wet weather operations.

3. The operator is prohibited from making any change which would cause the design or operations of the facility to violate the terms or conditions of this solid waste facility permit. Such a change would be considered a significant change, and would require a permit revision.

4. This facility has a permitted capacity of 1400 tons per operating day, and shall not receive more than this amount without first obtaining a revision of the permit from the Local Solid Waste Management Enforcement Agency.

5. Dead animals must be covered with a minimum of six inches of compacted cover material immediately upon receipt.

6. The Waste Management Depart of Riverside County is the authorized operator of this facility. The LEA shall be notified by the Waste Management Department at least 120 days prior to any proposed change in operator for this facility.

7. The operating hours of the facility will be allowed as follows:

   Between the hours of 8:00 a.m. and 4:30 p.m., Monday through Saturday, with the exception of holidays. The operator may, upon approval of the LEA, expand the hours of operation on Monday through Saturday to 6:00 a.m. to 8:00 p.m.; it being stipulated that the facility would not operate except during daylight hours.

8. Copies of any plans describing a proposed structure or feature not included in a current Report of Disposal Site Information shall be submitted no later than 120 days in advance of construction of the structure or feature. On final approval of the plans by all responsible agencies, the approved plans are to be submitted as an amendment to the Report of Disposal Site Information or as part of a revised Report of Disposal Site Information.

Provisions:

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

Closure/Postclosure Maintenance:

1. All documentation relating to the preparation of the closure and post closure maintenance costs shall be retained by the operator and shall be available for inspection by the Board or the LEA at reasonable times.

2. The **Preliminary Closure/Postclosure Maintenance Plan** for this facility shall be submitted with the next **Application for Permit Review** per Public Resources Code Section 43503 and California Code of Regulations Section 18213. This application is to be filed with the LEA no later than 120 days prior to the fifth anniversary of the issuance of this solid waste facilities permit.

Monitoring Program:

1. The following environmental measurements shall be reported to the LEA on a **quarterly** basis:
   a. water quality monitoring reports
   b. leachate monitoring reports
   c. items required under mitigation measures monitoring program as outlined in environmental assessment #35310
   d. landfill gas migration and emission reports
   e. a record of any cuts made to natural terrain where fill has been placed, and the depth to groundwater

2. The following environmental measurements shall be reported to the LEA on a **monthly** basis:
   a. number of vehicles utilizing the site
   b. area of site utilized
   c. quantities and types of wastes received
   d. quantities of dead animals and tires received
   e. a log of special occurrences; i.e. fires, explosions, accidents, hazardous wastes, injuries
   f. records of the hazardous waste screening program (when implemented)

ATTACHMENT 4

State of California

California Environmental Protection Agency

M e m o r a n d u m

To : Paul Sweeney

Date: March 27, 1992

From : John S. Brooks
Local Assistance

Subject: Badlands Landfill Proposed Solid Waste Facilities Permit No. 33-AA-0006 Conformance Findings Required by AB 2296

Research:

To gather the necessary information for determining a facilities conformance with AB 2296, Local Assistance staff contact the LTF staff and the LEA for information. Staff review the County's CoSWMP and all applicable SRREs that have been submitted for review. In addition, we review applicable portions of the RDSI, correspondence showing consistency with the General Plan, the permit and contact the applicant as necessary.

Finding of Consistency with Waste Diversion Goals (PRC Section 44009):

Approval of the proposed permit for the Badlands Landfill would not prevent nor impair achievement of the waste diversion requirements.

Source Reduction and Recycling Element:

The facility was identified in the County unincorporated area SRRE. The facility currently provides disposal for 100% of Moreno Valley. Moreno Valley has 126,300 people according to the Department of Finances 1991 Population Estimates for California Cities and Counties this represents a 9.5% increase from 1990. The Moreno Valley Economic Development Department is projecting that by the year 2010, Moreno Valley will have a population of 243,635 (Moreno Valley SRRE).

Local Task Force:

Board staff have contacted LTF staff (County Staff) to find out how this facility fits in with Riverside's overall Integrated Waste Management plans. The LTF has reviewed the proposed project and finds it necessary to provide adequate disposal in the region. The LTF in Riverside is proposing to develop a

series of MRFs and processing facilities that will receive and process all waste before it is taken to its ultimate disposal site. They are in the process of formalizing the system concept now. When the facilities come on-line it will reduce the amount and types of materials disposed of at the landfills

Facility Information:

This facility is approved to receive:
1. municipal solid wastes
2. approved agricultural waste
3. construction/demolition wastes
4. tires
5. approved industrial wastes
6. inert materials
7. dead animals

The facility currently receives an average of 440 tons-per-day and expects to receive a peak loading of 1,400 tons-per-day within five years. The amount of waste disposed in 1990 ranged from a low of 38 TPD to a maximum of 871 TPD. Due to the high growth in Moreno Valley and wide daily fluctuations in disposal they are projecting a need for 1400 TPD. In addition, four area landfills are projected to close in the next few years and it is anticipated that a portion of the waste will be diverted to this site. There are no diversion programs planned or on-going at this site. There are no flow control agreements between the operator (Riverside County) and the jurisdictions.

Summary:

Approval of the permit would not prevent nor impair the achievement of the waste diversion goals for those jurisdictions that use the Badlands Landfill.

Conformance with CoSWMP:

The facility is identified and described in the most recently adopted Riverside County Solid Waste Management Plan on page 11-9 (October, 1989).

Conformance with the General Plan:

A letter (July 23, 1990) was submitted from the Riverside County Planning Department showing the facility was found to be consistent with the existing zones identified in the Riverside County Comprehensive General Plan.

Riverside County Waste Management Department
Badlands Landfill Mitigation Measure Monitoring Program
Negative Declaration/Environmental Assessment No. 35316
July 1990

Mitigation Measure:	Erosion control and maintaining slope stability
Agency or Individual Responsible for Implementation:	The Riverside County Waste Management Department
Timing:	Before the period of heaviest seasonal rainfall, the Riverside County Waste Management Department will regrade all fill areas which show signs of inadequately maintained slopes or differential settlement. This must be completed by November 1 of each year, in order to comply with Regional Water Quality Control Board (RWQCB), Santa Ana Region, standards. More frequent regrading will be implemented upon the recommendation of the Riverside County Local Solid Waste Enforcement Agency (LEA) and the RWQCB.
Monitoring Work Program:	The Riverside County Waste Management Department provides monitoring reports to the Regional Water Quality Control Board, Santa Ana Region, on a quarterly basis including an erosion control and regrading program. One site visit at the time of final inspection should

be conducted to ensure compliance. Annual monitoring should occur (or more frequently) upon specific LEA or RWQCB recommendation.

Funding: Operations budget of the Riverside County Waste Management Department. Long-term maintenance will be performed by the said Department or successors in interest.

Standards for Success: Frequent monitoring of Riverside County landfill sites by the LEA and RWQCB will ensure that adequate slope stability, erosion control, and proper drainage are maintained. Failure to comply with either agency's standards can result in the revoking of the Solid Waste Facilities Permit or Waste Discharge Permit and the subsequent closure of the landfill. Site inspection should be made for as long as the approved land use or the site facility permit remains.

Mitigation Measure: Mitigating fire hazards

Agency or Individual Responsible for Implementation: Riverside County Waste Management Department

Timing: Adequate fire control will be provided on a daily basis by site crews equiped with a water-truck and heavy equipment, and by segregating hot loads. Fire prevention will be maintained by following public

	resources guidelines and through frequent site inspections by the LEA and Riverside County Fire Department. At these times the adequacy of fire prevention equipment will be determined. The LEA will determine if fire prevention measures and equipment are sufficient on-site before the issuance of a revised Solid Waste Facilities Permit. Implementation should occur before the issuance of the said permit.
Monitoring Work Program:	The LEA and Facility Engineers should check fire codes and fire prevention measures and make a site inspection before the issuance of a revised permit. One site visit at the time of final inspection should be conducted to ensure compliance. Monthly monitoring should occur.
Funding:	Operations budget of the Riverside County Waste Management Department. Long-term maintenance will be performed by the said Department or successors in interest.
Standards for Success:	Operational techniques used to prevent fires (such as proper compaction and the use of a fire truck) should be performed on a daily basis and whenever necessary to mitigate the potential for fire hazards and should occur as long as the approved land use remains.

Mitigation Measure:	Monitoring for ground-water quality and leachate occurrence
Agency or Individual Responsible for Implementation:	Riverside County Waste Management Department
Timing:	The Riverside County Waste Management Department will submit Solid Waste Water Quality groundwater test reports to the Regional Water Quality Control Board, Santa Ana Region, as mandated by its waste discharge requirements to determine if pollutants from the landfill are leaching into groundwater on or off-site. Implementation will initially occur on a quarterly basis but may be modified to a different interval by the Water Quality Control Board during the life of the facility permit.
Monitoring Work Program:	Facility Engineers and the Regional Water Quality Control Board, Santa Ana Region, should closely evaluate the water quality monitoring reports based on samples taken from groundwater wells around and adjacent to the site weighed against the regional basins water quality objective procedures. One site visit at the time of final inspection should be conducted to ensure compliance. Quarterly monitoring should occur, or at a frequency to be determined by the RWQCB.

Funding:	Operations budget of the Riverside County Waste Management Department. Long-term maintenance will be performed by the said Department or successors in interest.
Standards for Success:	The Riverside County Waste Management Department operates in compliance with Regional Water Quality Control Board Waste Discharge Requirements, in accordance with regional basin water quality objectives. If significant amounts of contaminants from the landfill are found to be leaching into the groundwater at or near the site, the Waste Management Department will arrange for an appropriate remediation program.
Mitigation Measure:	Mitigating the occurrence of household hazardous and commercial hazardous (toxic) wastes at the landfill
Agency or Individual Responsible for Implementation:	Riverside County Waste Management Department
Timing:	Upon the issuance of the revised Solid Waste Facilities Permit for the landfill, the Hazardous Materials Branch-Environmental Health Services Division, of the Riverside County Health Department will proceed with plans to implement a waste load checking program at the landfill. Implementation should occur after California Integrated Waste Management Board

adoption of the permit revision.

Monitoring Work Program:	A Specialist from the Environmental Health Services Division will make periodic checks of waste loads entering the landfill to determine if any household hazardous or commercial hazardous (toxic) wastes are entering the landfill. One site visit at the time of final inspection should be conducted to ensure compliance.
Funding:	Operations budget of the Riverside County Waste Management Department. Long-term maintenance will be performed by the said Department or successors in interest.
Standards for Success:	If found, household hazardous waste will be isolated from other landfilling cells and will be collected and transported away from the site as part of the Environmental Health Services Division household hazardous waste collection program. If commercial hazardous waste is identified, the Environmental Health Services Specialist present will identify the hazardous waste type and conduct an investigation for the responsible party. If the situation is not an emergency, such as those that involve non-poisonous and non-flammable materials, the hazardous waste will be collected, cordoned off in a remote area, and treated. If an emergency situation does exist, a qualified

hazardous waste disposal company will be called in immediately to collect the commercial hazardous waste and transport it safely to a hazardous waste treatment or disposal facility.

<u>Mitigation Measure</u>: Mitigating the potential for environmental hazards associated with nuisance wastes

Agency or Individual Responsible for Implementation: Riverside County Waste Management Department

Timing: The Waste Management Department's procedures for the acceptance, refusal, and handling of nuisance wastes will be examined by the LEA before the issuance of a revised Solid Waste Facilities Permit. Implementation should occur before the issuance of the said permit and monthly thereafter.

Monitoring Work Program: Facility Engineers will check operations reports and landfill cell areas to determine if the amount of nuisance wastes received is at an acceptable level, and if the mitigation measures being used are effective. Nuisance wastes will be segregated at the site and buried immediately. Facility Engineers will refuse entry, have tested, and certify the origin of questionable waste materials. The LEA will also determine the sufficiency of such procedures. One site visit at the time of final inspection should

be conducted to ensure compliance. Monthly monitoring should occur and more frequently as required.

Funding: Operations budget of the Riverside County Waste Management Department. Long-term maintenance will be performed by the said Department or successors in interest.

Standards for Success: The Waste Management Department operates under the requirements of State Water Resources Control Board Guidelines Title 23, Subchapter 15, and County Ordinance 536 which specify wastes types to be received and procedures for their acceptance. Additional measures, such as refusing entry, pre-notifying the Operator, and separation from the waste stream for nuisance wastes will continue to be employed by the Waste Management Department and should occur for as long as the approved land use remains.

Mitigation Measure: Controlling fugitive dust

Agency or Individual Responsible for Implementation: Riverside County Waste Management Department

Timing: The LEA will review operational procedures and the spraying of fugitive dust via water-truck, and will incorporate these procedures in the Solid Waste Facilities Permit conditions. Implementation should occur before the issuance

	of the said permit and monthly thereafter.
Monitoring Work Program:	The LEA and Facility Engineers should check operations procedures and make a site inspection before the issuance of a revised permit. One site visit at the time of final inspection should be conducted to ensure compliance. Monthly monitoring should occur.
Funding:	Operations budget of the Riverside County Waste Management Department. Long-term maintenance will be performed by the said Department or successors in interest.
Standards for Success:	Operational techniques used to mitigate dust (such as spraying by a water-truck) should be performed on a daily basis and whenever necessary to mitigate the potential for dust generation and should occur as long as the approved land use remains.
<u>Mitigation Measure</u>:	Noise attenuation devices
Agency or Individual Responsible for Implementation:	Riverside County Waste Management Department
Timing:	Increases in the number of vehicles requiring the use of noise attenuation devices is concurrent with landfill operation procedures. Environmental equipment used should be in accordance with California Occupational Safety and Hazard

Authority (OSHA) or Federal OSHA requirements prior to use by the Operator. Noise suppressors such as mufflers must be incorporated with landfill machinery. Implementation should occur at the time of need associated with the development of the landfill.

Monitoring Work Program: Sound or noise measurements in terms of decibles per second shall be done at least once a year at various distances from landfill machines in order to ensure noise levels to be within California OSHA standards. One site visit at the time of final inspection should be conducted to ensure compliance. Annual monitoring should occur.

Funding: Operations budget of the Riverside County Waste Management Department. Long-term maintonanco will be performed by the said Department or successors in interest.

Standards for Success: Noise attenuation devices should be incorporated into all machinery, prior to operation, for use at the landfill site for as long as the approved land use remains.

Mitigation Measure: Operational set-backs

Agency or Individual Responsible for Implementation: Riverside County Waste Management Department

Timing:	The LEA will review operational procedures and the use of set-backs to mitigate landfill noise and will determine if this procedure is sufficient before the issuance of a revised Solid Waste Facilities Permit and monthly thereafter. Implementation should occur, when required, and at the time of need associated with the development of the landfill.
Monitoring Work Program:	The Operator will review development plans to ensure that sufficient buffers and set-backs exist between the landfill and noise sensitive or residential areas. The LEA and Facility Engineers should check field operations and make a site inspection before the issuance of a revised permit. One site visit at the time of final inspection should be conducted to ensure compliance. Monthly monitoring should occur.
Funding:	Operations budget of the Riverside County Waste Management Department. Long-term maintenance will be performed by the said Department or successors in interest.
Standards for Success:	Frequent inspections by the LEA and supervision in design maintenance by Facility Engineers will ensure that adequate set-backs are provided in order to mitigate noise impacts from landfill operations. Operational

	set-backs or alternative terrain barriers should be used as long as the approved land use remains.
Mitigation Measure:	Gas migration monitoring
Agency or Individual Responsible for Implementation:	Riverside County Waste Management Department
Timing:	The Waste Management Department will submit test results on samples obtained from probes located around the landfill to the South Coast Air Quality Management District (SCAQMD) to determine whether landfill gas (such as methane) is migrating beyond the site boundary. Implementation should occur quarterly or at a frequency required by the SCAQMD during the life of the permit.
Monitoring Work Program:	Facility Engineers, the SCAQMD, and the LEA should review test results on air samples from probes and determine whether landfill gas is migrating beyond the site boundary or emitting through the landfill cover in a significant concentration that may pose a hazard to the surrounding community. Periodic reviews of design and monthly inspections should occur to determine the sufficiency of landfill gas monitoring probes.
Funding:	Operations budget of the Riverside County Waste Management Department. Long-term maintenance

	will be performed by the said Department or successors in interest.
Standards for Success:	Migrating methane gas should not exceed the State Standard of 25% of the lower explosive limit. Surface emissions of methane gas should not exceed 500 parts per million in accordance with SCAQMD Rule 1150.1. Laboratory test results of air samples, monthly LEA inspection, and SCAQMD required monitoring of landfill gas migration and surface emission by the Waste Management Department should occur in order to ensure the immediate detection of any migrating gases at an unacceptable level of concentration which could impact public health and safety. Air quality monitoring should occur as long as the approved land use remains.
Mitigation Measure:	Stand-by equipment
Agency or Individual Responsible for Implementation:	Riverside County Waste Management Department
Timing:	Upon the break-down of equipment operating at the site, the Waste Management Department maintains additional equipment and funding that will enable the Department to immediately replace faulty equipment allowing operations to continue at the landfill, without interruption. Implementation should occur at the time of

need associated with the development of the landfill, or as required.

Monitoring Work Program:

The Waste Management Department will keep stand-by equipment sufficiently maintained and readily available (including a low-buoy and stand-by driver) in case of emergency. Waste Management staff will determine the sufficiency and operating ability of each piece of equipment. The Operator will review development plans to ensure that an increase in daily waste loads received at the landfill will require an increase in maintenance of on-site equipment. Monthly monitoring should occur.

Funding:

Operations budget of the Riverside County Waste Management Department. Long-term maintenance will be performed by the said Department or successors in interest.

Standards for Success:

The Waste Management Department purchases new equipment upon the recommendation of the LEA, Facility Engineers, and Site Supervisors, ensuring that equipment on-site is of a high standard and in good working condition. This will ensure the longevity of stand-by equipment. Stand-by equipment should be an approved requirement for as long as the approved land-use remains.

Mitigation Measure:	Odor and vector control
Agency or Individual Responsible for Implementation:	Riverside County Waste Management Department
Timing:	Facility Engineers in conjunction with the Site Supervisor and the LEA will determine if the present practice of compacting and covering refuse at the site is sufficient to control vectors and odors, before the issuance of a revised Solid Waste Facilities Permit. Implementation should occur before the issuance of the said permit and monthly thereafter.
Monitoring Work Program:	Facility Engineers and the LEA should check daily operations reports and make a site inspection before the issuance of a revised permit to ensure that the Waste Management Department is operating in compliance with Title 14 of the State Code of Regulations which regulates the compaction and cover frequency of waste materials. The LEA will determine, upon monthly inspections, if vectors or odors are causing any problems to public health and safety. Monthly monitoring should occur.
Funding:	Operations budget of the Riverside County Waste Management Department. Long-term maintenance will be performed by the said Department or successors in interest.

Standards for Success:	Operational techniques used to mitigate odor and vectors at the landfill site (such as frequent compaction and covering of waste materials) should be performed on a daily basis and whenever necessary to mitigate the potential for odor and vectors and should occur as long as the approved land use remains.
Mitigation Measure:	Litter control
Agency or Individual Responsible for Implementation:	Riverside County Waste Management Department
Timing:	The LEA will review litter control practices at the landfill, both on and off-site, to determine the effectiveness of litter pick-up and the sufficiency of labor for performing this task before the issuance of a revised Solid Waste Facilities Permit. Implementation should occur before the issuance of the said permit and monthly thereafter.
Monitoring Work Program:	The LEA and the Waste Management Department's Refuse Control Coordinator should check operations reports and make a site inspection to determine if there are any visual impacts at or near the landfill caused by wind-blown litter. These monitoring measures should be completed before the issuance of a revised

permit. One site visit at the time of final inspection should be conducted to ensure compliance. Monthly monitoring should occur.

Funding: Operations budget of the Riverside County Waste Management Department. Long-term maintenance will be performed by the said Department or successors in interest.

Standards for Success: Litter control will be performed by the Refuse Control Coordinator and his litter control crew on weekdays, and on weekends by participants of the weekend work release program (Sheriff's Department) supervised by the litter control crew. Litter control should be performed on a daily basis and whenever necessary to mitigate the potential for litter on and off-site and should occur as long as the approved land use remains.

Mitigation Measure: Notifying the Regional Water Quality Control Board, Santa Ana Region, of changes in operation

Agency or Individual Responsible for Implementation: Riverside County Waste Management Department

Timing: The Regional Water Quality Control Board, Santa Ana Region, will review operational changes at the landfill and will determine if such changes (such as an increase in daily waste loads received)

	by the Operator are in compliance with Waste Discharge Orders for the site before the issuance of a revised Solid Waste Facilities Permit. Implementation should occur before the issuance of the said permit and thereafter upon operational changes at the site.
Monitoring Work Program:	The Regional Water Quality Control Board, Santa Ana Region, should periodically inspect the site to ensure that Waste Discharge Requirements are being met and that there are no unknown operational changes being implemented which require approval. One site visit at the time of final inspection should be conducted to ensure compliance. Annual monitoring should occur.
Funding:	Operations budget of the Riverside County Waste Management Department. Long-term maintenance will be performed by the said Department or successors in interest.
Standards for Success:	Reports containing operational changes will be submitted to the Regional Water Quality Control Board, Santa Ana Region, when required, for as long as the approved land use remains.
<u>Mitigation Measure</u>:	On-site access and unloading mitigation
Agency or Individual Responsible for	

Implementation:	Riverside County Waste Management Department
Timing:	The LEA will determine if on-site traffic mitigation procedures are adequate in preventing either unsafe conditions or an impacted circulation flow before the issuance of a revised Solid Waste Facilities Permit. Implementation should occur before the issuance of the said permit and monthly thereafter.
Monitoring Work Program:	Facility Engineers and the LEA should check dirt access roads (to the fill area) to see if they are designed properly and are safe for vehicle handling. The unloading area of the landfill should be big enough to provide easy access. Signage and operator direction shall provide for safe and efficient entrance to, unloading, and exit from the landfill. One site visit at the time of final inspection should be conducted to ensure compliance. Monthly monitoring should occur.
Funding:	Operations budget of the Riverside County Waste Management Department. Long-term maintenance will be performed by the said Department or successors in interest.
Standards for Success:	Operational techniques used to mitigate access

flow to the landfill unloading areas should be performed on a daily basis and whenever necessary to mitigate the potential for unsafe operating conditions and should occur as long as the approved land use remains.

Mitigation Measure:	Safety
Agency or Individual Responsible for Implementation:	Riverside County Waste Management Department
Timing:	The LEA will review operational procedures concerning landfill safety and will check daily operations reports to assure that there are no current safety hazards associated with the operation of the landfill before the issuance of a revised Solid Waste Facilities Permit. Implementation should occur before the issuance of the said permit and monthly thereafter.
Monitoring Work Program:	The LEA, Facility Engineers, and the County Safety Officer should review operations reports, accident reports, and make a site visit before the issuance of a revised permit. One site visit at the time of final inspection should be conducted to ensure compliance; Monthly monitoring should occur.
Funding:	Operations budget of the Riverside County Waste Management Department. Long-term maintenance will be performed by the said Department or successors in interest.

Standards for Success:	The County Safety Officer reviews operational procedures and accidents at the landfill and recommends changes to promote safety. The Waste Management Department maintains safe and upgraded equipment and requires that equipment operators be periodically tested and attend monthly "tailgate" safety meetings.
Mitigation Measure:	Safety measures for above-ground fuel storage tanks
Agency or Individual Responsible for Implementation:	Riverside County Waste Management Department
Timing:	Facility Engineers and the LEA will determine the safety of above-ground fuel storage tanks before the issuance of a revised Solid Waste Facilities Permit. Implementation should occur before the issuance of the said permit and monthly thereafter.
Monitoring Work Program:	Above-ground fuel storage tanks will be frequently tested to ensure that there is no leakage. Tests are made before filling each tank with fuel. The LEA and Facility Engineers should check operations reports and make a site inspection before the issuance of a revised permit.
Funding:	Operations budget of the Riverside County

	Waste Management Department. Long-term maintenance will be performed by the said Department or successors in interest.
Standards for Success:	Operational techniques used to mitigate the potential for above-ground fuel storage tank leakage (such as the use of a secondary containment liner) will be used to prevent spillage that could contaminate ground water or impact public health and safety, and should occur as long as the approved land use remains.
Mitigation Measure:	Post-closure trust fund agreement and financial liability
Agency or Individual Responsible for Implementation:	Riverside County Waste Management Department
Timing:	The Riverside County Waste Management Department will provide a financial mechanism for the arrangement of trust fund agreements for the closure and 15-year postclosure of Riverside County landfills. The Waste Management Department will also provide assurance that adequate financial resources will be available in times of emergency, such as responding to a personal injury or property damage claim against the said Department in its operation of solid waste disposal facilities. Legislation concerning solid waste disposal

facilities should be implemented as required.

Monitoring Work Program:	The California Integrated Waste Management Board will monitor the Waste Management Department's progress in meeting legislation affecting solid waste disposal facilities. This determination will be made when the Waste Management Department applies for a revised permit and more frequently as required.
Funding:	Operations budget of the Riverside County Waste Management Department. Long-term funding will be performed by the said Department or successors in interest.
Standards for Success:	The Riverside County Waste Management Department will act in compliance with legislation regarding solid waste disposal facilities, whenever possible to ensure that beneficial improvements in operation can be implemented as soon as possible to assure public health and safety. This should occur for as long as the approved land use remains.

ATTACHMENT 6

COUNTY OF RIVERSIDE DEPARTMENT OF HEALTH

LOCAL SOLID WASTE MANAGEMENT ENFORCEMENT AGENCY

February 26, 1992

RECEIVED
MAR 04 1992
By MSA

Martha Vazquez, Permitting
California Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, CA 95826

Re: Proposed Permit for Badlands Sanitary Landfill (33-AA-0006)

Dear Ms. Vazquez:

Per your request, transmitted by Suzanne Talams on February 25, 1992, the Local Solid Waste Management Enforcement Agency for Riverside County (LEA) resubmits the proposed permit for Badlands Sanitary Landfill, and requests its inclusion on the Board's April agenda.

From our discussion with Ms. Talams, resubmission of the proposed permit is necessary so the Board can act on the proposed permit at the requested time and remain within the Board's statutory time limit.

It is our goal to smoothly and efficiently process solid waste facilities permits. To this end, we will transmit future proposed permits 65 days in advance of the last scheduled Board meeting before the expiration of the 120 day permit processing period. However, by following this filing procedure the LEA may have considerably less than 55 days to prepare a proposed permit.

If you have any questions regarding this letter, please call me at (714) 275-8980.

Sincerely,

Gary L. Root, R.E.H.S.
Program Manager, LEA

SLS:MTK:mw

FACILITY FILE CARBON COPY
ORIGINAL TO FILE # 33-AA-0006
SUBMITTED BY MSA DATE 3-5-92
COPY TO SB/PS
COPY TO BK/PW
COPY TO AC

cc: Robert Nelson, Director, Waste Management Department

4065 County Circle Dr., Riverside, CA 92503 ■ P.O. Box 7600, Riverside, CA 92513-7600 Fax # 358-4529
recycled paper

ATTACHMENT 7

State of California

Environmental
Protection Agency

Memorandum

Date: March 19, 1992

To: Paul Sweeney
Permits Branch

From: Nancy Jestreby
Financial Assurances Section
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Subject: Financial Responsibility for Badlands Sanitary Landfill, Facility No. 33-AA-0006

The Financial Assurances Section has completed its evaluation of the Enterprise Fund and Escrow Agreement established by Riverside County Waste Management Department, and submitted as a financial assurance mechanism for the costs of closure and postclosure maintenance for the Badlands Sanitary Landfill, Facility No. 33-AA-0006. The mechanism meets the requirements of Title 14, California Code of Regulations (CCR), Division 7, Chapter 5, Article 3.5, section 18285 for providing adequate financial assurance.

If you have any questions, or need additional information regarding this evaluation, please call me at 255-2441.

cc: Albert Johnson, Closure Section

Notice of Determination

ATTACHMENT 8

To: X Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

___ County Clerk
County of _____

From: (Public Agency) Riverside County Planning D
4080 Lemon Street, 9th Floor
Riverside, CA 92501 (Address)

Subject:
Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Badlands Landfill Permit Revision
Project Title

90020749	Cindy Engel	(714) 275-3256
State Clearinghouse Number (If submitted to Clearinghouse)	Lead Agency Contact Person	Area Code/Telephone/Extension

31125 Ironwood Avenue, Moreno Valley, California
Project Location (include county)

Project Description: The Riverside County Waste Management Department is applying for a Solid Waste facilities permit that would increase the maximum allowable daily tonnage delivered to the landfill, from the currently permitted 97 tons per day to an average of 440 tons per day and a maximum of 1400 tons per day. Additionally an increase in operating hours is proposed. Hours could extend from 6:00 a.m. to 8:00 p.m., though the site would only operate during daylight hours.

This is to advise that the Riverside County Planning Department (X Lead Agency ☐ Responsible Agency) has approved the above described project on June 29, 1990 (Date) and has made the following determinations regarding the above described project:

1. The project [☐ will ☒ will not] have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☒ were ☐ were not] made a condition of the approval of the project.
4. A statement of Overriding Considerations [☐ was ☒ was not] adopted for this project.
5. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval is available to the General Public at:
Riverside County Planning Dept., Special Projects Section
4080 Lemon Street, 9th Floor, Riverside, CA 92501

Signature (Public Agency)	November 15, 1990	Planning Consultant
	Date	Title

GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
NOV 19 1990
FILED AND POSTED BY

Date received for filing at OPR:

Revised October 1989

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

FROM: Waste Management / Planning Department SUBMITTAL DATE: November 13, 1990

SUBJECT: Adoption of a Negative Declaration for Environmental Assessment No. 35310 for the Proposed Badlands Landfill Permit Revision

RECOMMENDED MOTION: Adoption of a Negative Declaration for Environmental Assessment No. 35310 based upon the findings incorporated in the Initial Study and the conclusion that the proposed project will not have a significant effect upon the environment.

JUSTIFICATION: The Badlands Landfill is currently operating under a permit from the Local Solid Waste Management Enforcement Agency (LEA) for Riverside County which allows an average daily tonnage of 97 tons per day to be delivered to the landfill. Waste currently delivered to the landfill exceeds this limit. For this reason, the Waste Management Department has been notified by the LEA to institute a Solid Waste Facilities Permit revision to recognize an average daily tonnage of 440 tons per day and a maximum daily tonnage of 1400 tons per day anticipated to be delivered to this site over the next five years. Additionally, an increase in operating hours is proposed; hours could extend from 6:00 a.m. to 8:00 p.m., though the site would only operate during daylight hours. (CONT'D.)

Joseph A. Richards
Joseph A. Richards,
Planning Director

Robert A. Nelson
Robert A. Nelson
Director
Waste Management Department

JA:ldl

cc: CAO

C.A.O. RECOMMENDATION:

FINANCIAL IMPACT:

Administrative Officer Signature

Prev. Agn. ref. Depts. Comments Dist. AGENDA N

FORM 11 (Rev. 12/82)

California Integrated Waste Management Board

Permit Decision No. 92-29

WHEREAS, the County of Riverside, acting as the Local Enforcement Agency, has submitted to the Board for its review and concurrence in, or objection to a new Solid Waste Facilities Permit for the Badlands Sanitary Landfill; 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 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. 33-AA-0006.

CERTIFICATION

The undersigned Executive Officer 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 April 29, 1992.

Dated:

Ralph E. Chandler
Executive Officer

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

April 29, 1992

AGENDA ITEM 5

ITEM: Consideration of Concurrence in the Issuance of a Revised Solid Waste Facilities Permit for Santiago Canyon Landfill, Orange County.

COMMITTEE ACTION:

On April 22, 1992, the Permitting and Enforcement Committee voted unanimously in favor of consideration in the issuance of Solid Waste Facilities Permit No. 30-AB-0018.

BACKGROUND:

Facility Facts:

Project:	Revised permit for a change in property boundaries, increase in fill area, extension of site life, also increase in tonnage. The revised permit incorporates the addition of recycling facilities, a decrease in operating hours, and implementation of a hazardous waste load checking program.
Facility Type:	Class III Sanitary Landfill
Name:	Santiago Canyon Sanitary Landfill Facility No. 30-AB-0018
Location:	3099 Santiago Canyon Road, Unincorporated Area of Orange County, California
Setting:	Land uses within 1000 feet of this facility are zoned A-1 (General Agriculture). The adjacent and surrounding area is designated as either open space or used for agriculture
Operational Status:	Active, Permitted
Permitted Maximum Daily Capacity:	4900 tons per day
Volumetric Capacity:	26,000,000 cubic yards.
Area:	184.65 acres
Owner:	The Irvine Company

Operator: County of Orange Integrated Waste Management Department

LEA: County of Orange Division of Environmental Health

SUMMARY:

Site History Santiago Canyon Sanitary Landfill is a Class III solid waste disposal site located in an unincorporated area of Orange County about five miles east of the City of Orange.

The Santiago Canyon Landfill commenced operations in 1967. It serves the communities of East Central Orange County which includes Villa Park portions of the City of Orange and Santa Ana, and the unincorporated areas of Orange Park Acres, El Modena, and Cowen Heights.

The landfill lies completely within property owned by the Irvine Company. The County of Orange Integrated Waste Management Department operates the landfill. Operations began at the site in 1967 and on August 22, 1979 the Local Enforcement Agency (LEA) issued a Solid Waste Facilities Permit (SWFP) to the Orange County Solid Waste Management Division (now the County of Orange Integrated Waste Management Department) to operate the site. The current SWFP is for a site of approximately 160 acres of which 120-130 acres are currently being used for landfilling.

The proposed permit will increase the area of the landfill from 160 acres to 184.65 acres. The permitted daily tonnage will increase from 850 tons per day to 4900 tons per day.

The facility currently receives nonhazardous solid waste from residential, commercial, industrial, and agricultural sources. Special wastes include bulky appliances, furniture and catch basin debris. Hazardous and liquid wastes are not accepted at this site.

Other changes at this facility which are incorporated through the permit revision include the addition of a vehicle weighing scale, the installation of groundwater monitoring wells, the implementation of a more stringent load check program, and the installation of a landfill gas collection system and flare station.

Compliance History The Santiago Canyon Sanitary Landfill is presently operating under a Cleanup and Abatement Order (C&A No.

91-68) issued by the Santa Ana Regional Water Quality Control Board (RWQCB) on June 24, 1991. The C&A was issued to address drainage and erosion issues at the landfill.

During the pre-permitting state inspection conducted in December 1991, Board staff cited the facility in violation of Title 14, Section 17704 - Leachate Control due to the observation of seeps at the toe of the landfill. These seeps are believed to be contaminated with constituents derived from landfilled refuse. The site currently has an approved interim collection system for the major seep in this area as directed by the LEA. However, Board staff noted a violation in December 1991 due to other seeps which were not being collected by the interim collection system.

Permitting and Compliance Division staff met with the operator, the LEA, the RWQCB in February, 1992 to discuss the leachate problem and to coordinate a workplan to deal with the leachate. At that time the operator was directed by the RWQCB to submit a workplan detailing methods to bring the site into compliance with the current regulations. The operator has complied with this requirement and the RWQCB commented on the workplan in an April 1, 1992 letter. The letter states that the workplan is acceptable provided its proposed schedule is adjusted to conform with both the closure plan submittal dates and new Article 5 requirements.

On March 31, 1992 Board staff accompanied the LEA and the RWQCB during their inspection of the facility. At the time of the inspection, RWQCB staff found that the site was complying with its Cleanup and Abatement Order. During this inspection the LEA also documented a violation of 14 California Code of Regulations (CCR) 17708 - Drainage and Erosion Control but noted that ponds were being pumped as required by the RWQCB. Communications with the RWQCB have established that the RWQCB should act as the lead agency in directing the necessary remediation work at this site.

<u>Summary of Permit Consideration Issues</u> A recommendation regarding Board concurrence in the proposed permit is not included as part of this agenda item. Board staff have determined that there is long term remediation and corrective action work necessary at this facility to mitigate the water quality problems associated with this landfill. Staff received verification of the facility's satisfactory progress in correcting the landfill leachate problem at the April 22, 1992 Permitting and Enforcement Committee meeting.

<u>Project Description</u> The LEA and the RWQCB have determined that the design is not adequate to protect the facility from a 100-year storm event. The operator and LEA are working on bringing

this facility's design to levels adequate to protect the site from a 100-year storm event.

The existing structures at the landfill consist of several buildings housing an office, employee showers, restrooms, eating area, lockers, and washbasins. Bottled water is provided for drinking. Potable water is also stored in a metal tank adjacent to the office buildings.

There is a hazardous waste storage area on-site for wastes detected through the load check program. These hazardous wastes include household hazardous wastes and hazardous wastes whose source cannot be identified. The storage area is fenced and has a roof and asphalt concrete floor.

Refuse vehicles enter the landfill on paved access roads and are weighed. Waste is unloaded adjacent to the working face and is spread and compacted in layers until an approximate height of 20 feet is reached. Compaction of refuse is accomplished by repeated passes of landfill compactors or crawler tractors. At the end of the working day the refuse is covered with a minimum of six inches of soil. Fill areas remaining inactive for 180 days are covered with 12 inches of compacted soil. The finished face of the landfill will have slopes that typically range from approximately a 2:1 to 3:1 horizontal to vertical ratio. Every 40 feet vertically (or two lifts), a 15-20 foot wide bench is constructed to provide improved slope stability, drainage, and access for maintenance.

This site has a hazardous materials control program. The program consists of on-site Landfill Refuse Inspectors (LRI) who perform random checks of vehicles and inspect loads for the presence of hazardous materials. If the generator is known, the hazardous material is returned to the generator. Any hazardous waste found for which the generator is not identifiable is collected, categorized, and stored in a specially constructed storage area. The operator contracts with a licensed hazardous waste disposal firm to remove and ensure proper disposal of the collected materials. At no time will any of the materials be stored on-site for more than 90 days. Signs are posted at the entry of the site which indicate hazardous or liquid materials are not accepted at the landfill.

This facility receives waste six days a week from Monday through Saturday. Transfer trucks enter from 6:00 a.m. to 4:00 p.m. Commercial vehicles and the public enter from 7:00 a.m. to 4:00 p.m. Site personnel work at the site from 6:00 a.m. to 6:00 p.m., Monday through Saturday. On Sundays, laborers work at the site collecting litter and performing general housekeeping tasks.

Security is provided at the site by a private security firm when the landfill is closed.

Environmental Controls The landfill presently has seventeen groundwater monitoring wells. To control the formation of leachate, the operator plans on pumping one of the monitoring wells in order to attempt to mitigate the impacts of an on-site underground spring. Should this method prove unacceptable, then additional extraction wells shall be installed. A more permanent leachate collection system is being designed to replace the existing, temporary system.

The landfill gas collection system was built by excavating a four foot deep by two foot wide trench into the refuse. A one foot bed of two inch natural gravel is placed in the bottom of the trench and alternating ten feet lengths of fifteen inch and twelve inch polymer coated corrugated metal pipe are then laid in the trench. Two feet of the twelve inch pipe is placed within the fifteen inch pipe to form a "broken pipe" collector. The trench is then filled with two more feet of gravel. A geo-textile is then placed over the trench to prevent fines from entering the trench. The trench is then covered with a one foot layer of clean compacted soil. The six Phase I collector lines were placed approximately at the 1,080 feet to 1,100 feet elevation. Three Phase II lines have been laid at the 1,150 foot elevation. The landfill collector lines are spaced 250 feet apart in the horizontal direction. The landfill gas condensate is collected in a sump at the low points of the header system and then pumped into a storage tank. The condensate is then transported off site to a treatment and disposal facility.

The drainage design for this facility is based on return flows from an 100 year storm event. The methodology used for the design was outlined in the 1986 Orange County Hydrology Manual. The time of closure condition was chosen as the design case, as it will represent the most extreme case in stormwater flows. It is expected that as the landfill settles, grades will decrease in steepness and consequently, reduce peak run-off. The surface of the landfill is sloped to prevent ponding and promote run-off of water. Surface downdrains direct water away from the landfill disposal area. In addition, an interceptor ditch which runs around the periphery of the fill area provides an interim drainage system for all run-off from fill slopes.

The final grading plan for Santiago Canyon Landfill incorporates a permanent drainage system which is designed for a 100-year, 24 hour storm. The design will direct storm water off the refuse area and onto controlled channels as quickly as possible. Downdrains, positioned on newly graded slopes, will direct flows

gathered by bench ditches to a perimeter drainage system located off the refuse area. The flows will then be conveyed through a sedimentation pond prior to leaving the site.

ANALYSIS:

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to Public Resources Code (PRC) Section 44009, the Board has 60 calendar days to concur or object to the issuance of a Solid Waste Facilities Permit. Since the permit was received on March 16, 1992, the last day the Board could act is May 15, 1992.

The following required findings have been met:

1. Conformance with County Plan

   The LEA has determined that the facility is found in the April, 1989 County Solid Waste Management Plan. Board staff agrees with said determination.

2. Consistency with General Plan

   The LEA determined that the landfill was found to be consistent with and designated in Component II of the Land Use Element of the Orange County General Plan. Board staff agrees with said finding.

3. Consistency with Waste Diversion Requirements

   Staff of the Board's Planning and Local Assistance Division make an assessment, pursuant to PRC Section 44009, to determine if the record contains substantial evidence that the proposed project would impair the achievement of waste diversion goals. Based on available information, staff have determined that the issuance of the proposed permit should neither impair nor substantially prevent the County of Orange from achieving its waste diversion goals. The analysis used in making this determination is included as Attachment 4.

4. California Environmental Quality Act (CEQA)

   State law requires the preparation and certification of an environmental document. The Orange County Planning Department prepared an Environmental Impact Report (EIR) (SCH# 89090612) for the proposed project. The project was

certified as approved by the Lead Agency and a Notice of Determination was filed on July 16, 1990 (Attachment 5).

A Mitigation, Monitoring, and Implementation Schedule (MMIS) has been submitted to the Board. Potential environmental impacts and mitigation measures associated with the project are identified and incorporated in the MMIS (Attachment 6).

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

5. Closure and Post Closure Maintenance Plan

The operator submitted Closure and Postclosure documentation pursuant to Section 43501(a) and (b). In February, 1992, Board staff deemed the Preliminary Closure and Post Closure Maintenance Plans submitted for this facility complete.

The operator has submitted the required documents for the establishment of an enterprise fund pursuant to Section 43501(a)(2). Financial Assurance Branch staff determined that the enterprise fund established for the Closure and Postclosure Maintenance costs of this facility met the requirements of Title 14, CCR, Section 18285.

6. Compliance with State Minimum Standards

The Santiago Canyon Sanitary Landfill is presently operating under a Cleanup and Abatement Order (C&A No. 91-68) issued by the Santa Ana Regional Water Quality Control Board (RWQCB) on June 24, 1991. The C&A was issued because of ongoing drainage and erosion, as well as ponding problems. In addition, the LEA and the RWQCB have determined that the design of the facility is not adequate to protect the facility from a 100-year storm event.

On December 9, 1991, Board staff inspected the facility and cited a violation of Title 14, Section 17704 - Leachate Control. The inspector also noted that the site was not in compliance with C&A No. 91-68.

The site currently has an approved interim collection system for the major seep in this area. This interim system is not adequate to deal with the leachate problems at the site. The operators are working with RWQCB staff to design a collection system for the entire site.

Permitting and Compliance Division staff met with the operator, the LEA, and the RWQCB in February, 1992 to discuss compliance with current regulations and with the leachate control issues. At that time the operator was directed by the RWQCB to submit a workplan detailing methods to bring the site into compliance with current regulations. The RWQCB commented on its review of the workplan in an April 1, 1992 letter. This letter states that the workplan is acceptable provided its proposed schedule is adjusted to conform with both the closure plan submittal dates and new Article 5 requirements.

On March 31, 1992 Board staff accompanied the LEA and the RWQCB during their inspection of the facility. At the time of the inspection, RWQCB staff found that the site was in compliance with its Cleanup and Abatement Order (dealing with erosion and drainage) and the LEA documented a continuing violation of 14 CCR 17708 - Drainage and Erosion Control, but noted that the operator and the LEA were working on the problems at the site.

Board staff have determined that there is long term remediation and corrective action work necessary to mitigate the water quality problems associated with this landfill. Communications with the RWQCB have established that the RWQCB should act as the lead agency in directing the operator's remediation work at this site.

Both the LEA and RWQCB staff will be present at the April 29, 1992 Board meeting to answer questions regarding the ongoing violation of Title 14, CCR, Section 17704 - Leachate Control and the status of the Cleanup and Abatement Order.

DISCUSSION:

The LEA has submitted a proposed permit to the Board. Because a Solid Waste Facilities Permit has been proposed, the Board must either object to or concur with the proposed permit as submitted by the LEA. Staff has reviewed the proposed permit and its supporting documentation and have found that the proposed permit is acceptable for consideration of concurrence. However, staff remain concerned about progress made toward bringing the site into compliance with its Cleanup and Abatement Order and the continued violations of 14 CCR 17704 and 17708.

Staff have determined that the current and continuing remediation work performed by the operator to correct deficiencies cited by the RWQCB has been adequate to satisfy the requirements of the June 1991 Cleanup and Abatement Order. Separately, the RWQCB required the operator to submit a workplan to bring the site into compliance with current regulations concerning the leachate problem. This workplan was expanded in scope to include closure plans and new Article 5 Requirements administered by the RWQCB.

Staff also need verification of the facility's satisfactory progress in remediation. The LEA will discuss the progress being made to remediate the violations documented at the site at the April 29, 1992 Board meeting.

BOARD OPTIONS:

The Board has three possible options in the consideration of the proposed Solid Waste Facilities Permit for the Santiago Canyon Landfill.

1. The Board may concur in the proposed permit as submitted by the LEA. This option would be appropriate if the remediation work being undertaken at the site is deemed adequate to meet the requirements of State standards, pursuant to PRC Section 44009.

2. The Board may object to the proposed permit and submit its objections to the permit to the enforcement agency for its consideration. This option would be appropriate if it is determined that the facility is not consistent with State standards pursuant to PRC Section 44009.

3. The Board may take no action on the proposed permit as it was submitted. If the Board elects to take no action and fails to concur or object in writing within 60 days of receipt of the proposed permit from the LEA, PRC Section 44009 states that the Board shall be deemed to have concurred in the issuance of the permit as submitted.

ATTACHMENTS:

1. Location Map
2. Site Map
3. Permit No. 30-AB-0018
4. AB 2296 Conformance
5. Notice of Determination
6. Mitigation, Monitoring, and Implementation Schedule (MMIS)
7. RWQCB letter, dated April 1, 1992

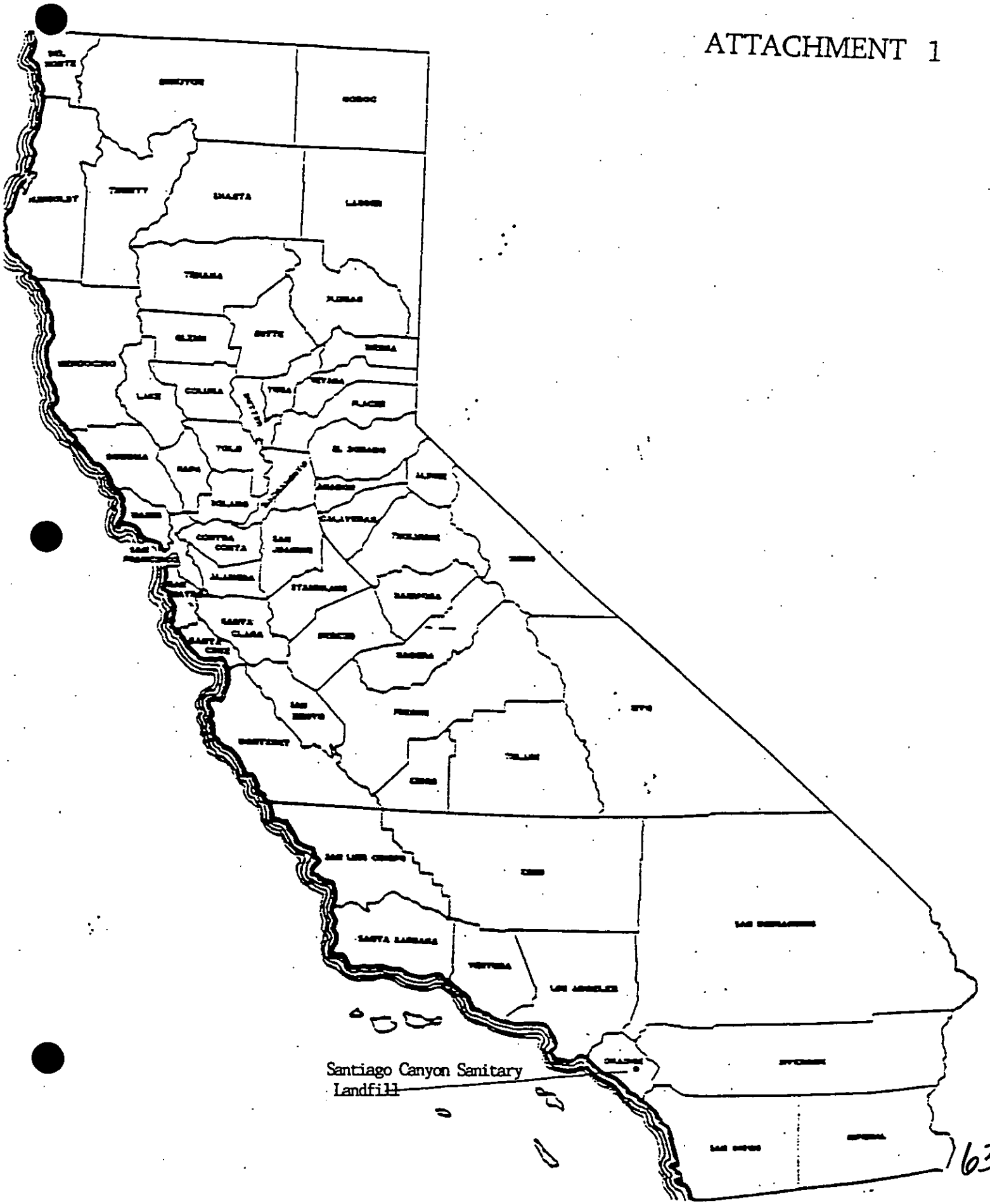
PS R. Stevens 4/22/92

Prepared by: Paul Sweeney/Rosslyn Stevens Phone: 255-2577

Approved by: Phillip J. Moralez/Martha Vásquez Phone: 255-2453

Legal Review: RJ Date: 4/22 1800

ATTACHMENT 1

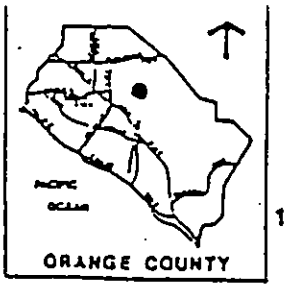


Santiago Canyon Sanitary Landfill

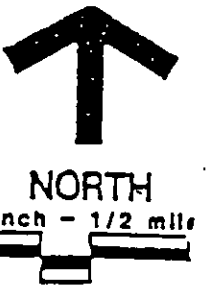
South Borrow Site I

GA 125-11

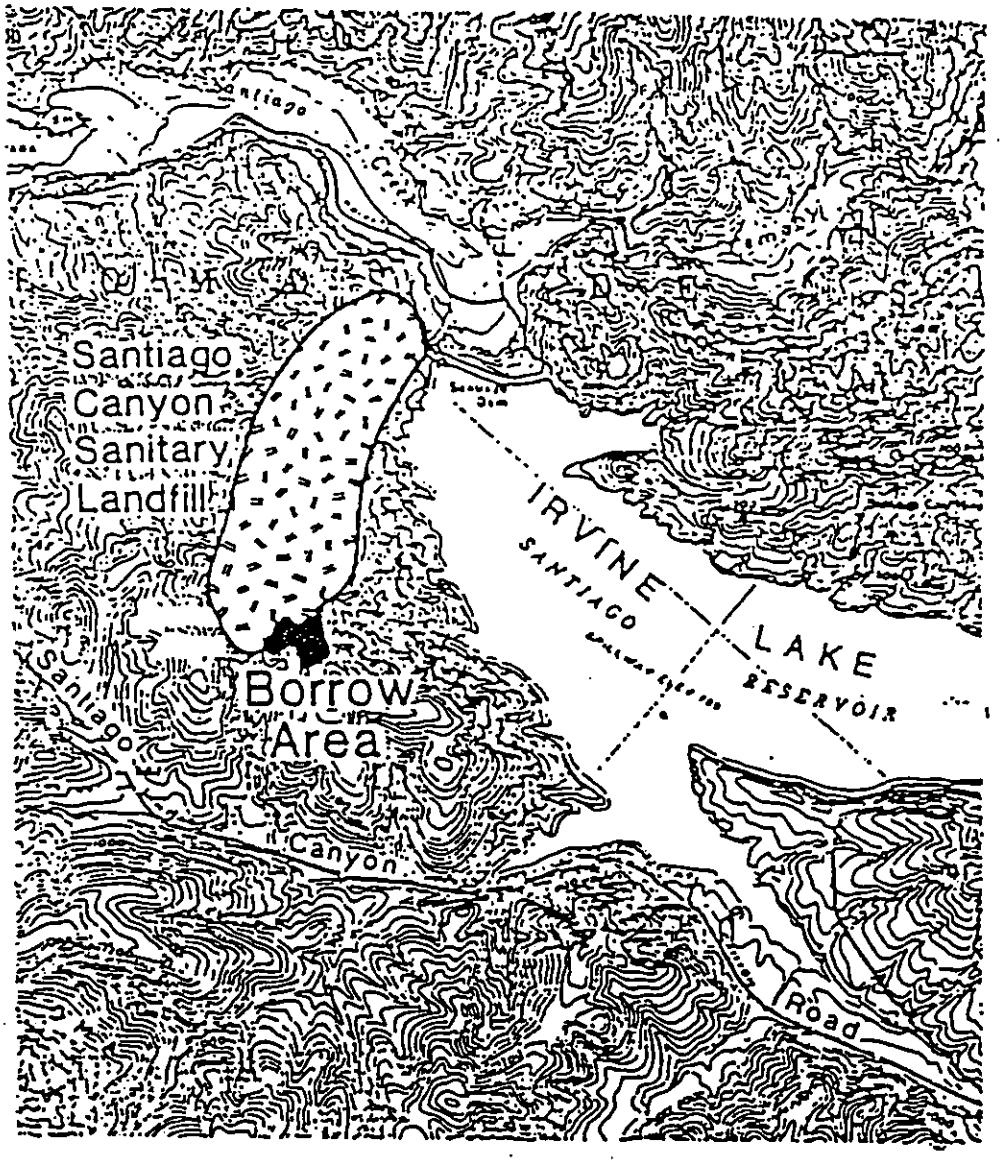
COUNTY OF ORANGE / EMA



LOCATION MAP



ATTACHMENT 2



LOCATION MAP

ATTACHMENT 3

OPERATING PERMIT FOR FACILITIES RECEIVING SOLID WASTE

TYPE OF FACILITY	FACILITY/PERMIT NUMBER
Landfill Class III	30-AB-0018

NAME AND STREET ADDRESS OF FACILITY	NAME AND MAILING ADDRESS OF OPERATOR
Santiago Canyon Sanitary Landfill 3099 Santiago Canyon Road Orange County, CA	County of Orange Integrated Waste Management Department 1200 N. Main St., Suite 201 Santa Ana, CA 92701

PERMITTING ENFORCEMENT AGENCY	CITY/COUNTY
Orange County/Division of Environmental Health	Orange County

PERMIT

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

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

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

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

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

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

APPROVED:

APPROVING OFFICER

Robert E. Merryman, Director
NAME/TITLE

AGENCY ADDRESS

County of Orange
Division of Environmental Health
2009 E. Edinger Ave.
Santa Ana, CA 92705

AGENCY USE/COMMENTS

SEAL

PERMIT RECEIVED BY CWMB	CWMB CONCURRANCE DATE
MAR 1 6 1992	
PERMIT REVIEW DUE DATE	**PERMIT ISSUED DATE**
	65

SANTIAGO CANYON SANITARY LANDFILL OPERATING PERMIT

FINDINGS:

1. Description of the facility's design and operation:

This permit is a revision of the existing Solid Waste Facility Permit (SWFP: 30-AB-0018; 6-29-1979) for the Santiago Canyon Sanitary Landfill. The permit addresses the Five-Year Permit Review and the Five-Year Periodic Facility Reviews required by the California Public Resources Code (PRC) Division 30, Part 4, Chapter 3, Sections 44001 et seq. and the California Code of Regulations (CCR), Title 14, Division 7, Chapter 5, Article 3, Sections 18200 et seq.

The Santiago Canyon Landfill is an existing unlined 184.65 acre Class III facility. The land is owned by the Irvine Company and the site is operated by the County of Orange, Integrated Waste Management Department. It is located in the unincorporated area of Orange County approximately 5 miles East of the city of Orange since then.

This permit addresses the following design and operational changes that have occurred since the submittal of the original Report of Disposal Site Information (RDSI) dated August 5, 1977 and Negative Declaration dated August 3, 1977:

* The adoption of updated Waste Discharge Requirements, Order No. 89-34, by the California Regional Water Quality Control Board, and cleanup and Abatement Order No. 91-68, Santa Ana Region dated May 12, 1989. (Refer to Appendix B, Exhibit 3 of the Periodic Site Review, Santiago Canyon Landfill, dated July 1991).

* A tonnage increase from an original 850 tons per day in 1979 to 4,900 tons per day today, (Refer to Negative Declaration No. IP90-26, state clearinghouse number 90010643 dated July 16, 1990, located in RDSI Appendix B, Exhibit 1, Volume 1, dated July, 1991). The increase to 4,900 tons per day is the peak allowed for future growth and is included in the move CEQA documents.

* The addition of a scale to facilitate the measurement of refuse, (refer to RDSI page 2, Section 4 and RDSI Volume II Appendix E, page 3-Categorical Exemption, dated May 14, 1985).

* The construction of new groundwater monitoring wells (refer to RDSI page 20-21 Section K, dated July 1991).

* The implementation of a more stringent hazardous waste inspection program (refer to RDSI page 5-6)

* Increase of leased acreage from 160 acres to 184.65 acres, (CEQA documents IP-89-009 dated April 25, 1989, Negative Declaration, refer to RDSI Volume II Appendix E, Exhibit C and IP 90-44 Appendix D, Exhibit B).

* Installation of a landfill gas collection and a flare station (refer to RDSI Volume II Appendix E- page 2, EIR #515 state clearinghouse No. 90090612; certified 1990).

A. The owner of the land is the Irvine Company located at:

The Irvine Company Phone (714) 720-2000
Community Development Division
P.O. Box 1
550 Newport Center Drive
Newport Beach, CA 92660

The operator of the site is:

County of Orange Phone (714) 568-4160
Integrated Waste Management Department
1200 N. Main St.
Suite 201
Santa Ana, CA 92701

B. The Santiago Canyon Landfill is located at 3099 Santiago Canyon Road, Orange County, CA.

The Landfill consists of portion of blocks 38, 39, 69, and 70 of Irvine Subdivisions, T.45, R.8W, S.B.B., and M. of the USGS Topo Map Black Star Canyon Quadrangle, (refer to Map in RDSI dated Jul;y 1991, Volume II, Appendix C, Figure 5. The site consists of 184.65 acres of land. The fill area is show in RDSI Volume II, Appendix C, Figure 7. The fill area consists of approximately 130 acres which have been used for disposal.

C. Access to the site is off of Santiago Canyon Road which is a paved highway. The entrance is paved and the on-site perimeter roads are hardpacked dirt.

The entry road has a scale for weighing vehicles and a scalehouse to house employees who collect fees and computerized fee collection equipment.

There are buildings with an office and employee showers, restrooms, eating area, lockers, and washbasins. Bottled waters provided for drinking. Potable water is also trucked and stored in a metal tank adjacent to the office building. There are groundwater wells on the site and landfill gas monitoring probes. A landfill gas collection system and flare station has been built and is operational, (refer to RDSI Volume II, Appendix C, Figure 16.)

There is a Hazardous Waste Storage area on-site for collected househould hazardous wastes that cannot be identified as to generator source. The EPA Hazardous Waste and Generator Number for Santiago Canyon Landfill is CAD 981679087. The storage area is fenced and has a roof and asphalt concrete floor.

The design capacity of the site is 4900 tons per day, (refer to Appendix B, Exhibit 1, Negative Declaration No. IP 90-26, SCH #90010643). The average daily tonnage accepted is 3,000 tons per operating day, (refer to RDSI, Volume I, page 12, Section B.1.).

D. The Santiago Canyon Landfill is operated as a class III Sanitary Landfill, in compliance with Federal, State, and local standards. The California Regional Water Quality Control Board, Santa Ana Region, in the May 12, 1989 Waste Discharge Requirements, order No. 89-34, allow for the disposal of non-hazardous solid and inert wastes. Waste received at the site include the following;

a) Residential refuse
b) Commercial and Industrial Waste
c) Demolition waste

Special waste such as grease trap pumpings, liquids, septic tank pumpings, sewage sludge, infectious waste, commercial or industrial hazardous waste, are not accepted for disposal.

E. The site currently accepts approximately 3,000 tons per operating day of non-hazardous solid wastes, (refer to RDSI Volume I, page 12, Section B.1.).

The design capacity of the site is 26,000,000 cubic yards (refer to RDSI Volume I, page 13, Section C). As of April 30, 1991, approximately 19,000,000 cubic yards of waste were in place. As of April 30, 1991, 7,000,000 cubic yards of capacity remains. Each cubic yard is approximately equivalent to 1,2000 pounds.

F. Design and operation of the facility are described by the Report of Disposal Site Information and the Periodic Site Review, each dated July, 1991 and are hereby made a part of this finding.

Santiago Canyon Landfill is a sanitary landfill using the area-fill method of disposal operation.

Vehicles loaded with refuse enter the landfill facilities and are weighed. Paved access roads are provided to allow vehicles to access the disposal site. The refuse is unloaded adjacent to the working slope face and is spread and compacted in layers to an approximate height of 20 feet. Compaction of refuse is accomplished by repeated passes of landfill compactors or crawler tractors. At the end of the working day the refuse is covered with a minimum of 6" of soil or other approved alternative cover. Faces that remain inactive for 180 days are provided with intermediate cover of 12 inches of compacted soil. This refuse and cover material constitutes a cell. The finished front face of the landfill will typically, slope from approximately 2:1 to 3:1 (horizontal:vertical). Every 40 feet vertically (or two lifts), a 15-20 foot wide bench is constructed in the front face of the landfill, to provide improved slope stability, drainage, and access for maintenance. (Refer to page 2 of RDSI).

G. Salvaging is conducted at the site by a private contractor whose name, address and phone number is on file. Materials that are recovered for recycling or salvaging are :
(See Exhibit 2, RDSI)

1. Mixed scrap metal
2. Stainless steel
3. Heavy steel
4. Brass and bronze
5. Copper

6. Aluminum
7. Cardboard
8. Textiles
9. Appliances
10. Mattresses
11. Junk Batteries

Hazardous waste such as batteries shall be handled in a manner approved by the enforcement agency and the California Integrated Waste Management Board.

H. This site has a hazardous materials control program, (See page 5 of RDSI). The program consists of on-site Landfill Refuse Inspectors that perform random checks of vehicles and inspect loads for the presence of hazardous materials. If the generator is known, the hazardous material is returned for proper disposal. Any hazardous waste found for which the generator is not indentifiable, is immediately collected, categorized, and properly stored in a specially constructed storage area. The operator contracts with a licensed hazardous waste disposal firm to remove and ensure proper disposal of the collected materials. At no time will any of the materials be stored on-site more than 90 days. The EPA Hazardous Waste Generator Number is CAD 981679087. Phone number to call in emergency is Sheriff (714) 647-1830 and Orange County Control I (One) (714) 834-2127.

A training program for Landfill Refuse Inspectors consists of a 40 hour hazardous materials identification and handling class sponsored by the Rancho Santiago Community College and a medical waste management course sponsored by the Orange County Health Care Agency.

Signs are posted at the entry of the site which indicate hazardous or liquid materials are not accepted at the landfill.

Additional measures concerning hazardous wastes may be required upon request of this enforcement agency or the Board.

I. Anticipated changes in design or operation in the next five years include the following items;

1). The possibility of using an alternative daily cover other than 6" of soil. This may require a change in the existing permit and CEQA review, (See Periodic Site Review page 24.)

2). The site is scheduled to close within 5 years, in late 1995 or early 1996, (See Periodic Site Review , page 2.)

3). A leachate recovery and control system will be designed and installed to meet the requirements of the Regional Water Quality Control Board. This project is subject to environmental review.

J. Operating hours are the following:

Transfer trucks enter from 6:00 a.m. to 4:00 p.m. Commercial vehicles and the public enter from 7:00 a.m. to 4:00 p.m. Site personnel work at the site from 6:00 a.m. to 6:00 p.m. This schedule is from Monday thru Saturday. On Sundays, laborers work at the site.

The landfill is closed to commercial haulers and the public on Sundays and major holidays, (See page 2 of RDSI).

The site is scheduled to reach capacity and close in late 1995 or early 1996.

K. Security is provided by a contractor during periods when the site is unmanned.

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

A. Waste Discharge Requirements (order No. 89-34, dated May 12, 1989, California Regional Water Quality Control Board, Santa Ana Region.) Included in this order is a Monitoring and Reporting Program, No. 89-34.

B. Report of Disposal Site Information Santiago Canyon Landfill, Station No. 25, dated 07/91, Volumes I and II, and Periodic Site Review dated 07/91.

C. Notice of Determination, Negative Declaration, State Clearinghouse No. 90010643, dated 07/16/90, (RDSI Appendix B-1).

D. Orange County Fire Department, Public Resource Code 4373 and 4374, approval letter dated 05/02/91, (RDSI Appendix B, Exhibit 9).

		Appendix D RDSI Exhibit
E.	Negative Declaration (IP 90-44), Southeast Borrow Site, dated 10/12/90	B
F.	Negative Declaration (IP 89-009), South Borrow Site Area 2, dated 04/25/89	C
G.	Negative Declaration (IP 87-087), South Borrow Site Area 1, dated 01/25/88	D
H.	Environmental Impact Report 515, Landfill Gas Flare Station, dated 05/22/90	E
I.	Lease Agreement - The Irvine Company and County of Orange dated 05/31/67	F
J.	First Amendment to Lease Agreement, dated 05/16/89	G
K.	Second Amendment to Lease Agreement, dated 05/22/90	H
L.	Grading Permit, Southwest Borrow Site #GA9011210001, dated 04/08/91	I
M.	Permit to Construct, Landfill Gas Flaring Station, #173205, dated 03/20/91	J
N.	Permit to Construct, Landfill Gas Flaring Station, #180332 dated 06/29/89	K
O.	Permit to Construct, Condensate Collection and Storage System #239401, dated 01/23/91	L

3. The following findings are required pursuant to Public Resources Code (PRC):

   A. PRC 44010

      This permit is consistent with the criteria, guidelines and standards adopted by the California Integrated Waste Management Board.

   B. PRC 50000

      The latest edition (April 1989) of the Orange County Solid Waste Management Plan identifies and describes Santiago Canyon Landfill as one of the five operating landfill sites in the County, (See RDSI, Exhibit 10, Appendix B).

   C. The County of Orange, Environmental Management Agency made a determination that the facility is consistent with, and designated in the Land Use Element, Component II, approved by resolution No. 88 - 1441 PSF 88-1, dated 10/19/88, (See RDSI Appendix B, Exhibit II).

4. This facility's design and operation were in substantial compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by an inspection of the site on February 27, 1992.

5. The Orange County Fire Department, has determined the site to be in conformance with the Public Resource Code 4373 and 4374, letter dated May 2, 1991 (RDSI Appendix B, Exhibit 9). This meets requirements of PRC 44151.

6. Land use within 1,000 feet of this facility are zoned A-1 (General agriculture). The adjacent and surrounding area is designated as either open space or agriculture use in the Orange County Environmental Management Agency Advance Planning Map, (See RDSI Volume II, Appendix C figure 2 and 3 also RDSI Volume I page 11, item 18). This landfill is compatible with the surrounding land uses.

CONDITIONS

<u>Requirements:</u>

1. This facility must comply with all the State Minimum Standards for Solid Waste Handling and Disposal.

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

3. The operator will comply with all notices and orders issued by any responsible agency designated by the Lead Agency to monitor the mitigation measures contained in any of the documents referenced within this permit to Public Resources Code 21081.6.

4. Additional information concerning the design and operation of this facility must be furnished on request of the Local Enforcement Agencies' personnel.

5. At the discretion of the Local Enforcement Agency, the operator shall install additional landfill gas monitoring probes for the detection of gas migration. If needed, the landfill gas control system shall be expanded.

6. The operator shall maintain a copy of this Permit at the facility so as to be available at all times to facility personnel and to the Local Enforcement Agencies' personnel.

7. The operator shall install and maintain signs at the entrance indicating that "no hazardous or liquid wastes are accepted". These signs shall be in both English and Spanish.

Prohibitions:

The following actions are prohibited at this facility:

1. This site is subject to the prohibitions contained in the Waste Discharge Requirement (Order No. 89-34 dated May 12, 1989).

2. No medical wastes as defined in Chapter 6.1, Division 20 of the Health and Safety Code shall be disposed of at this facility.

3. No scavenging by the general public is permitted.

4. No open burning of waste is permitted.

5. No standing waster is allowed on covered fill areas.

6. Receipt of the following wastes are prohibited:

   A. Hazardous waste (or special waste), including radioactive wastes, and materials which are of a toxic nature, such as insectisides, herbicides or poisons;

   B. Liquids, oils, slurries, waxes, tars, soaps, solvents, or readily water-soluble solids such as but not limited to salts, borax, lye, caustics or acids;

   C. Pesticides containers, unless they are rendered nonhazardous by triple rinsing;

   D. Asbestos or asbestos products.

7. No polluted surface waters shall leave this site except as permitted by a National Pollution Discharge Elimination System permit issued in accordance with the Federal Clean Water Act and the California Water Code.

Specifications:

1. No significant change in design or operation from that described in the Findings section of this permit is allowed.

2. The operator shall notify the Local Enforcement Agency, in writing, of any proposed changes in the routine facility operation of changes in facility design during the planning stages.

   In no case shall the operator undertake any changes unless the operator first submits to the Local Enforcement Agency a notice of said changes at least 120 days before said changes are undertaken. Any significant change as determined by the Local Enforcement Agency would require a revision of this permit.

3. This facility has a permitted capacity of 4900 tons per day and shall not receive more than this amount of solid waste without first obtaining a revision of this permit.

4. A change in the operator would require a new solid waste permit.

5. This revision of the Solid Waste Facilities Permit supersedes the Permit that was adopted by the Orange County Solid Waste Enforcement Agency on August 22, 1979.

CONDITIONS:

Provisions

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

2. Operational controls shall be established to preclude the receipt and disposal of prohibited wastes.

   A. During the hours of operation for all landfill dumping activities, an attendant or attendants shall be present at all times to supervise the loading and unloading of the waste material.

   B. The landfill operator shall conduct a daily waste checking program, approved by the Local Enforcement Agency, to prevent and discourage disposal of hazardous waste at the disposal site. The daily waste load checking program shall consist of the following activities:

   1) The minimum number of random waste loads to be inspected daily at this landfill is three (3).

      The number of incoming loads to be inspected each day is determined by the Local Enforcement Agency and is related to the permitted daily volume of refuse received. The load selected for inspection shall be dumped upon the ground in an area apart from the active working face of the landfill. The refuse shall be spread out and visually inspected for evidence of hazardous wastes.

      Any hazardous materials found shall be set aside and placed in a secure area to await proper disposition allowing notification of the producer (if known) and the appropriate governmental agencies.

2) Visual inspection of each day's working face by landfill personnel, such as spotters, equipment operators, and supervisors for evidence of hazardous materials. Any hazardous materials thus found shall be managed as in item 1 above.

3) Landfill staff and others assigned to perform the duties required in this waste load checking program including visual inspection of the landfill working face, are to be trained to recognize hazardous waste and to perform the reporting requirements of this program. Staff are to be retrained on an annual basis. New employees are to be trained prior to being given work assignments.

3. The operator shall comply with all of the requirements of all applicable laws pertaining to employee health and safety.

4. The operator shall continue to monitor for potential leachate generation. The operator will collect, treat, and effectively dispose of the leachate in a manner approved by the Local Enforcement Agency and the California Regional Water Quality Control Board.

5. The methane gas monitoring program shall proceed and the self-monitoring reports shall continue to be submitted to the local Enforcement Agency by the operator.

Monitoring Program:

Upon receipt of the approved Solid Waste Facility Permit, the operator shall submit monitoring reports to the Local Enforcement Agency at the frequencies indicated below. The monitoring reports are delinquent 30 days after the end of the reporting period.

1. Monthly Reporting:

   A. The quantities and types of hazardous wastes or medical wastes found in the waste stream and the disposition of these materials (Results of the daily Waste Load Checking program).

   B. All incidents of unlawful disposal of prohibited materials and hazardous materials. The operators actions taken and the final disposal of the material.

C. All complaints regarding this facility and the operator's actions taken to resolve any justified complaints. Local Enforcement Agency one day notification is still required.

D. The operator shall maintain a log of special/unusual occurrences. This log should include but is no limited to fires, injuries, property damage, accidents, explosions, discharge and disposition of hazardous or unpermitted waste. The operator shall maintain this log at the facility so as to be available at all times to site personnel and to the Enforcement Agencie's personnel.

Report all entries in the log of special/unusual occurrences and the operator's action taken to correct these problems.

2. Quarterly Reporting: (Quarter ending March 31, June 30, September 30, December 31)

A. The types and quantities in tons of decomposable and inert wastes received <u>each day</u>. The operator shall maintain these records on the facility's premises for a minimum of one year and make them available to the Enforcement Agencie's personnel on request.

B. The number of vehicles using the facility per day and per week.

C. The results of the landfill gas migration control program.

D. The results of the leachate monitoring, collection, treatment and disposal program. The operator shall monitor for potential leachate generation as required by the Waste Discharge Requirements. If leachate is found, the operator will collect, treat, and effectively dispose of the leachate in a manner approved by the Local Enforcement Agency and the California Regional Water Quality Control Board.

E. The quantities and types of hazardous wastes, medical wastes, or prohibited wastes found and the disposition of these materials. Monthly reporting of this information is still required.

3. Annual Reporting: (year ending December 31)

   A. Topographical map showing all current fill locations.

   B. Topographical map which indicates all cuts into native material from the previous year to the present date.

ATTACHMENT 4

State of California

California Environmental Protection Agency

Memorandum

To: Paul Sweeney
Permitting Branch

Date: March 19, 1992

From: John Nuffer
Local Assistance Branch
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Subject: Review of Facility's Conformance with AB 2296--Proposed Permit for Santiago Canyon Sanitary Landfill, Facility No. 30-AB-0018

Summary of Findings: The design and operational changes described in the permit application dated March 16, 1992, comply with the requirements of Public Resources Code (PRC) Sections 44009, 50000(a), and 50000.5(a).

Project Description: The proposed permit for the Santiago Canyon Landfill addresses the design and operational changes that have occurred since the submittal of the original Report of Disposal Site Information (RDSI) dated August 5, 1977 and Negative Declaration dated August 3, 1977.

Consistency with Waste Diversion Requirements (PRC Section 44009):

Issuance of the permit would not prevent or substantially impair achievement of the County's waste diversion goals.

According to the County's Preliminary Draft Source Reduction and Recycling Element (SRRE), on Page 9-12, the County is in the process of developing a closure plan for the Santiago Canyon Landfill. The landfill is expected to close in 1995. The requested revision will simply bring the County's permit into conformance with existing operating conditions. Therefore, issuance of the permit will not have any material effect upon achievement of the County's waste diversion goals.

Furthermore, in a letter dated January 13, 1992 (See attached letter), the Orange County Local Task Force reported its determination that the operating permit revisions for the Santiago

Canyon Landfill will not prevent or impair achievement of the requirements of PRC Section 41780 (the AB 939 Waste Diversion Goals). The Local Task Force also stated in the letter that the Santiago Canyon Landfill is an "integral component of the Orange County Integrated Waste Management System Plan for complying with the California Integrated Waste Management Act of 1989."

Consistency with County Solid Waste Management Plan (CoSWMP) (PRC Section 50000(a):

The Santiago Canyon Landfill is consistent with the most recently adopted Orange County CoSWMP, dated April 1989. The facility is identified and described on page 3-4 of the CoSWMP.

Consistency with the General Plan (PRC Section 50000.5(b)(1)(2)):

The Santiago Canyon Landfill will be consistent with the County's General Plan.

The Orange County Environmental Management Agency has determined that the landfill was "found to be consistent with, and shown to be designated in, the Land Use Element, Component II, of Orange County's General Plan, dated October 19, 1988. The landfill is also compatible with surrounding land uses.

Conclusions:

The proposed permit for the Santiago Canyon Landfill will not prevent or impair achievement of the County's waste diversion goals. The permit is consistent with the latest CoSWMP. It is also consistent with Orange County's General Plan.

Orange County
Waste Management Commission
1200 N. Main, Suite 201, Santa Ana, CA 92701 (714) 568-4160

RECEIVED
JAN 16 1992

January 13, 1992

Mr. John Nuffer
Local Planning Division
California Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, CA 95826-3268

Dear Mr. Nuffer:

In compliance with the California Integrated Waste Management Board staff telephone request of December 16, 1991, the Orange County AB 939 Local Task Force (LTF) in its role, as defined by Public Resources Code (PRC) Section 40950, has made the determination that the operating permit revisions for the Santiago Canyon Sanitary Landfill (Permit Number 30-AB-0018), will not prevent or impair achievement of the requirements of the PRC Section 41780. The Santiago Canyon Landfill is an integral component of the Orange County Integrated Waste Management System Plan for complying with the California Integrated Waste Management Act of 1989.

Although compliance with CIWMB staff request has been expedited by the LTF, the LTF requests a formal letter from the CIWMB that provides the specific policy mandating LTF review of revised solid waste facility permits.

Should you have any questions regarding the above, please feel free to contact Vicki Wilson, Assistant Director, Orange County Integrated Waste Management Department at (714) 568-5122.

Sincerely,

Gerard B. Werner

Gerard B. Werner, Chairman
Orange County Local Task Force

cc: John D. Smith, CIWMB
Vicki Wilson, IWMD
Jan Goss, IWMD
AB 939 Local Task Force Members

82

ATTACHMENT 5

DATE POSTED June 15, 1990

DATE FINAL _____

ENVIRONMENTAL MANAGEMENT AGENCY
12 CIVIC CENTER PLAZA
P.O. BOX 4048
SANTA ANA, CALIFORNIA 92702 - 4048

RECEIVED
JUN 19 1990

NEGATIVE DECLARATION

In accordance with Orange County Board of Supervisor's policies regarding implementation of the California Environmental Quality Act, the County of Orange has conducted an Initial Study to determine whether the following project may have a significant adverse effect on the environment and on the basis of that study hereby finds:

☐ The proposed project will not have a significant adverse effect on the environment; therefore, it does not require the preparation of an Environmental Impact Report.

☒ Although the proposed project could have a significant adverse effect on the environment, there will not be a significant adverse effect in this case because the Mitigation Measures described on the reverse side of this sheet have been added to the project. An Environmental Impact Report is therefore not required.

The environmental documents which constitute the Initial Study and provide the basis and reasons for this determination are attached and hereby made a part of this document.

PROJECT:

Title: Santiago Canyon Sanitary Landfill Solid Waste Facilities Permit Revision File No: IP 90-26

Location: Eastern Orange County near the city of Orange.

Description: A proposed revision of the State Solid Waste Facility Permit for the Santiago Canyon landfill to reflect the actual projected daily operation.

Project Proponent: Orange County Integrated Waste Management Department

Division/Department Responsible for Proposed Project: Environmental Planning Division Room No. G-24

Address: 12 Civic Center Plaza, Santa Ana, CA 92702 - 4048

Contact Person: Barbara R. Shelton - CEQA Telephone: 834-3414
Ken Kvammen - Orange County Integrated Waste Management Dept. 568-4160

NOTICE:

This document and supporting attachments are provided for review by the general public. This is an information document about environmental effects only. Supplemental information is on file and may be reviewed in the office listed above. The decision-making body will review this document and potentially many other sources of information before considering the proposed project.

This Negative Declaration may become final unless written comments or an appeal is received by the office listed above by 4:30 p.m. on July 13, 1990. If you wish to appeal the appropriateness or adequacy of this document, address your written comments to our finding that the project will not have a significant adverse effect on the environment: (1) identify the environmental effect(s), why they would occur, and why they would be significant, and (2) suggest any mitigation measures which you believe would eliminate or reduce the effect to an acceptable level. Regarding item (1) above, explain the basis for your comments and submit any supporting data or references.

Dated: July 15, 1990 Barbara R. Shelton

F0250-275.3 R 8/85

County of Orange

MEMO

ATTACHMENT 6

Date: July 16, 1990

CEQA FINDING

PROJECT NUMBER: IP 90-26
PROJECT NAME: SANTIAGO CANYON SANITARY LANDFILL
SOLID WASTE FACILITIES PERMIT REVISION

Negative Declaration No. IP 90-26 satisfies the requirements of CEQA for this project and is therefore approved. It was considered and found adequate in addressing the environmental impacts for the project prior to its approval. With identified mitigation measures, the project will not have a significant effect on the environment. A mitigation monitoring program, included as Exhibit A to Final Negative Declaration IP 90-26 is hereby adopted.

Authorized Representative
Orange County Integrated Waste
Management Department
1200 N. Main St., Suite 201
Santa Ana, CA 92701

BS:mgPM01-450/0194
0071321355621

84

F850-188(3/84)

Exhibit A

SANTIAGO CANYON SANITARY LANDFILL
SOLID WASTE FACILITIES PERMIT REVISION

MITIGATION MONITORING PROGRAM

Mitigation Measure	Implementing Condition or Action	Method of Verification	Timing of Verification	Responsible Person	Date Completed
Water					
1. The County shall continue to monitor groundwater quality on a regular basis.	Permit Revision	Monitoring Program	Per RWQCB Requirements	Director/ IWMD	

ATTACHMENT 7

STATE OF CALIFORNIA - CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

PETE WILSON, Governor

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION
2010 IOWA AVENUE, SUITE 100
RIVERSIDE, CA 92507-2409
PHONE: (714) 782-4130

RECEIVED
APR 03 1992
By MGt

April 1, 1992

Mr. Frank Bowerman, Director
Orange County Integrated Waste Management Dept.
1200 N. Main Street, Suite 201
Santa Ana, CA 92701

SANTIAGO CANYON LANDFILL: RESPONSE TO GROUNDWATER COMPLIANCE WORKPLAN

Dear Mr. Bowerman:

We have reviewed the workplan and project time schedule submitted February 26, 1992, proposing procedures for mitigating groundwater contaminant migration from the Santiago Canyon Landfill. The procedures are satisfactory provided that the following comments are incorporated into the workplan.

Design specifications for the permanent leachate control system are contingent upon results of the interim testing procedures outlined in the report. Implementation of the permanent system should be part of other elements of the Final Closure Plan. The schedule does not appear to allow time for Regional Board review of a permanent system workplan prior to commencement of the contract phase (April 1993). Please submit the proposed final design two months before the contract phase.

Additionally, your schedule for Article 5 implementation appears to be in conflict with the February 26 report text. An October 16, 1992 submittal date is projected for final Article 5 evaluation phase recommendations. However, those recommendations must be derived from analysis of your existing data and stated within the Article 5 workplan, to be submitted by July 1, 1992. Therefore, the data analysis and draft report phases indicated on your time schedule must precede, not follow, the Article 5 workplan phase. We will further address Article 5 considerations in a subsequent letter.

FACILITY FILE CARBON COPY
ORIGINAL TO FILE # 30-AB-0018
SUBMITTED BY MGL DATE 4-7-92
COPY TO RS/CD
COPY TO BV/RMC
COPY TO FC

86

If you have any questions, please contact Glenn Robertson of my staff at 782-3259.

Sincerely,

Dixie B. Lass, Chief
Land Disposal Section

cc: Patricia Henshaw, Orange Co. EHD - LEA
Paul Sweeney, CIWMB, Sacramento
Bryan Stirrat, BAS Associates, Diamond Bar
Gary Lass, GeoLogic, Diamond Bar

GSR/1santgrw.ltr

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

April 29, 1992

AGENDA ITEM 7

ITEM: Consideration of Concurrence in the Issuance of a New Solid Waste Facilities Permit for Whitefeather Farms Composting Facility, Riverside County.

COMMITTEE ACTION:

On April 22, 1992, the Permitting and Enforcement Committee voted to two to zero with one abstention in favor of concurrence in the issuance of Solid Waste Facility Permit No. 33-AA-0238.

BACKGROUND:

Facility Facts:

Project:	New permit for a composting facility.
Facility Type:	Composting Facility
Name:	Whitefeather Farms Composting Facility Facility No. 33-AA-0238
Location:	Edom Hill Road Cathedral City, California
Setting:	Site is located 660 feet west of Edom Hill Landfill. Other land uses within 1000 feet of this facility are zoned RE-H (Estate Residential). The adjacent and surrounding area is designated as open space.
Operational Status:	New, as yet unbuilt
Permitted Maximum Daily Capacity:	500 tons per day
Area:	10.0 acres, 7 used for composting
Owner:	Whitefeather Farms, A Limited Partnership William Baum, William Lattin, and Gerald McGue
Operator:	Whitefeather Farms, A Limited Partnership
LEA:	County of Riverside Division of Environmental Health

SUMMARY:

Site History Whitefeather Farms is a proposed new composting facility that will be located approximately one and one-half miles east of Varner Road in Cathedral City in the Coachella Valley region of Riverside County. This location is 660 feet west of the existing Edom Hill Class III landfill operated by the Riverside County Waste Management Department. Approximately 40% of the existing traffic now using the Edom Hill Landfill Site is carrying composting feedstock. On a daily average approximately 40 to 60 half-ton landscape trucks, 10-20 three-ton dump trucks, and 5-10 fifteen-ton large commercial trucks bring in material suitable for composting to the Edom Hill Landfill, where it is currently disposed. The Whitefeather Farms Composting Facility, once operational, will receive the compostable material currently disposed of at the Edom Hill Landfill.

Summary of the Permit Consideration Issues The Finding of Conformance adopted by the Riverside County Board of Supervisors on August 13, 1991 for this facility had three conditions. Board staff believe the conditions attached to a Finding of Conformance inappropriate for the Board's consideration in the context of the proposed permit as PRC Section 50000 does not support conditional Finding of Conformance approvals. If local entities wish to condition a facility, other vehicles are available, one of which is through the land use permit process.

Board staff believe that the Finding of Conformance satisfies the requirement of PRC Section 50000 which requires any new solid waste facility to be approved by the County and the majority of the cities within the County which contain a majority of the population of the incorporated area of the County. This Finding of Conformance is therefore appropriate for the Board's use in consideration of the permit. Board staff concur with the Local Enforcement Agency (LEA) that this Finding of Conformance is acceptable for Board use.

It is important to note here as well that the land use permit for this facility does not place any of the restrictions on this facility that were stipulated by the Finding of Conformance's conditions.

Project Description The proposed Whitefeather Farms Composting Facility will accept "green wastes" from landscaping concerns, municipalities, and private citizens in the Coachella Valley. The aerobic method of composting is used at this site.

Plant trimmings, lawn cuttings and tree trimmings deposited on site will be placed in rows (200' long by 25' wide by 10-15' high) for pre-drying for approximately 3 to 5 days allowing for

northwest winds. After pre-drying the material will be pulverized using two chippers. After the material is ground it will be stored in four rows (200' long by 25' wide by 10-15' high). The ground material will be aerated every 3 to 7 days based on the temperature, turned with a front loader when temperatures fall below that required for composting. No chemicals or water will be added to the feedstock. Water will be used for dust control only. Drying time for finished composting material is approximately 5 to 90 days. This period varies depending on climatic conditions and type of material.

A minimum of 60 to 200 tons of material is expected to be received per day with a maximum of 500 tons per day. Once the site is fully operational the finished dry material should amount to a minimum of 100 to 175 tons per day.

The scales, office, and parking areas will be located on the southeast corner of the site. Equipment storage is in the north mid-section of the site. The site is secured with topographical barriers, fencing and a locked gate.

The site will receive non-hazardous solid wastes, consisting primarily of grass clippings, shrubbery and woody waste material. Material generally referred to as refuse, municipal solid waste or garbage (excluding the above items) will not be accepted at the site. If any of these materials are brought to the facility, they will be diverted for proper disposal.

The operator will visually monitor for hazardous materials that may be included in incoming loads. In the event that hazardous materials are inadvertently discharged on site, a response plan approved by the Riverside County LEA will be implemented, including notification of the LEA and Riverside County Hazardous Waste Department. A sign at the entrance to the facility will indicate that no hazardous wastes are accepted at the facility.

The site will be operated seven days a week from 7:00 a.m. to 5:30 p.m. in summer and 7:00 a.m. to 4:30 p.m. in winter. The facility will be closed on the New Year's Day, Independence Day, Memorial Day, Easter Sunday, Thanksgiving and Christmas holidays.

<u>Environmental Controls</u> The equipment operators are provided with ear plugs and ear defenders to minimize noise impacts from composting operations. All equipment purchased will meet OSHA standards for noise control. There is a buffer zone of at least 1,000 feet between the area where the equipment operates and any adjacent farms.

In the event offensive odors are generated in the drying and storage areas, the row or rows will be knocked down and spread to

correct the odor problem by air drying. Whitefeather Farms is not likely to create an offensive odor problem to adjacent property owners as the nearest residents are located over 1,000 feet from the site.

Workers will be utilized to clean-up any windblown litter along the fence and the site entrance as well as any illegally dumped waste material outside the site entrance.

A 4,000 gallon over-the road type water truck will be kept full to provide water for dust control and fire control at the site. In addition, the two on-site front-end loaders will be readily available in the event a fire occurs.

Frequent drying, spreading and rotation of the compost piles will prevent the site from becoming a habitat for insects and rodents. In the event insects or rodents become a problem, approved remediation measures will be implemented.

ANALYSIS:

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to PRC Section 44009, the Board has 60 calendar days to concur or object to the issuance of a Solid Waste Facilities Permit. Since the permit was received on March 20, 1992, the last day the Board could act is May 19, 1992.

The LEA has submitted a proposed permit to the Board. Staff has reviewed the proposed permit and supporting documentation and has made the following determinations:

1. Conformance with County Plan

   The LEA has certified that a Finding of Conformance was adopted by the Board of Supervisors on August 13, 1991 and is appropriate for use in consideration of concurrence in the issuance of this new SWFP. The LEA does not believe the conditions attached to the Finding of Conformance to be enforceable. For this reason, these conditions were not incorporated into the terms and conditions of the SWFP. For the LEA's purposes, the requirements of PRC Section 50000 were met with the adoption of the Finding of Conformance resolution by the Board of Supervisors regardless of the attachment of stipulations.

   The facility has been reviewed and has received the approval of a majority of the cities with a majority of the population either through resolutions or by not acting within the 90 day statutory time limit.

The Board of Supervisors, Local Task Force, and three cities approved the siting, construction, and operation of the facility based on the operator of the facility meeting several conditions. The Finding of Conformance is included as Attachment 6. It is important to note here that the Finding of Conformance's conditions are not supported uniformly by the three cities and the Local Task Force, which chose to place conditions on the Finding. Each of these entities adopted a different resolution which placed different conditions on the Finding of Conformance.

The condition requiring the operator to come to an agreement on harmonious waste stream management with the County Solid Waste Management Department remains at issue. To date, the operator and the County have not been able to come to an agreement on this stipulation. In the mean time, the operator has indicated that he wishes to move forward with the permitting process and begin operations upon receipt of the issued permit.

On April 9, 1992, Leslie Likens of the Riverside County Solid Waste Management Department contacted Board staff, contending that since no agreement has been reached on Finding of Conformance Condition 3, conformance with the requirements of PRC Section 50000 was in question therefore potentially requiring the Board's denial of the permit. The Riverside County Solid Waste Management Department outlined their concerns in a letter received via facsimile on April 13, 1992 (Attachment 6).

2. <u>Consistency with General Plan</u>

The LEA has found that the facility is in conformance with the Cathedral City General Plan. Cathedral City Resolution Number P90-56 found the facility to be in conformance with the City's General Plan and issued Conditional Use Permit Number 90-146 in November, 1990. Cathedral City did not condition their approval on an agreement between the County and the operator in their resolution adopting the Conditional Use Permit. Board staff agrees with the LEA's finding of conformance with the General Plan.

3. <u>Consistency with Waste Diversion Requirements</u>

Staff of the Board's Planning and Local Assistance Division make an assessment, pursuant to PRC 44009, to determine if the record contains substantial evidence that the proposed project would impair the achievement of waste diversion goals. Based on available information, staff have determined that the issuance of the proposed permit should

neither impair nor substantially prevent the County of Riverside from achieving its waste diversion goals (Attachment 4).

4. California Environmental Quality Act (CEQA)

State law requires the preparation and certification of an environmental document. The Riverside County Planning Department prepared an Environmental Impact Report (EIR) (SCH# 91022010) for the proposed project. The project was certified as approved by the Lead Agency and a Notice of Determination was filed in March 1991 (Attachment 5).

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

5. Compliance with State Minimum Standards

The LEA has found that the facility's proposed design and operational parameters are in compliance with State Minimum Standards for Solid Waste Handling and Disposal based on a review of the Report of Composting Site Information and design plans prepared for this facility. Board staff agree with said Finding.

DISCUSSION:

The LEA has submitted a proposed permit to the Board. Because a new Solid Waste Facilities Permit has been proposed, the Board must either object to or concur with the proposed permit as submitted by the LEA. Staff has reviewed the proposed permit and its supporting documentation and find the proposed permit acceptable for consideration except for the following concern:

Conformance with County Plan

The LEA has certified that all of the conditions were met for the required conformance finding and has stated this in the proposed permit, received March 20, 1992.

The Local Task Force approval of the facility, pursuant to PRC 50000, was based on the operator of the facility meeting several conditions.

As stated above, Board staff do not believe conditions attached to the Finding of Conformance are appropriate considerations addressed in the issuance of a Solid Waste Facilities Permit.

The LEA has also expressed conviction that the stipulations included in the Finding of Conformance are a separate issue from the SWFP. For this reason, the LEA has stated that the permit should be considered by the Board. Any disagreement over the lack of progress in complying with the conditions attached to the Finding of Conformance is a local matter outside the purview of the permitting process. If these conditions are necessary, the local entities can require an amendment to the land use permit. If the land use permit were amended, the LEA would then be required to make a determination if this change conflicted with the Terms and Conditions of the governing SWFP, triggering permit action in the form of either a permit modification or revision. The operator has applied for a SWFP and has indicated that he wishes to move forward with the permitting process and begin operations upon receipt of the issued permit.

Regardless of the determination that the stipulations attached to the Finding of Conformance have no bearing to the SWFP process, Board staff remain concerned about the conditions attached to the Finding of Conformance. The purpose of the Finding of Conformance is to establish beyond any doubt that the siting of the facility will not interfere with the jurisdiction's waste diversion goals for the interim period between the passage of the legislation mandating waste diversion and the jurisdiction's development of its County Integrated Waste Management Plan.

The operator of this facility is being asked to limit his feedstock to small woody waste. Large woody waste is proposed to be diverted to a biomass cogeneration facility in the Coachella Valley. It is staff's concern that this limitation will curtail the success potential of this composting facility. It also calls into question conditions placed on the Finding of Conformance which establish preference for wood waste burning over composting.

STAFF RECOMMENDATION:

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

Staff recommends that the Board adopt Permit Decision No. 92-33 concurring in the issuance of a Solid Waste Facilities Permit No. 33-AA-0238.

ATTACHMENTS:

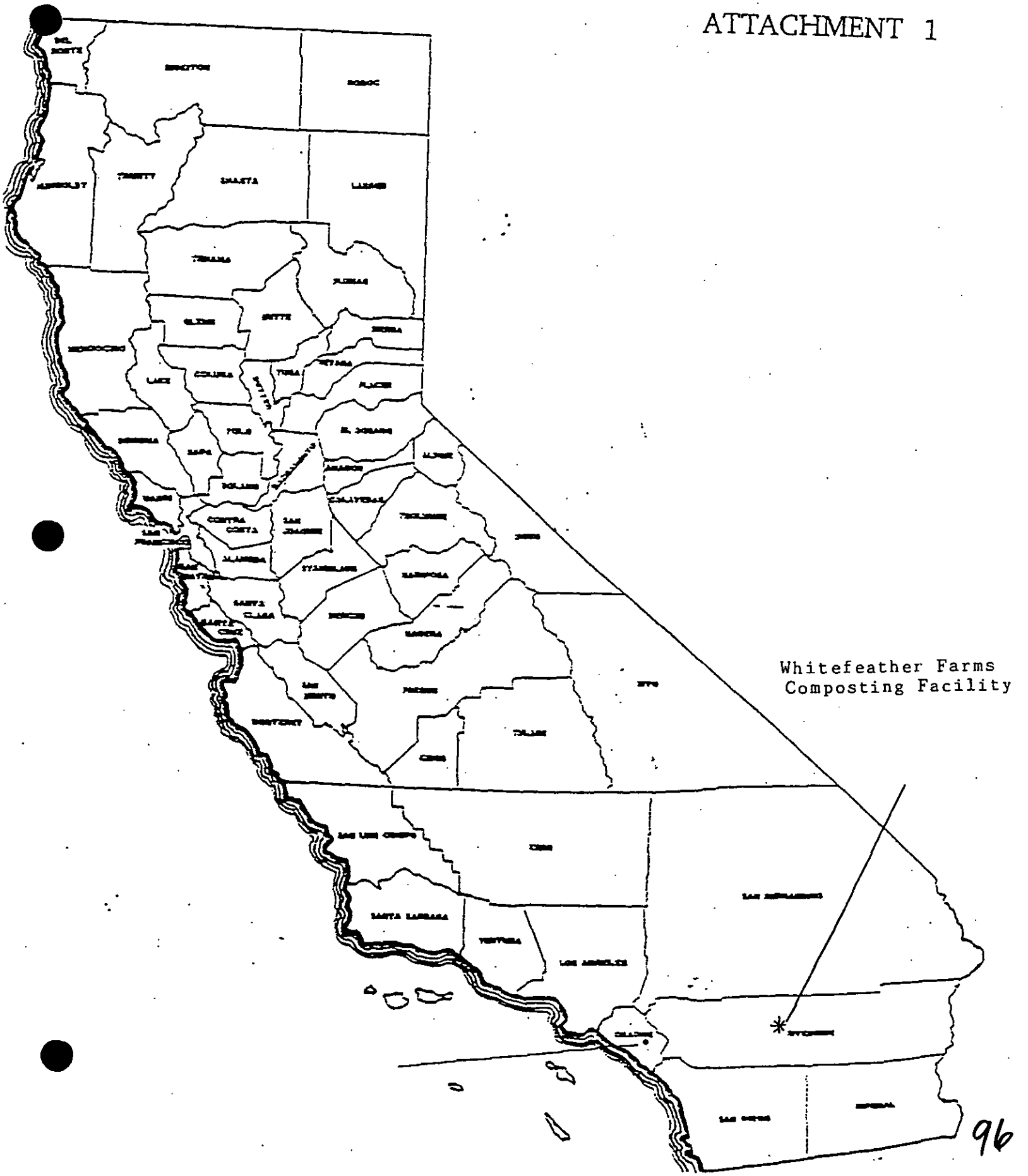
1. Location Map
2. Site Map
3. Permit No. 33-AA-0238
4. AB 2296 Conformance
5. Notice of Determination
6. Finding of Conformance
7. Permit Decision 92-33

Prepared by: Paul Sweeney/Rosslyn Stevens Phone: 255-2577

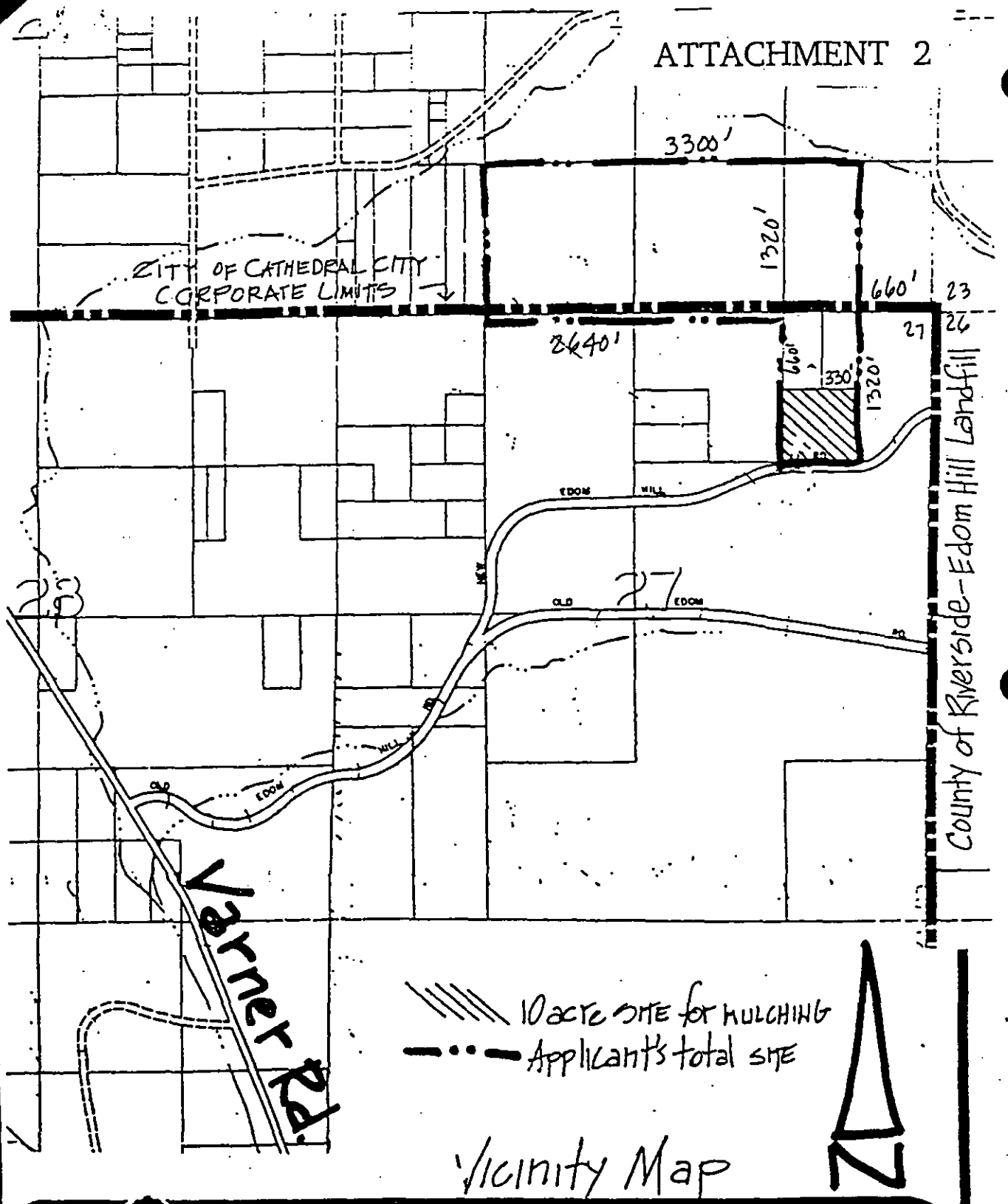
Approved by: Phillip J. Moralez/Martha Vazquez Phone: 255-2431

Legal Review: RFC Date: 22Apr 16h20

ATTACHMENT 1



ATTACHMENT 2



Vicinity Map

Cathedral City

C.U.P. 90-146
Whitefeather Farms/Baum

DEPT. of COMMUNITY DEVELOPMENT

Scale: NTS Reduction
Date: 10-30-90
By: PRR

ATTACHMENT 3

OPERATING PERMIT FOR FACILITIES RECEIVING SOLID WASTE

TYPE OF FACILITY	FACILITY/PERMIT NUMBER
Composting	33-AA-0238

NAME AND STREET ADDRESS OF FACILITY	NAME AND MAILING ADDRESS OF OPERATOR
Whitefeather Farms Composting Facility Edom Hill Road Cathedral City, Ca. 92234	William Baum, William Lattin, Gerald Mc Cue P.O. Box 601 Desert Hot Springs, Ca. 92240

PERMITTING ENFORCEMENT AGENCY	CITY/COUNTY
Local Solid Waste Management Enforcement Agency for the County of Riverside	Cathedral City/ Riverside

PERMIT

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

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

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

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

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

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

APPROVED:

APPROVING OFFICER

John M. Fanning, Director

NAME/TITLE ~~Environmental Health~~

AGENCY ADDRESS

Riverside County Environmental Health
3636 University
Riverside, Ca. 92501

AGENCY USE/COMMENTS

SEAL

PERMIT RECEIVED BY CWMD	CWMD CONCURRANCE DATE
MAR 20 1992	
PERMIT REVIEW DUE DATE	PERMIT ISSUED DATE
	98

CWMD (Rev. 7/84)

COUNTY OF RIVERSIDE DEPARTMENT OF HEALTH

LOCAL SOLID WASTE MANAGEMENT ENFORCEMENT AGENCY

SOLID WASTE FACILITIES PERMIT

Whitefeather Farms Composting Facility
#33-AA-0238

FINDINGS:

1. The following describe the design and operation of the facility as authorized by this permit.

   A. The Whitefeather Farms composting facility is owned and operated by: William Baum, William Lattin, Gerald Mc Cue
   P.O. Box 601
   Desert Hot Springs, Ca. 92240

   B. The site is located on Edom Hill Road in Cathedral City in a portion of the S 1/2 Sec. 22 T3S, R5E. The site is adjacent to the Edom Hill Landfill.

   A map of the general vicinity is on page 6 of the Report of Composting Operation Information (RCOI).

   Detailed maps of the facility and entry roads are on page 8 and attachment "C" of the RCOI.

   The total acreage of the site is 10 acres. Seven acres will be used for composting operations.

   The site is secured with topographical barriers, fencing and a locked gate.

   C. On the southeast corner is the scales, office and parking areas. Equipment storage is in the north mid- section of the site.

   The composting operation will be staged north of the above area.

   D. Non-hazardous solid wastes received at this site consist primarily of grass clippings, shrubbery and woody waste material.

99

4065 County Circle Dr., Riverside, CA 92503 ■ P.O. Box 7600, Riverside, CA 92513-7600 Fax # 358-4529

Material generally known as refuse, municipal solid waste or garbage (excluding the above named items) will not be accepted at the site and will be diverted for proper disposal.

E. The site is allowed to receive a maximum of 500 tons per day of dry organic feed material described above. The storage of this material shall not exceed the bounds as shown on attachment "C".

F. Dry organic feed materials are weighed as they come into the site. The material is placed in pre-drying windrows 20 feet wide by 15 feet high for 3 to 5 days.

The aerobic method of composting is used at this site.

After the material is pre- dried, it will be pulverized by two heavy duty chippers. The ground material will be stored in 4 windrows, 25 feet wide by 15 feet high. The material will be turned with a front loader when temperatures fall below that required for composting. Temperature will be determined through use of hand held thermometers.

Drying time for the finished compost material is 5 to 90 days, depending on climatic conditions and type of feedstock. No chemicals or water is added to the feedstock. Water will be used for dust control only.

G. Salvaging is not permitted at this site.

H. The operator shall visually monitor for hazardous materials that may be received with incoming loads of dry organic waste received at the site. In the event that hazardous materials are inadvertently discharged on site an approved response plan will be implemented, including notification to the LEA and Riverside County Hazardous Waste.

A sign at the entrance to the facility shall indicate that no hazardous wastes are received and list unacceptable wastes.

Additional measures may be required at the request of the LEA or the California Integrated Waste Management Board.

I. No anticipated changes are noticed in the RCOI.

J. The site will be operated seven days a week from 7:00 a.m. to 5:30 p.m. in summer and 7:00 a.m. to 4:30 p.m. in the winter months. The facility will observe the New Year, Independence Day, Memorial Day, Easter Sunday, Thanksgiving and Christmas Holidays.

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

   A. Report of Composting Site Information, dated September, 1991.

   B. Negative Declaration(E.A. # 467) dated October, 1990. State Clearinghouse # 91022010.

   E. Geotechnical Investigation, Whitefeather Farms Edom Hill Area, Cathedral City, California. Prepared for William Baum, Job No. 91-09-704, dated September 3, 1991.

   F. Conditional Use Permit 90-146.

   G. Regional Water Quality Control Board Waiver dated January 15, 1990.

   H. South Coast Air Quality Control Board Waiver dated December 14, 1990.

3. The following findings are required pursuant to Public Resources Code 44001 and 50000 et seq.:

   A. This permit is consistent with the County Solid Waste Task Force per letter dated August 13, 1991.

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

   C. This permit is consistent with the Cathedral City General Plan per letter dated February 21, 1991.

4. The facility design is in compliance with the State Minimum Standards for Sold Waste Handling.

5. The Whitefeather Farms Composting Operation meets perimeter clearance requirements as required by the Cathedral City Fire Authority.

6. An Environmental Notice of Determination was filed with the State Clearinghouse dated March 1991.

CONDITIONS: Requirements

1. The Whitefeather Farms Composting Facility must comply with State Minimum Standards for Solid Waste Handling and Disposal stipulated in California Code of Regulations, Title 14, Chapter 3, Article 6, Sections 17441-17564.

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

3. Additional information must be provided as required by the LEA.

4. No waste shall be received, composting operations commence at this facility until all of the conditions of the documents listed under Findings, Item 2 have been met.

Prohibitions:

1. This facility shall not accept the following wastes for which it is not approved:

   A. municipal solid waste (except those wastes listed in part 1D of this permit)

   B. sewage sludge

   C. class I and II wastes

   D. hot ashes

   E. burning materials

   F. medical wastes

   G. dead animals

   H. explosives

   I. pesticides

2. This facility shall not conduct any of the following activities:

   A. burning of wastes

   B. scavenging

   C. salvaging

D. anaerobic biological degradation

E. discharge of wastes off-site

F. vector propagation or harborage

G. discharge if dust or odors sufficient to cause a health hazard or public nuisance

H. night-time operations in hours of darkness

I. receiving or processing of hazardous wastes

Specifications:

1. The following operational procedures are required at this facility in addition to those required in documents listed in item 2 of the findings:

   A. Upon determination by the enforcement agency, a fly monitoring program shall be implemented utilizing methods and standards prescribed in the California Code of Regulations, Title 14, Chapter 3, Section 17683.

   B. Any change that would cause this facility not to conform to the terms or conditions of the permit is prohibited. Such a change would be considered a significant change and would require a permit revision.

   C. This facility has a permitted capacity of 500 tons of dry organic feed per operating day and shall not receive more than this amount without first obtaining a revision of this permit.

   D. A change in the operator of this facility would require a permit revision.

   E. The implementation of mitigation measures required by Negative Declaration # 467.

Provisions:

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

2. The operator shall file with the LEA an updated Report Composting Site Information when significant changes in operations have been made.

Self- Monitoring:

1. Daily temperature logs of each windrow shall be maintained and made available to the enforcement agency for inspection. Log documents shall indicate for each windrow the frequency and number of readings and placement of monitoring points.

2. Thermometer calibration record shall be made available for inspection by the enforcement agency.

3. Daily tonnage records of incoming wastes shall be maintained and sent to the LEA monthly.

4. Records of amount of product shipped shall be maintained and sent to the LEA monthly.

5. Results of the hazardous waste screening program shall be maintained and made available to the enforcement agency for inspection.

6. A log of special occurrences shall be maintained on site and made available to the enforcement agency for inspection.

ATTACHMENT 4

State of California

California Environmental Protection Agency

M e m o r a n d u m

To : Paul Sweeney

Date: April 15, 1992

From : John S. Brooks
John S. Brooks
Local Assistance

Subject: Whitefeather Farms Composting Facility Proposed Solid Waste Facilities Permit No. 33-AA-0238 Conformance Findings Required by AB 2296

RESEARCH:

To gather the necessary information for determining a facilities conformance with AB 2296, Local Assistance staff contact the LTF staff and the LEA for information. Staff review the County's CoSWMP and all applicable SRREs that have been submitted for review. In addition, we review applicable portions of the RDSI, correspondence showing consistency with the General Plan, the permit and contact the applicant as necessary.

FINDING OF CONSISTENCY WITH WASTE DIVERSION GOALS (PRC Section 44009):

Approval of the proposed permit for the Whitefeather Farms Composting facility would not prevent nor impair achievement of the waste diversion requirements. This facility will help the County and area cities meet their diversion requirements.

Source Reduction and Recycling Element:

The facility was identified in the County unincorporated area SRRE on page 5-4. The Coachella Valley Area Government (CVAG) joint SRRE (9 cities) supports the development of private composting facilities to meet the needs of the CVAG cities.

Local Task Force:

Board staff have contacted LTF staff (County Staff) to find out how this facility fits in with Riverside's overall Integrated Waste Management plans. The LTF has reviewed the

proposed project and finds that the facility will "complement efforts by the County and Cities in the Coachella Valley to attain state required AB 939 diversion goals."

Facility Information:

The Edom Hill Landfill receives the majority of their waste from the following jurisdictions: Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, Palm Desert, Palm Springs, Rancho Mirage and the unincorporated County. Waste will be delivered to the Edom Hill Landfill and clean greenwaste will be diverted to the Whitefeather Farms facility. Each vehicle will be weighed as they enter and the origin of the material will be entered into a record-keeping system so that each jurisdiction can receive the appropriate diversion credit.

Summary:

Approval of the permit will neither prevent nor substantially impair the ability of the participating jurisdictions to meet the waste diversion goals mandated by AB 939. The County Waste Management Department has estimated that the facility will divert three percent of the total waste in Riverside County (incorporated and unincorporated) at the start of the operation.

CONFORMANCE WITH THE COSWMP (PRC Section 50000)

The Local Enforcement Agency (LEA) has certified that all of the conditions were met for the required conformance finding. The facility has been reviewed and has received the approval of a majority of the cities with a majority of the population either through resolutions or by not acting within the 90 day statutory limit.

The Board of Supervisors, LTF and three cities approved the permit based on meeting several conditions. The conditions as stated by the Board of Supervisors are that:

1. The project must be permitted by the California Integrated Waste Management Board (CIWMB).

2. The operator shall keep accurate records of tonnage diverted by source, and report this data to the County on forms provided by the County on forms provided by the Director of the Department of Waste Management on a quarterly basis.

3. The project shall work in harmony with the green and wood waste diversion program planned by the County in the Coachella Valley by the proponent's execution of an operation agreement focusing on green waste and fine grained

(small diameter) woody waste that may be diverted at the Edom Hill Landfill and such other future waste handling facilities as may be beneficial to the County.

Condition 1 - The operator is actively trying to become a permitted facility.

Condition 2 - The operator has indicated that he will provide jurisdictions with information on diversion through his facility so that they will receive AB 939 credit.

Condition 3 - The operator and the County have not been able to reach an agreement on this issue and the operator wishes to proceed with his permit and start operations. Lesley Likens from the Riverside County Waste Management Department contacted Board staff on April 9, 1992 and stated that since the conditions have not been met they believe that the requirements of PRC Section 50000(a)(3) have not been met.

CONFORMANCE WITH THE GENERAL PLAN (PRC Section 50000.5)

According to resolution # P90-56 the City of Cathedral City has found the project in conformance with the City's General Plan. A Conditional Use Permit # 90-146 was issued on November 16, 1990.

ATTACHMENT 5

NOTICE OF DETERMINATION

TO: ____ Secretary For Resources
1416 Ninth Street, Rm 1311
Sacramento, CA 95814

or

_X_ Gerald Maloney
Clerk of The Board
4080 Lemon St., 14th Floor
Riverside, CA 92501

FROM:
Department of Community Development
City of Cathedral City
68-625 Perez Road
Cathedral City, CA 92234

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Project Title — Approval Date

Conditional Use Permit 90-146, Whitefeather Farms — November 14, 1990

State Clearinghouse Number (If submitted to Clearinghouse) — City Contact Person Telephone Number

Pat Russell, (619) 770-0344

Project Location
North side of Edom Hill Road approximately one a half miles east of Varner Road (approximately 660 feet west of the County landfill)

Project Description

Request to operate a mulching facility

This is to advise that the City of Cathedral City (Lead Agency or Responsible Agency) has approved the above described project and has made the following determinations regarding the above described project:

____ Redevelopment Agency
____ City Council
_X_ Planning Commission

1. The project ___ will, _X_ will not have a significant effect on the environment.

2. ___ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   _X_ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

   The EIR or Negative Declaration and record of project approval may be examined at City Hall, Department of Community Development, 68-625 Perez Road, Cathedral City, CA 92234

3. Mitigation measures ____ were, _X_ were not, made a condition of the approval of the project.

4. A statement of Overriding Consideration ___ was, _X_ was not, adopted for this project.

DATE RECEIVED FOR FILING:

Signature, Ralph Plender
Director of Community Development

Date Sent Out November 19, 1990

ATTACHMENT 6

COUNTY OF RIVERSIDE DEPARTMENT OF HEALTH

LOCAL SOLID WASTE MANAGEMENT ENFORCEMENT AGENCY

April 17, 1992

Ralph E. Chandler, Executive Director
California Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, California 95826-3268

Attention: John Brooks, Planning Section

RE: Whitefeather Farms

Dear Mr. Brooks:

The Local Solid Waste Management Enforcement Agency for Riverside County has examined the documentation submitted by the Riverside County Board of Supervisors and the cities within the county and have determined that the requirements of Public Resources Code Section 50000(a)(3), for a new solid waste facility, have been met.

If you have any questions regarding this correspondence please call me at (714) 275-8980.

Sincerely,

Gary L. Root

Gary L. Root, Manager
Local Solid Waste Management Enforcement Agency

GR:gr

[illegible] Riverside, CA 92503 ■ P.O. Box 7600, Riverside, CA 92513-7600 [illegible]

BOARD OF SUPERVISORS COUNTY OF RIVERSIDE

RESOLUTION NO. 91-[illegible]

RESOLUTION OF THE COUNTY OF RIVERSIDE
APPROVING THE SITE IDENTIFICATION AND DESCRIPTION
OF THE
WHITEFEATHER COMPOSTING FACILITY WITH CONDITIONS

WHEREAS, Riverside County and its cities must individually meet the State mandated goals of 25% of all solid waste diverted from the landfill by January 1, 1995, and 30% by January 1, 2000, and

WHEREAS, Riverside County and its cities must establish programs and encourage the siting of facilities that will make the achievement of these goals possible; and

WHEREAS, Riverside County and the Whitefeather Farms Composting Facility have realized the merits of cooperating with each other in a program at Edom Hill Landfill that will help divert a maximum portion of the green/wood waste stream with the intent of these parties to develop an agreement which maximizes diversion credits for local cities and not conflict with the County's wood waste/green waste diversion programs which are expected to provide long-term diversion credits and revenue to the County Waste Management Department to help reduce other waste reduction and waste management costs; and

WHEREAS, Section 50000 of the California State Public Resources Code requires new solid waste facilities that have not been identified or described in the County Solid Waste Management Plan to be reviewed and approved by counties and the majority of the cities within counties which contain a majority of the population of the incorporated area of the counties by resolution before they can be established; and

WHEREAS, the site identification and description of the Whitefeather Farms Composting Facility has been sent to the County and each City in Riverside County for review and approval/disapproval per Section 50000 of the California State Public Resources Code; and

WHEREAS, the County of Riverside has reviewed the site identification and description of the Whitefeather Farms Composting Facility; now, therefore;

BE IT RESOLVED by the Riverside County Board of Supervisors in regular session assembled on August 13, 1991, that it hereby supports the proposed Whitefeather Farms Composting Facility as a viable project working in concert with other County and City programs within the Coachella Valley for the attainment of the diversion goals of the Integrated Waste Management Act of 1989 and approves the project as proposed by the site identification and description of the Whitefeather Farms Composting Facility with the fulfillment of the following conditions:

1. The project must be permitted by the California Integrated Waste Management Board (CIWMB).

2. The operator shall keep accurate records of tonnage diverted by source, and report this data to the County on forms provided by the Director of the Department of Waste Management on a quarterly basis.

3. The project shall work in harmony with the green and wood waste diversion program planned by the County in the Coachella Valley by the proponent's execution of an operation agreement focusing on green waste and fine grained (small diameter) woody waste that may be diverted by the County at the Edom Hill Landfill and such other future waste handling facilities as may be beneficial to the County.

FORM APPROVED
COUNTY COUNSEL
AUG 5 1991
BY D. B. Lenberich
Deputy

///

Whitefeather Farms
(519)329-0507
Julian Hill, Chief

Post Office Box 5
Desert Hot Springs, California
922

13 April 1992

Mr. John Brooks
Planning Department
Co. Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, CA 95826
916/255-2200 FAX 1/916/255-2222

Whitefeather Farms was established in 1986 to be a natural compost farm in compliance with Proposition 65. The landscapers would deposit their tree and lawn trimmings at Whitefeather Farms where it will be chipped and dried creating a natural mulch that is a rich, natural product without the addition of chemicals or additives.

The thought is to keep our own vegetation in the Coachella Valley. All of the compost the Coachella Valley uses now comes from outside the perimeter of the valley. This alone brings in weeds and plant deseases foreign to our native soil and vegetation. By our drying process, we hope to stop this problem and by the addition of worm castings grown in the same area, we will produce the richest mulch available in the state.

Also, the dry chippings added to the sandy soil will produce a water retention factor so important in todays ecology minded world and preserve our limited supply of water due to the lack of rainfall.
The mulch has been tested by the ILM Laboratories in San Bernadino for the last three years and has been proven beyond a doubt, to be the richest available.

Only by utilizing our own local lawn and tree trimmings can we control the addition of chemicals and protect our water supply.

Whitefeather Farms was created to be what the people want and need in this fast growing valley, to recyle it's own material and have the luxury of a chemical free, odorless, organic and water retaining product.

The area was chosen carefully located by the County Refuse Site as not to offend anyone and also for the convenience of the landscapers to leave their gardening waste and return to their job sites with a load of mulch all in the same trip.

As for future traffic on Edom Hill, Whitefeather Farms is planning an exit only road from Whitefeather Farms to 20th Street and Mountain View.

Your support is greatly appreciated in renewing our permit.

William Baum

"Material recycled from Coachella Valley for Coachella Valley - All organic."

Waste Management Board
c/o John Brooks

Whitefeather Farms
P.O. Box 601
Desert Hot Springs,
California 92240
October 24, 1991

Mr. Michael Schier
Solid Waste Planning Manager
County of Riverside, Waste Management
11328 Magnolia, Suite A
Riverside, Ca. 92503

Dear Mr. Schier,

In our past two conversations, you have informed me that, due to a loophole, your office is unable to control the recycling operations of firms such as Earth Products Recycling in Thousand Palms.

I am sure you can understand my frustration in trying to understand this as for the last two and a half years, Whitefeather Farms has diligently tried to pursue every legal avenue utilizing the proper channels, to operate in a manner that will mutually benefit the interested parties.

The Environmental Health Agency has notified me that they will not process my application while the County and Whitefeather are in negotiations. Therefore, after careful review of this matter, it has been decided that Whitefeather cannot act as an agent of the county at this time, and respectfully request that you issue a letter of release to Whitefeather with a copy to the Environmental Health Agency.

I'm sure you understand that this decision was made with everyone's best interest in mind. Operating as an agent of the county would not allow for a competitive marketing environment that is provided by our free enterprise system. If Whitefeather is finally issued a permit and allowed to operate under proper guidlines, the county will benefit from the utilization of the free market principles of pricing, competitive marketing and freedom of choice.

As the only present hold-up to my continued quest is the aforementioned letter of release, I urge you to respond promptly.

Thanking you in advance for your consideration, I remain

Sincerely yours,

William Baum

William Baum

THE COUNTY OF RIVERSIDE
WASTE MANAGEMENT

ROBERT A. NELSON
Director

April 8, 1992

State of California
Integrated Waste Management Board
Planning and Assistance Division
8800 Cal Center Drive
Sacramento, CA 95826

Attention: John S. Brooks

Re: AB 2296 Consistency Review for Whitefeather Farms

Dear John:

At your request, the following information has been enclosed for your AB 2296 consistency review of Whitefeather Farms:

1. Board of Supervisors Minutes, May 21, 1991, that authorized the Cities/County to start the AB 2296 90-day review process of Whitefeather Farms.

2. Local Task Force Minutes, August 1, 1991, that conditionally supported the Whitefeather Farms project.

3. Board of Supervisors Minutes, August 13, 1991, that adopted a resolution that conditionally supported Whitefeather Farms project.

4. City of Lake Elsinore City Council Resolution, July 9, 1991, that conditionally approved the site identification and description of Whitefeather Farms.

5. City of Rancho Mirage City Council Resolution, July 25, 1991, that conditionally recommended favorable consideration of Whitefeather Farms.

6. City of San Jacinto City Council Resolution, August 6, 1991, that approved the site identification and description of Whitefeather Farms.

Please note that the Cities of Lake Elsinore and Rancho Mirage, as well as the Local Task Force and the County Board of Supervisors, found that this project was consistent with AB 939 diversion goals if certain conditions were fulfilled. While the first of these conditions will be met upon the project being permitted by the

1995 Market Street • Riverside, CA 92501-1719 • (714) 275-1370 • FAX (714) 275-1374

California Integrated Waste Management Board, another condition was to enter into an agreement with the Riverside County Waste Management Department. To date, an agreement has not been executed. In light of this fact, please ascertain if this project can still be found "consistent" with AB 2296. If the project is deemed "consistent", please ascertain if these conditions will be placed on the permit to operate. Your immediate feedback in this matter would be greatly appreciated.

Additionally, John, you had requested the percentage contribution this facility will make toward the County's diversion goals. Based on a median estimate of the facility's capacity of 80,000 tons per year (255 tons per day) and on the 1990 "Total MSW" figure of 2,429,207.19 tons for all of Riverside County (Source: RIVERSIDE COUNTY WASTE GENERATION STUDY PRELIMINARY REPORT, June 14, 1991), the facility will divert 3% of the entire County's waste stream.

While Mr. Baum of Whitefeather Farms anticipates drawing from resources throughout the Coachella Valley, it should be noted that if an agreement is struck between the Waste Management Department and Whitefeather Farms, the service area of this facility would primarily draw from the service area for the Edom Hill Landfill. The service area of the Edom Hill Landfill includes the incorporated Cities of Cathedral City, Desert Hot Springs, Palm Desert, Palm Springs, and Rancho Mirage and the unincorporated communities of Garnet, North Palm Springs, Thousand Palms, and Whitewater. The actual percentage of material that will come from each of these areas is shown on the attached readout for the landfill.

If you have any questions regarding this letter and attachments, please do not hesitate to contact me directly at (714) 275-8794.

Sincerely,

Lesley B. Likins

Lesley B. Likins
Senior Planner

LBL/lbl
Enc.

L/

PROGRAM
The biomass fuel plant located in Riverside County to divert 30% of its woody waste/compostable material diverted at County landfills to a credit worthy composting/recycling operation.

DESCRIPTION
As part of a proposed agreement with the County regarding woody waste diversion from the Coachella Valley landfill sites, The biomass fuel plant located within the County will be required from January 1, 1995, through December 31, 1999, inclusive to divert a minimum of 30% of such woody wastes to sites for use in the production of compost material or to other sites for additional recycling purposes.

JUSTIFICATION FOR SELECTION **PROGRAM GRADE: 75**
A waste-to-energy facility located in Riverside County is pursuing a permit from the State of California Integrated Waste Management Board in order to be considered a permitted facility under the regulations (see discussion in Section III, existing conditions). Credit for material shipped to transformation facilities can amount to no more than 10% of the overall 50% diversion rate each City/County must meet by January 1, 2000 (No credit can be attributed to transformation for the first 25% goal due by January 1, 1995). This provision in the proposed contract enables the County and impacted cities in the Coachella Valley to receive more than the maximum 10% credit for the woody waste the facility uses since at least 30% of the material processed at the landfill stations must be transported to Composting or other recycling facilities.

QUANTITIES AND TYPES OF WASTE TO BE DIVERTED

Type of Waste	1995	2000
Yard Waste		1,375 Tons
TOTAL		1,375 Tons
% of Mandated Goal (i.e. 50%/2000)		.2%

(As part of "Woody Waste"-See glossary-the diverted material could actually be a mix of yard and wood waste.)

IDENTIFICATION OF END USES
The diverted material will be used in the production of compost at permitted facilities or transported for use in some other recycling function.

METHODS OF HANDLING MATERIALS
The woody waste will be processed with grinders/shredders on-site (at the landfill) and shipped by vehicle to a permitted composting/recycling site (Please see Appendix E for a description of the composting process.).

FACILITY REQUIREMENTS
This program will require equipment to shred/grind the material to the proper size for use and a composting/recycling facility in order to receive it for further recycling.

This is a Total For The unincorporated County and does not include cities. The primary cities using The Edom Hill L.F. indicate That incineration is The last resort.

Table 6-1 QUANTITIES OF YARD WASTE GENERATED IN CVAG CITIES IN 1990	
City	Total (tons)
Cathedral City	17,011
Coachella	4,747
Desert Hot Springs	3,790
Indian Wells	6,115
Indio	24,240
La Quinta	9,482
Palm Desert	31,605
Palm Springs	38,997
Rancho Mirage	17,214
Total	153,201

285,000 tons. The facility is located on Indian-owned land and is, therefore, not regulated by the State of California, but by the federal government. WMDI has indicated that they are presently negotiating a permit for the facility with the County of Riverside and the State of California. The permit is expected by early 1992. A second private composting facility, Whitefeather Farms, has been issued local permits and is planning to open near the Edom Hill Landfill as soon as state permitting requirements can be satisfied. Whitefeather Farms has indicated that their composting facility is expected to process from 200 to 500 tpd of green waste.

One other existing program is operated by the City of Desert Hot Springs. Desert Hot Springs' composting program consists of a small amount of green waste collected from their municipal lands and composted at the city's corporation yard. The program is also available to residents of Desert Hot Springs on a drop-off basis.

Another facility that may be used in conjunction with composting is the Colmac waste-to-energy facility, located on Indian-owned land near Coachella. The Colmac facility

Another facility that may be used in conjunction with composting is the Colmac waste-to-energy facility, located on Indian-owned land near Coachella. The Colmac facility will utilize a circulating fluidized bed combuster to generate energy from various carbonaceous wastes, including agricultural and yard wastes. The facility is due to begin operation in late 1991 or early 1992. The Colmac combuster will be able to incinerate reject material from the compost facilities, such as eucalyptus or palm fronds.

6.3.2 QUANTITIES DIVERTED

Based on the waste characterization information and in conjunction with the preparation of this plan, only 12,114 tons of yard waste or 2.4 percent of the total waste stream, is diverted by existing composting programs. This represents 8.0 percent of the total available yard wastes.

6.3.3 ANTICIPATED IMPACT ON EXISTING COMPOSTING PROGRAM ACTIVITIES

The selected composting program will supplement existing composting programs and are fully compatible. It is anticipated that the existing composting operation at Mecca, owned and operated by WMDI, will be evaluated for expansion. Desert Hot Springs will continue to operate their municipal composting facility and may also expand the operation. The other CVAG Cities plan on utilizing private facilities as much as possible. It is not anticipated that any existing program will be curtailed or decreased in scope.

DRAFT

Table 6-4 COMPOSTING PROGRAMS		
Program Activity	**Short-Term Program**	**Medium-Term Program (In Addition to Elements Implemented in Short-Term)**
Collection	Multiple drop sites, add residential curbside if diversion falls below target.	Residential curbside
Pre-Processing	Multiple sites transferring to one or more compost facilities. Unusable materials, such as eucalyptus, sent to the Colmac waste-to-energy facility.	No additional requirement
Composting	Yard waste, utilize existing facility if possible, procure new facility(ies) if existing facility not available.	Evaluate economic and technical feasibility of mixed solid waste composting
Supportive Policies	Incentive rates. Fines for illegal disposal. Business permit requirement for diversion of yard waste to composting collection and/or processing facilities. Public procurement guidelines. Public education. Technical assistance. Zoning ordinances to facilitate siting facilities. Building code modifications requiring low water use or growth-rate plants.	Yard waste disposal bans Source separation ordinances Public procurement requirements Punitive rate structures for noncompliance with source separation ordinances

DRAFT

the level of composting technology employed. Like other agricultural organic commodities, compost is subject to variations in supply and demand. Physical storage requirements will depend on the type of usage and seasonal climatic variations.

Delivery

Delivery of compost products will depend primarily on the type of end user. In the short-term planning period, bulk sales should be emphasized. Bagging of compost will expand the potential market, but will add cost to the operation. It is anticipated that bagging may be added in the medium-term planning period.

Residuals Disposal

Residuals from the composting of yard wastes will include occasional contaminants, such as rocks, and yard wastes not suitable for composting, such as large stumps. Where possible, these contaminants will be recycled, incinerated, or processed into other reusable materials; otherwise, they will be landfilled.

Mixed solid waste composting would likely include an integral resource recovery line. This recovery line would recover for recycling noncompostable materials or organic materials whose recovery would be a higher and better use than composting, such as high grade paper. Residuals would likely include noncompostable inorganics and household hazardous wastes. The recovery rate and residual rate would be highly dependent on waste stream content. Residuals would be disposed in an appropriate landfill or transformation facility.

6.6.5 REQUIRED FACILITIES DEVELOPMENT AND PROCUREMENT

Collection. There are no facility development or procurement activities associated with the collection program.

DRAFT

State of California

California Environmental Protection Agency

M e m o r a n d u m

To : Paul Sweeney

Date: April 10, 1992

From : John S. Brooks
Local Assistance

Subject: Whitefeather Farms Composting Facility Proposed Solid Waste Facilities Permit No. 33-AA-0238 Conformance Findings Required by AB 2296

RESEARCH:

To gather the necessary information for determining a facilities conformance with AB 2296, Local Assistance staff contact the LTF staff and the LEA for information. Staff review the County's CoSWMP and all applicable SRREs that have been submitted for review. In addition, we review applicable portions of the RDSI, correspondence showing consistency with the General Plan, the permit and contact the applicant as necessary.

FINDING OF CONSISTENCY WITH WASTE DIVERSION GOALS (PRC Section 44009):

Approval of the proposed permit for the Whitefeather Farms Composting facility would not prevent nor impair achievement of the waste diversion requirements. This facility will help the County and area cities meet their diversion requirements.

Source Reduction and Recycling Element:

The facility was identified in the County unincorporated area SRRE on page 5-4. The Coachella Valley Area Government (CVAG) joint SRRE (9 cities) supports the development of private composting facilities to meet the needs of the CVAG cities.

Local Task Force:

Board staff have contacted LTF staff (County Staff) to find out how this facility fits in with Riverside's overall Integrated Waste Management plans. The LTF has reviewed the

proposed project and finds that the facility will "complement efforts by the County and Cities in the Coachella Valley to attain state required AB 939 diversion goals."

Facility Information:

The Edom Hill Landfill receives the majority of their waste from the following jurisdictions: Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, Palm Desert, Palm Springs, Rancho Mirage and the unincorporated County. Waste will be delivered to the Edom Hill Landfill and clean greenwaste will be diverted to the Whitefeather Farms facility. Each vehicle will be weighed as they enter and the origin of the material will be entered into a record-keeping system so that each jurisdiction can receive the appropriate diversion credit.

Summary:

Approval of the permit will neither prevent nor substantially impair the ability of the participating jurisdictions to meet the waste diversion goals mandated by AB 939. The County Waste Management Department has estimated that the facility will divert three percent of the total waste in Riverside County (incorporated and unincorporated) at the start of the operation.

CONFORMANCE WITH THE COSWMP (PRC Section 50000)

The Local Enforcement Agency (LEA) has certified that all of the conditions were met for the required conformance finding. The facility has been reviewed and has received the approval of a majority of the cities with a majority of the population either through resolutions or by not acting within the 90 day statutory limit.

The Board of Supervisors, LTF and three cities approved the permit based on meeting several conditions. The conditions as stated by the Board of Supervisors are that:

1. The project must be permitted by the California Integrated Waste Management Board (CIWMB).

2. The operator shall keep accurate records of tonnage diverted by source, and report this data to the County on forms provided by the County on forms provided by the Director of the Department of Waste Management on a quarterly basis.

3. The project shall work in harmony with the green and wood waste diversion program planned by the County in the Coachella Valley by the proponent's execution of an operation agreement focusing on green waste and fine grained

(small diameter) woody waste that may be diverted at the Edom Hill Landfill and such other future waste handling facilities as may be beneficial to the County.

Condition 1 - The operator is actively trying to become a permitted facility.

Condition 2 - The operator has indicated that he will provide jurisdictions with information on diversion through his facility so that they will receive AB 939 credit.

Condition 3 - The operator and the County have not been able to reach an agreement on this issue and the operator wishes to proceed with his permit and start operations. Lesley Likens from the Riverside County Waste Management Department contacted Board staff on April 9, 1992 and stated that since the conditions have not been met they believe that the requirements of PRC Section 50000(a)(3) have not been met.

Because of the conflict of information between the LEA and the Waste Management Department relating to the finding, it is unclear to Board staff if this finding has been properly made, and whether the facility is in conformance with the CoSWMP.

CONFORMANCE WITH THE GENERAL PLAN (PRC Section 50000.5)

According to resolution # P90-56 the City of Cathedral City has found the project in conformance with the City's General Plan. A Conditional Use Permit # 90-146 was issued on November 16, 1990.

California Integrated Waste Management Board

Permit Decision No. 92-33

WHEREAS, the County of Riverside, acting as the Local Enforcement Agency, has submitted to the Board for its review and concurrence in, or objection to a new Solid Waste Facilities Permit for the Whitefeather Farms Composting Facility; 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 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. 33-AA-0238.

CERTIFICATION

The undersigned Executive Officer 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 April 29, 1992.

Dated:

Ralph E. Chandler
Executive Officer

ITEM 8 WAS RECOMMENDED TO THE BOARD'S CONSENT AGENDA
BY THE PERMITTING AND ENFORCEMENT COMMITTEE
AT ITS 4/22/92 MEETING.

BOARD MEMBERS ARE USING THE STAFF REPORT FOR THIS ITEM
FROM THE PERMITTING AND ENFORCEMENT COMMITTEE PACKET
IN AN EFFORT TO CONTRIBUTE TO SOURCE REDUCTION.

IF YOU DID NOT RECEIVE THE 4/22/92 PERMITTING
AND ENFORCEMENT COMMITTEE PACKET AND NEED
THE STAFF REPORT FOR THIS ITEM,
CONTACT PAT CHARTRAND AT (916) 255-2156.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

April 29, 1992

AGENDA ITEM 9

ITEM: Consideration of Certification and Designation of the Environmental Health Division of the Riverside County Health Department as the Local Enforcement Agency (LEA) for Riverside County.

COMMITTEE ACTION:

The Permitting and Enforcement committee was scheduled to consider this item during the April 22, 1992 meeting. As of the date this item went to print, the Committee had not taken an action.

BACKGROUND:

The Public Resources Code requires local governing bodies to designate an enforcement agency to carry out solid waste permitting, inspection and enforcement duties in their jurisdiction. Regulations require a designated local agency to develop, submit for Board approval, and adopt an Enforcement Program Plan (EPP) pursuant to statute. The EPP shall embody the designation and certification requirements and demonstrate that the LEA meets all the requirements for the requested certifications. Public Resources Code (PRC) Section 43204 states: "No enforcement agency may exercise the powers and duties of an enforcement agency until the designation is approved by the board. After August 1, 1992, the board shall not approve a designation unless it finds that the designated enforcement agency is capable of fulling its responsibilities under the enforcement program and meets the certification requirements adopted by the board pursuant to PRC Section 43200."

For a local agency to have its designation as an enforcement agency approved by the Board, the enforcement agency must meet the following minimum requirements of statute and regulation:

1. Technical expertise
2. Adequate staff resources
3. Adequate budget resources
4. Adequate training
5. The existence of at least one permitted solid waste facility within the jurisdiction of the local agency.
6. No operational involvement in any of the types of facilities or sites it permits, inspects or enforces.
7. A sole enforcement agency per LEA jurisdiction.

The Board, after approval of the EPP, may issue certifications to the designated enforcement agency per Title 14 California Code of

Regulations (14 CCR) Section 18071 for one or more of the following types of duties and responsibilities:

"A": Permitting, inspection and enforcement of regulations at solid waste disposal sites
"B": Permitting, inspection and enforcement of regulations at solid waste transformation facilities
"C": Permitting, inspection and enforcement of regulations at solid waste transfer and processing stations, materials recovery facilities, and composting facilities
"D": Inspections and enforcement of litter, odor, and nuisance regulations at solid waste landfills

Therefore, to establish an LEA, the Board is required by statutes and regulations to approve the Enforcement Agency's EPP, to issue certification(s), and approve the designation of the Enforcement Agency.

ANALYSIS:

Board staff has received and reviewed the Designation Information Package (DIP) from the Riverside County Board of Supervisors requesting approval of their designation of the Environmental Health Division of the Riverside County Health Department as the enforcement agency for Riverside County. Furthermore, Board staff has received and reviewed the Enforcement Program Plan (EPP).

The documentation provided in the DIP and EPP meet the general requirements of PRC 43200 - 43219 and 14 CCR 18010 - 18084. Board staff find that the DIP and EPP are complete and acceptable for the Board to consider the approval of the EPP, issuance of the requested certifications, and approval the designation of the Environmental Health Division of the Riverside County Health Department as the Local Enforcement Agency (LEA) for the County of Riverside.

STAFF COMMENTS:

Board staff concur with the proposed EPP, the issuance of the requested certifications and approval of the designation.

The Board has the following options:

1. Approve the EPP, issue the requested certifications, and approve the designation for the jurisdiction.

2. Approve the EPP, and issue temporary LEA certifications and/or designation approval for specific time periods.

3. Disapprove the EPP and/or not issue the requested certifications and therefore, disapprove the designation and appoint the Board as the enforcement agency for the jurisdiction.

4. Take no action. This option provides for no enforcement agency designation. The Board would need to perform the enforcement agency duties starting August 2, 1992.

ATTACHMENTS:

1. Additional attachments were provided as part of the Permitting and Enforcement Committee Agenda packet.

Prepared by: Myron H. Amerine (M.H.A.) / Mary T. Coyle (M.H.A. for M.C.) Phone 255-2408

Reviewed by: Martha Vazquez Phone 255-2431

Legal review: Date/Time 4/19/92 20h25

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 92-35

April 29, 1992

Resolution approving the Enforcement Program Plan, issuing the requested certifications and approving the designation of the Environmental Health Division of the Riverside County Health Department as the Local Enforcement Agency for the County of Riverside.

WHEREAS, the California Integrated Waste Management Act of 1989 requires local governing bodies to designate an enforcement agency to carry out solid waste permitting, inspection and enforcement duties in their jurisdiction; and

WHEREAS, Regulations require a designated local agency to develop, submit for Board approval, and adopt an Enforcement Program Plan (EPP) pursuant to statute; and

WHEREAS, the California Integrated Waste Management Board has received and reviewed the Enforcement Program Plan for Riverside County; and

WHEREAS, the Enforcement Program Plan of the Environmental Health Division of the Riverside County Health Department requests the Board to approve the Enforcement Program Plan and issue certification types "A","B","C" and "D" to the designated local agency pursuant to Title 14 California Code of Regulations Section 18071; and

WHEREAS, the Riverside County Board of Supervisors and the majority of the City Councils with the majority of the incorporated population of the designated jurisdiction have designated the above local agency and requested Board approval of their designation; and

WHEREAS, the Environmental Health Division of the Riverside County Health Department has adopted its Enforcement Program Plan pursuant to Public Resources Code Section 43209; and

WHEREAS, the Board finds that the above designated enforcement agency has demonstrated, via its Enforcement Program Plan, that it meets the requirements of Public Resources Code Division 30 Part 4, Chapter 2, Article 1 and Title 14 California Code of Regulations Division 7, Chapter 5, Articles 1.0 - 2.2;

NOW, THEREFORE, BE IT RESOLVED, the California Integrated Waste Management Board pursuant to Public Resources Code Division 30 Part 4, Chapter 2, Article 1 approves the Enforcement Program Plan and designation and issues certification types "A","B","C" and "D" to the Riverside County Health Department's Division of Environmental Health as the Local Enforcement Agency for Riverside County and all its incorporated cities.

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 April 29, 1992.

Date:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

April 29, 1992

AGENDA ITEM 13

ITEM: Consideration of Adoption of Emergency Regulations Amending 14 CCR, Sections 18230 through 18245: Financial Responsibility for Operating Liability Claims

COMMITTEE ACTION:

The Permitting and Enforcement Committee directed staff to prepare the proposed changes to the adopted regulations during the April 8, 1992 committee meeting. Specifically, staff were directed to change the minimum level of aggregate liability coverage for the operator of a single facility from two million dollars ($2,000,000) to one million dollars ($1,000,000). In addition, the minimum initial deposit to the Environmental Liability Fund (Section 18240) was directed to be reduced from $400,000 to $200,000.

BACKGROUND:

On December 11, 1992, the Board adopted the subject regulation package, and directed staff to complete the rulemaking process as required in the Administrative Procedure Act.

On April 2, 1992, the Office of Administrative Law (OAL) completed its review of the rulemaking file for the subject regulations and filed the regulations with the Secretary of State.

ANALYSIS:

The Board must present a Finding of Emergency to be presented to OAL in order for the amendments to be made as "Emergency Regulations." The following identifies the necessary Finding of Emergency which will be presented to OAL at the Board's direction:

FINDING OF EMERGENCY

On December 11, 1991, the California Integrated Waste Management Board (Board) completed the official rulemaking for the "Financial Responsibility for Operating Liability Claims" regulations and adopted the regulation package. On April 2, 1992, the Office of Administrative Law approved the rulemaking and the regulations were filed with the Secretary of State. As filed, the regulations become effective on July 1, 1992.

Section 18232 - "Amount of Required Coverage," of the subject regulation package, currently identifies that the minimum acceptable level of liability coverage that any one solid waste facility operator is required to demonstrate to the Board is one

million dollars ($1,000,000) per occurrence and two million dollars ($2,000,000) annual aggregate. This level of coverage has been placed on operators equally, whether they operate one facility or two. If a single operator has three facilities, the regulation increases the aggregate coverage requirement to three million dollars ($3,000,000). If a single operator has four facilities, the regulation increases the aggregate coverage requirement to four million dollars ($4,000,000). If a single operator is responsible for five or more facilities, the required aggregate coverage is five million dollars ($5,000,000).

Since the adoption of the regulations package, the Board has received a substantial number of both written and oral comments regarding the required level of coverage for operators with one or two facilities. The consensus of the comments is that the majority of the single facility operators will be significantly impacted if faced with the requirement of securing and demonstrating liability coverage for two million dollars ($2,000,000).

The effects of the significant, detrimental impact vary from operator to operator. The similarities are that disposal costs will increase dramatically, the public served by the landfill will very likely increase illegal dumping, and at least one operator, according to his claims, may be forced to close his facility leaving no nearby location for the public to dispose of its waste.

For the above reasons, it has been proposed that the minimum coverage limit for single facility operators be decreased. The Board has determined that this action should be taken. It is necessary for the immediate preservation of the public peace, health and safety or general welfare. It is necessary that this regulation go into effect as an emergency regulation. Since the current regulations become effective on July 1, 1992, formally noticing this regulatory change according to the Administrative Procedure Act requirements will not effect the change in time to allow operators to act in compliance, and it will result in their incurring additional, unnecessary expense attempting to comply with a law which is soon to change. Operators have testified that as the law currently stands, they will be forced to increase disposal fees which will result in increases in illegal disposal by the public which, in turn, will have the impact of creating dangers to public health and safety and the environment.

ADDITIONAL REQUIREMENTS

Government Code Section 11346.1(b) states that any finding of emergency shall include a written statement containing the information requested in Government Code Section 11346.5 and a

description of the specific facts showing the need for immediate action.

Pursuant to Government Code Section 11346.1(b), the following statements provide the information requested:

(a) **"Reference to the authority under which the regulation is proposed and a reference to the particular code sections or other provisions of law which are being implemented, interpreted, or made specific."**

The authority for these regulatory amendments is found in Public Resources Code sections 40502 and 43040. The purpose of this proposed action is to make specific Public Resources Code section 43040.

(b) **"An Informative Digest containing a concise and clear summary of existing laws and regulations..."**

The Informative Digest is included below.

(c) **"Any other matters as are prescribed by statute applicable to the specific state agency or to any specific regulation or class of regulations."**

None

(d) **"A determination as to whether the regulation imposes a mandate on local agencies or school districts and, if so, whether the mandate requires state reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4."**

There is no mandate on local agencies or school districts. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution as identified in Section 37 of Chapter 1095, Statutes of 1989.

(e) **"An estimate, prepared in accordance with instructions adopted by the Department of Finance, of the cost or savings to any state agency, the cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with section 17500) of Division 4, other nondiscretionary cost or savings imposed on local agencies, and the cost or savings in federal funding to the state."**

No costs of this program are required to be reimbursed under Part 7 (commencing with section 17500) of Division 4, however the costs to any local agency will range from zero dollars ($0) for agencies currently operating with the required liability coverage to five million dollars

($5,000,000) for agencies operating five or more solid waste disposal facilities which choose to use the trust agreement mechanism to demonstrate financial assurance.

INFORMATIVE DIGEST

Public Resources Code section 40502 gives the Board authority to adopt rules and regulations, as necessary to carry out its mandates. Public Resources Code section 43040 gives the Board authority to adopt regulations which require the operator of a solid waste disposal facility to provide financial assurance for third party bodily injury and property damage, due to an accidental occurrence resulting from the operations of a facility. Currently, operators of solid waste landfills are required, by statute and regulation, to demonstrate financial assurances for closure and postclosure maintenance costs of a facility.

On April 2, 1992, regulations requiring financial assurances to compensate third parties for bodily injury and property damage which may occur during the operation of facility were filed with the Secretary of State. This proposed amendment to these regulations will change the minimum level of coverage to be demonstrated by the operator of a single facility from one million dollars ($1,000,000) per occurrence and two million dollars ($2,000,000) annual aggregate, to one million dollars ($1,000,000) per occurrence and for the annual aggregate.

STAFF COMMENTS:

Staff will summarize the proposed amendments to the regulations for Board consideration of adoption. The Board may choose to adopt the regulation package and instruct staff to continue with the emergency rulemaking process by submitting the package to the Office of Administrative Law, or direct staff to make further amendments to the proposed amendments to the regulations before continuing with the rulemaking process.

ATTACHMENTS:

1. Emergency Amendments to the Regulations

3. Board Resolution No. 92-62

Prepared By: Richard Castle/Garth C. Adams Phone 255-2446

Approved By: Phil Moralez/Martha Vazquez Phone 255-2431

Approved by Legal: R Date 4/20/92 Time 1:30

PROPOSED AMENDMENTS TO:

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

Additions are identified with redline.
Deletions are identified with strikeout "-"

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) One million dollars ($1,000,000) annual aggregate for 1 facility.

(~~2~~3) Two million dollars ($2,000,000) annual aggregate for ~~up to~~ 2 facilities.

(~~3~~4) Three million dollars ($3,000,000) annual aggregate for 3 facilities.

(~~4~~5) Four million dollars ($4,000,000) annual aggregate for 4 facilities.

(~~5~~6) 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).

(f) If an environmental liability fund is depleted to compensate third parties for bodily injuries and/or property damages caused by an accidental occurrence, the operator shall, within one year of the depletion, demonstrate financial responsibility for the full amount of coverage required by section 18240(d) of this Article, as if no depletion had occurred.

NOTE: Authority cited: Section 40502 and 43040, Public Resources Code. Reference: Section 43040, Public Resources Code.

Section 18240. Insurance and Environmental Fund.

(a) To be eligible to use this mechanism to demonstrate financial responsibility for compensating third parties for bodily injury and property damage, the operator shall fulfill the requirements of sections (a) through (e) of this section no later than one day after the effective date of this Article.

(b) The operator shall submit a signed certification to the Board on form CIWMB 137 (11/91), which is incorporated by reference; and

(c) The operator shall submit certification of coverage to demonstrate the establishment and maintenance of comprehensive general liability insurance coverage with limits in at least the amounts specified in section 18232 of this Article. This insurance must conform to the requirements of sections 18236(a) through (d) and/or 18237(a) of this Article; and

(d) The operator shall demonstrate the establishment of an environmental liability fund, which shall be fully funded, as described, within 5 years of the effective date of this Article. This means that the operator shall make the initial payment as described in section 18240(d)(3) by July 2, 1992 and subsequent payments as described in section 18240(d)(4) on July 1st of the following years: 1993, 1994, 1995, 1996, and 1997.

(1) The environmental liability 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.

(2) The environmental liability fund shall be established by using form CIWMB 138 (11/91), which is incorporated by reference.

(3) The funding of the environmental liability fund shall be initiated with a payment of ~~$400,000~~ $200,000 or a payment that is at least equal to the applicable aggregate liability coverage amount specified in section 18232 of this Article

divided by 5, which is the maximum number of years in the pay-in period.

(4) On each anniversary date of the effective date of this Article, the minimum payment shall be determined by this formula:

$$\text{Minimum Payment} = \frac{AC - CV}{Y + 1}$$

where AC is the aggregate coverage required, CV is the current value of the trust fund and Y is the number of years remaining in the pay-in period.

(5) The operator may accelerate payments into the environmental liability fund. However, the value of the environmental liability fund shall be maintained at no less than the value that the environmental fund would have, if payments were made as specified in sections (3) and (4) of this section.

(6) If the value of the environmental liability fund becomes greater than the total amount of the applicable aggregate liability coverage, 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.

(e) The operator may substitute any alternate financial assurance mechanism(s), as identified in section 18241 of this Article, for the Insurance and Environmental Fund mechanism.

NOTE: Authority cited: Section 40502 and 43040, Public Resources Code. Reference: Section 43040, Public Resources Code.

Attachment 2

California Integrated Waste Management Board
Resolution 92-62
April 29, 1992

Adoption of Emergency Regulations to Amend
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 bodily 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 adopted regulations on December 11, 1991 by order of Resolution 91-72; and

WHEREAS, the Office of Administrative Law approved the rulemaking file for the subject regulations and filed the regulations with the Secretary of State on April 2, 1992; and

WHEREAS, the Board has determined that an emergency exists, as identified in Government Code Section 11349.6(b), to amend the regulations as filed on April 2, 1992 with the Secretary of State; and

WHEREAS, the Board has fulfilled all of the requirements of Government Code Sections 11346.1, 11346.2, paragraphs (2) to (6), inclusive, of subdivision (a) of Section 11346.5, 11349.1 and 11349.6.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the proposed emergency amendments to the 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 emergency 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 April 29, 1992.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

April 29, 1992

AGENDA ITEM 15

ITEM: Consideration of Delegating Authority to the Executive Director for Requests from State Agencies to Retain Monies Derived from the Sale of Recyclables.

COMMITTEE ACTION:

The Administration Committee approved this agenda item in the April Administration Committee Meeting and requested that this item be placed on the Consent Calendar.

BACKGROUND:

In response to a request by Lanterman Developmental Center at the December Administration Committee Meeting to retain monies derived from the sale of recyclable materials, the committee requested that any of these requests from State agencies be delegated to the Executive Director. The Legal Office has written a resolution delegating this authority to the Executive Director, which incorporates this request. (See Attachment 1)

PCC Section 12167 requires that State agencies submit money derived from the sale of recyclable materials to the Board to offset recycling program costs. However, PCC Section 12167.1 enacted in 1991, (see Attachment 2) does allow State agencies to retain monies derived from the sale of recyclables to offset recycling program costs upon approval by the Board.

ANALYSIS:

In the short time that PCC Section 12167.1 has been law (January 1, 1992), the Board has received seven requests to retain monies derived from the sale of recyclables. These seven requests include one request from the Department of Corrections for all State prisons, five developmental centers, and the State Lottery. As State agencies become more aware of this law, many more agencies may request that they be allowed to keep this money. If the Board had to process each one of these requests, an inordinate amount of Board time would be taken up. By delegating this authority to the Executive Director, these requests can be handled quickly and judiciously.

Some State facilities have explained to Board staff that they would not be able to effectively operate their recycling programs if they cannot use monies derived from the sale of recyclables to pay inmates, patients, or students for operating their recycling

programs. Therefore, it is very important that the Board be able to process these requests in an expeditious manner by delegating this authority to the Executive Director.

STAFF COMMENTS:

Staff recommends that the authority to approve or disapprove an agency's request to retain monies derived from the sale of recyclables be delegated to the Executive Director.

ATTACHMENTS:

1. Resolution No. 92-26, Delegation of Authority
2. Public Contract Code 12164.5-12167.1

Prepared by: James Cropper JC 4/10/92 Phone 255-2381

Reviewed by: Mitch Delmage 4/10/92 Phone 255-2383

Reviewed by: Tom Rietz 4-14-92 Phone 255-2384

Legal Review: R Date/Time 4/17 9:23

ATTACHMENT 1

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Resolution No. 92-26

Delegation of Authority to Approve Requests by State Agencies To Retain Monies Derived from the Sale of Recyclables

***Whereas,** the California Integrated Waste Management Board was created with the enactment of the California Integrated Waste Management Act of 1989; and,*

***Whereas,** the major responsibility of the Board is to develop and implement new Integrated Waste Management policy for the State of California; and,*

***Whereas,** Public Resources Code (PRC) § 40430 requires the Board to appoint an Executive Director to administer the functions of the Board; and,*

***Whereas,** in order to carry out the responsibilities, commitment and administration of the Board, numerous minor and routine agreements and documents must be executed for and on behalf of the Board; and,*

***Whereas,** the time for presentation to, and action by, the Board for each and every such matter is extensive for both the Board and staff, and often delays the Board's receipt of essential goods and services; and,*

***Whereas,** the Board desires to focus its energies and efforts on the responsibilities with which it alone has been charged by the Governor and the legislature, namely the deliberation, adoption and implementation of statewide policy and standards for Integrated Waste Management;*

***Now, therefore, Be it Resolved,** that the Board authorizes the Executive Director, on behalf of the Board, to render certain decisions and execute certain documents which are administrative in nature and which involve matters which are not contested controversial or have significant impact on Integrated Waste Management policy, or are necessary for the preservation of the public health and safety or the environment, as follows: that the Executive Director may approve or disapprove requests by state agencies, pursuant to Public Contract Code Section 12167.1 to retain monies derived from the sale of recycled materials collected by the state agencies' recycling programs.*

***Be it Further Resolved,** that this resolution upon signature by the Chairman of the Board, does not effect any delegation of authority, already granted by Resolution 91-92.*

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 April 29, 1992.

Dated:

Michael R. Frost,
Chairman

Attachment 2

Senate Bill No. 960

CHAPTER 1012

An act to amend Sections 12164.5, 12165, 12166, and 12167 of, and to add Section 12167.1 to, the Public Contract Code, relating to solid waste.

[Approved by Governor October 13, 1991. Filed with Secretary of State October 14, 1991.]

LEGISLATIVE COUNSEL'S DIGEST

SB 960, Hart. Solid waste: state paper recycling; mixed paper waste.

(1) Under existing law, the California Integrated Waste Management Board is required to file a biennial report with the Legislature on specified matters concerning solid waste.

This bill would require the board to submit recommendations to the Legislature by January 1, 1993, concerning programs which are needed to encourage high levels of recycling for mixed paper waste, as defined.

(2) Under existing law, the Department of General Services, with the advice of the California Integrated Waste Management Board, is required to establish, implement, and maintain a recycling plan for legislative and state offices, as prescribed, and to carry out specified duties in connection with the state waste paper collection program.

This bill would transfer those duties to the board and would revise the purposes for which revenues received from the program may be expended.

The people of the State of California do enact as follows:

SECTION 1. Section 12164.5 of the Public Contract Code is amended to read:

12164.5. (a) It is the intent of the Legislature that for the current state waste paper collection program, the California Integrated Waste Management Board shall provide participating locations with public information awareness and training to state and legislative employees. Additionally, the California Integrated Waste Management Board shall provide training for personnel, including but not limited to, state and buildings and grounds personnel, responsible for the collection of waste materials. This training shall include, but is not limited to, educating and training the personnel concerning the separation and collection of recyclable materials.

(b) It is also the intent of the Legislature that the California Integrated Waste Management Board continue the current state waste paper collection program and use this program as a model to develop a plan for other waste materials generated by state and

legislative employees.

(c) It is also the intent of the Legislature that the department, in consultation with the California Integrated Waste Management Board, shall submit a new recycling plan, which includes but is not limited to, the collection and sale of waste materials generated by state and legislative employees. This plan shall be submitted to the appropriate legislative policy committees on or before August 31, 1990. The plan may be phased in utilizing those office facilities and collecting those waste materials most conducive to operation of a source separation program, but shall be fully implemented by June 1, 1991.

SEC. 2. Section 12165 of the Public Contract Code is amended to read:

12165. (a) After implementing a recycling plan pursuant to subdivision (c) of Section 12164.5, the California Integrated Waste Management Board shall establish, implement, and maintain a recycling plan for the Legislature, which may include all legislative offices and individual members' district offices; all state offices whether in state-owned buildings or leased facilities in Sacramento, Los Angeles, and San Francisco Counties; and in any other areas that the board determines to be feasible. The plan shall include the provisions for the recycling of office paper, corrugated cardboard, newsprint, beverage containers (as defined in Section 14503 of the Public Resources Code), waste oil, and any other material at the discretion of the board.

(b) The collection program for each product and each location shall be reevaluated by the board on or before January 1, 1994. Subsequently, the board, upon the determination that inclusion of any particular material type would result in a net revenue loss to the state, shall have the discretion to exclude that material from the program, and shall report its conclusions and recommendations to the Legislature. In determining the net revenue loss for the collection of a specified waste material, the board shall include the avoided cost to dispose of the waste material. The plan shall provide either for the collection and sale of materials to private brokers, recycling plants, or nonprofit organizations, or the operation of these entities by the state, or a combination thereof. The plan shall be implemented at the earliest possible date.

(c) The board shall provide participating locations with public awareness information and training to state and legislative employees, including, but not limited to, the proper separation and disposal of recyclable resources. Additionally, the board shall provide training for personnel, including, but not limited to, state buildings and grounds personnel, responsible for the collection of waste materials. This training shall include, but is not limited to, educating and training the personnel concerning the separation and collection of recyclable materials.

(d) No individual, group of individuals, state office, agency, or its

employees shall establish a similar collection program or enter into agreement for a similar program unless approved by the board.

SEC. 3. Section 12166 of the Public Contract Code is amended to read:

12166. The California Integrated Waste Management Board may contract as necessary for the recycling of products which have been returned pursuant to Section 12165.

SEC. 4. Section 12167 of the Public Contract Code is amended to read:

12167. Revenues received from this plan or any other activity involving the collection and sale of recyclable materials in state and legislative offices located in state-owned and state-leased buildings, such as the sale of waste materials through recycling programs operated by the California Integrated Waste Management Board or in agreement with the board, shall be used to offset recycling program costs. Any remaining revenues not expended during a fiscal year shall be used to offset recycling program costs in the following year.

SEC. 5. Section 12167.1 is added to the Public Contract Code, to read:

12167.1. Upon approval by the California Integrated Waste Management Board, state agencies and institutions may use moneys derived from the sale of recyclable materials for the purposes of offsetting recycling program costs. Information on the quantities of recyclable materials collected for recycling shall be provided to the board on an annual basis according to a schedule determined by the board and participating agencies.

SEC. 6. The Legislature hereby finds and declares that there is an urgent need to reduce the amount of mixed paper waste going to the state's overflowing landfills.

SEC. 7. The California Integrated Waste Management Board shall submit recommendations to the Legislature by January 1, 1993, concerning programs which are needed to encourage high levels of recycling for mixed paper waste. As used in this act, "mixed paper waste" means paper stock that consists of a clean sorted mixture of various quantities of paper containing less than 10 percent ground wood stock.

O

143

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

April 29, 1992

AGENDA ITEM 17

ITEM : Consideration of the Report to the Legislature: Tire Recycling Program Annual Report

COMMITTEE ACTION :

The Policy, Research and Technical Assistance Committee considered the above item on April 9, 1992. The item was placed on the Board's Consent Agenda.

BACKGROUND :

The purpose of this report is to fulfill the annual reporting requirement of AB 1843 (PRC § 42884). This section mandates that on or before May 1, 1992, and each May 1 thereafter, the Board reports to the Legislature on the number of tires recycled or diverted from landfill disposal and stockpiling. The comparative costs and benefits of the recycling efforts funded under Chapter 17, Part 3, Division 30 of the PRC, also require assessment.

ANALYSIS :

Due to the recent completion of the report "Tires as a Fuel Supplement: Feasibility Study", Board staff was able to estimate the number of tires currently being recycled or diverted from landfill disposal. At the time of this update, however, no money has been awarded for grants and loans to tire recyclers or processors. Staff did not, therefore, attempt to develop any cost and benefit comparisons for this update.

STAFF COMMENTS :

Staff recommends Committee approval to submit the report to the Legislature.

ATTACHMENTS :

1. Tire Recycling Program Annual Report

Prepared by: Thomas Dietsch/Bob Boughton Phone 255-2422

Approved by: Martha Gildart/Don Dier, Jr. Phone 255-2414

Legal review: R Date/Time 4/20 1:30

TIRE RECYCLING PROGRAM
ANNUAL REPORT

Report to the Legislature

Prepared by:

California Environmental Protection Agency's

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

April 1992

© State of California, 1992
All Rights Reserved

TIRE RECYCLING PROGRAM ANNUAL REPORT

This update has been prepared to partially fulfill the reporting requirements of Assembly Bill 1843 (§ 42884 of the Public Resources Code). The California Integrated Waste Management Board (Board) is required to report to the Legislature on the number of tires recycled or otherwise diverted from disposal in landfills or stockpiles and the comparative costs and benefits of the recycling or conversion processes funded from the California Tire Recycling Management Fund.

Due to the increasing number of vehicles being registered and the increasing number of road miles driven, used tires are being generated at an accelerated rate. In California alone, an estimated 27 million used tires (light-duty and heavy-duty) are generated each year. Because limited data specific to California exist, this estimate is based primarily on national figures for new and retreaded replacement tires.

Board staff have estimated that of the 27 million used tires generated in 1990 (the most recent data available as a base year), approximately 9.5 to 11.5 million are used again for varying alternatives including reuse, retreading, and combustion (see Table 1). Many other alternatives which have historically consumed smaller amounts of tires also exist. Due to the recent completion of the report "Tires as a Fuel Supplement: Feasibility Study", Board staff was able to estimate the number of tires currently being recycled or diverted from landfill disposal and stockpiling. The assumptions and information used to make these estimates are detailed in the report.

An alternative to disposal is tire reuse. After the purchase of new tires, the remaining used tires which still have a legal tread depth can be re-sold by the tire dealer. Rather than being disposed of prematurely, these tires are commonly reused, often beyond that which the law allows. According to industry sources, of the estimated 27 million used tires generated each year, about 1 to 1.5 million are reused.

Tire retreading is another viable option for consuming used tires. Based on national figures, approximately 2.9 million retreaded tires are sold in California each year. Of this amount, about 1.8 million retreaded tires are heavy-duty. Tire retreading reduces the number of used tires generated by reusing the tire casing. Nationally, the sale of light-duty retreaded tires is declining.

Tire export reduces the number of tires requiring disposal in California. According to industry contacts, approximately 1 to 2 million tires are exported out of state each year, the majority being light-duty tires. Historically, many of these tires have

been shipped to Mexico, reportedly for reuse. In the future, however, they may be used as fuel for cement production. Although these tires are removed from California's waste stream, they may or may not be ultimately diverted from landfill disposal or stockpiling in Mexico.

Tire combustion also reduces the number of tires requiring landfill disposal or stockpiling. Currently, about 3.9 million tires are being combusted as fuel in California every year. Of the 3.9 million tires, approximately 2.3 million are combusted at the Modesto Energy Project in Westley, California. An additional 2.2 million tires from an existing stockpile near the facility are also combusted each year. The facility generates about 14 megawatts of electrical power which is sold to a local utility.

Calaveras Cement Company in Redding, California, combusts approximately 1.6 million tires per year as a partial substitute for coal. Historically, however, the facility has at times combusted tires imported from the state of Oregon. Oregon has adopted a rebate system which allows the end users of used tires to collect up to $20 per ton. Board staff estimates that the majority of the tires currently combusted originate in California.

Staff estimates that about .75 to 1.5 million tires are used for other alternatives including Asphalt-Rubber, Rubber-Modified Asphalt Concrete, playground cover, crash barriers, and various stamped or molded products.

Currently, the remaining number of tires requiring landfill disposal or stockpiling is about 15 to 17 million per year or about 60% of the used tire waste stream. Because of the uncertainty of the used tire estimates, however, the number of tires requiring landfill disposal or stockpiling is only an approximation.

Staff estimates that at least 33 million tires are currently stockpiled in the state. This figure is based on the voluntary responses received from tire stockpile owners and tabulated in the Board's Waste Tire Stockpile Registration Statement List. This estimate is expected to increase when all tire stockpiles must be permitted as waste tire facilities by September, 1993.

At the time of this report, no grants or loans from the California Tire Recycling Management Fund have been awarded. The criteria for the grants and loans program is currently under development by Board staff. It is estimated that applications will be solicited in the Fall of 1992. Cost and benefit comparisons regarding waste tire recycling or conversion processes funded by the program cannot be ascertained at this time.

TABLE 1

USED TIRE RECYCLING AND DISPOSAL
(Numbers in Millions)

Year	California Population	Estimated # of Tires Generated	Reused	Retreaded		Exported	Combusted for Energy Production	Combusted as Fuel Supplement	Other Uses	Total # Tires Recycled	Remaining # Tires Disposed of	Stock-piled Tires
				Light	Heavy							
1990	29.5	27	1-1.5	1.1	1.8	1-2	2.3	1.6	.75-1.5	9.5-11.5	15.5-17.5	33
1991	30.1	27.5	1-1.5	1.0	1.9	1-2	2.3	1.7	.75-1.5	9.5-11.5	16-18	36
1992												
1993												
1994												
1995												
1996												
1997												
1998												

148

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

April 29, 1992

AGENDA ITEM 18

ITEM: Interim Statewide Landfill Capacity Report

COMMITTEE ACTION:

A revised draft report was adopted by the Policy, Research and Technical Assistance Committee at its April 9, 1992 meeting. At that meeting, staff reviewed the changes that had been incorporated into the report in response to comments from Board Members and Advisors. The Committee adopted the report and directed staff to send the report to the full Board for its consideration and approval at the Board's April 29, 1992.

Staff was also asked to consider additional comments from Committee Member Relis which had been submitted to staff, but which had not yet been incorporated into the report. Staff was also made aware of comments by Board Member Neal which had not been included. The Committee directed staff to consider the additional comments and make changes of a technical or clarifying nature as appropriate with the directive that no changes of a substantive nature be made.

BACKGROUND:

At its October 10, 1991 meeting, the Policy, Research and Technical Assistance Committee approved the workplan which directed staff of the Local Assistance Branch to prepare a draft report on statewide remaining landfill disposal capacity. The Board approved this workplan at its October 30th meeting.

The approved workplan called for compiling and evaluating the existing data submitted to the Board by each County Local Task Force; summarizing and aggregating the existing data by county, region (2 or more counties), and statewide; and preparing and presenting draft and final reports to the Board. The report was to be based upon County Local Task Force (LTF) findings of existing permitted landfill disposal capacity, as of January 1, 1990.

The report was presented to the Policy, Research and Technical Assistance Committee on February 20, 1992, at a Sacramento Landfill Capacity Workshop. At the Workshop, the Committee requested that staff include in the report an estimate of the

effect on landfill capacity of achievement of the state's waste diversion goals. This analysis was included in the report in the form of a number of alternative scenarios describing remaining permitted landfill disposal capacity.

The report was again presented to the Policy, Research and Technical Assistance Committee at its March 10th meeting. The Committee requested that two of the capacity scenarios be removed from the report. These changes were included in the report. The report was then submitted to the full Board for consideration at its March 25th meeting in Redding.

At that meeting, the full Board remanded the report back to the Policy Committee for further revision and consideration at its April 9, 1992 meeting. The Board directed staff to meet with Advisors to receive comments and make specific changes to the report prior to the April 9, 1992 Policy Committee meeting. The following concerns were addressed in the report in accordance with the Advisor's comments:

1) Internal Consistency: Several tables have been revised in response to the concerns over the Report's assumptions, data and findings consistency with those of other Board studies. Also, the county data is presented consistently throughout the Report.

2) Baseline Diversion Rate: The Report's baseline (January 1, 1990) diversion rate was adjusted to reflect the latest data from the Interim Database Project. This rate was modified at the direction of a consensus of Board members and their advisors.

3) Purpose of Report: The Executive Summary and body of the Report were revised to more explicitly state that the Report is a "snapshot" in time in response to Board members' concerns.

4) Qualification of Data: Footnotes have been added to many tables in response to the concern that the data be qualified in the tables, not solely in the text.

5) Statement of Remaining Permitted Capacity: Several different scenarios were eliminated from the March 25th Report. At the meeting with the Advisors it was decided that three scenarios using a base diversion rate of 11% was appropriate.

At the April 9, 1992 meeting, the Policy Committee approved the report with the direction that staff consider additional comments and make changes of a technical or clarifying nature as appropriate with the directive that no substantive changes be made. Staff has modified the report inserting clarifying language in several places as suggested by the Advisors.

ANALYSIS:

The following highlights from the report represent the major findings of the landfill capacity study. Please note that there are specific limitations to these findings and that they should be considered within the framework outlined by the report.

- Californian's disposed of 7.9 lbs. of waste per day as of January 1, 1990, compared to 7.4 lbs. as of June 1985.
- The total amount of waste disposed annually in California as of January 1, 1990 was approximately 42.5 million tons or 72 million cubic yards.
- The total amount of remaining permitted disposal capacity in California was approximately 669 million tons or one (1) billion cubic yards, as of January 1, 1990.
- Assuming that waste generation grows at a 2.0 percent rate, and that the state's waste diversion goals are achieved by 1995 and 2000, California would have had 18 years of permitted capacity remaining as of January 1, 1990.
- Assuming that waste generation grows at a 2.0% rate, and that diversion remains constant at an estimated existing rate of 11%, California would have had 13 years of capacity remaining as of January 1, 1990.
- There were ten counties with less than five (5) years of permitted capacity remaining as of January 1, 1990.
- There was one (1) county with five (5) to eight (8) years of permitted capacity remaining as of January 1, 1990.
- There were eighteen (18) counties with nine (9) to fifteen (15) years of capacity remaining as of January 1, 1990.
- In total, twenty-nine (29) counties or one-half of the state's counties had fifteen (15) years or less of capacity remaining as of January 1, 1990. About seventy (70) percent of the state's population lived in these counties.
- The shortage of capacity as of January 1, 1990 affected both urban and rural regions, and was not an isolated phenomenon.

STAFF COMMENTS:

Staff is submitting the report to the full Board for review and approval. The revised report will be available to the Board members on Wednesday, April 22, 1992. Staff has modified language in the report for purposes of clarity as directed by the Policy, Research and Technical Assistance Committee at its April 9, 1992 meeting.

ATTACHMENTS:

1. Draft Interim Statewide Landfill Capacity Report

Prepared By: Tracey M. Harper/John Nuffer Phone: 255-2310

Reviewed By: John D. Smith/Judith Friedman Phone: 255-2555

Reviewed By: Tom Rietz, Deputy Director Phone: 255-2385

Legal Review: R Date/Time: 4/19 2 o'clock

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

April 29, 1992

Agenda Item # 19

ITEM: Consideration of State Legislation.

BACKGROUND:

At the April 1, 1992 public meeting of the Legislation and Public Affairs Committee (LPAC), the Legislative Office provided the Committee with a status report of 1992 legislation of primary interest to the California Integrated Waste Management Board (CIWMB). The Director of Legislation will provide the Board with a brief verbal summary on significant solid waste legislation, as a number of these bills are progressing in the Legislature and are the subject of amendment.

COMMITTEE ACTION:

In addition, the LPAC reviewed a number of state bills and adopted recommendations for thirteen solid waste bills that are being considered by the Legislature this year. Specifically, the LPAC recommended that the Board take support positions on six bills; support, if amended positions on three bills; and reviewed another four bills but made no recommendation for a position. You will find included in this agenda item all of the bills, and corresponding analyses, that were presented to the LPAC for consideration:

The following bills are presented for the Board's information and consideration.

- AB 181 (Tanner) -- This bill makes changes to the amount of liability which under current law can be apportioned to local governments which own or operate solid waste landfills, under the Superfund laws administered by the Department of Toxic Substances Control.

  LPAC RECOMMENDATION: (3-0) Support.

- AB 2393 (Cortese) -- Requires the CIWMB to prepare a study on the effects of heavy metals in packaging on transformation and solid waste landfill facilities.

  LPAC RECOMMENDATION: (3-0) Support.

- AB 2446 (Eastin) -- Requires the Department of General Services to purchase specified percentages of recycled paper and to purchase as a recycled product specified percentages, by certain dates, of each product, including compost, glass, oil, plastic, solvents, paint, and tires.

  LPAC RECOMMENDATION: (3-0) Support.

- AB 2567 (Moore) -- Requires a city or county which imposes a fee or fee increase to fund integrated waste management planning and implementation costs to hold a noticed public meeting and to limit any such fee to the amount necessary to cover actual costs.

  LPAC RECOMMENDATION: No recommendation. The LPAC found that the legislation directly affected local agencies and recommended that a position on the bill be deferred to the local governments.

- AB 3073 (Sher) -- Makes technical and clarifying changes to the Oil Recycling Enhancement Act of 1991 (AB 3076, Sher).

  LPAC RECOMMENDATION: (3-0) Support.

- AB 2920 (Lee) -- Requires the Office of Emergency Services, in cooperation with the CIWMB, to develop a disaster plan designed to divert disaster-related debris from landfills.

  LPAC RECOMMENDATION: (3-0) Support, if amended. The LPAC recommended that AB 2920 be amended to place the CIWMB in the lead role for developing the disaster plan; and that the CIWMB be given the authority to adopt regulations for future emergency actions.

- AB 3001 (Cortese) -- Revises the current law requirement for a conformance finding for solid waste facilities with the countywide integrated waste management plan to require instead a finding that a solid waste disposal or transformation facility is identified in the plan's siting element.

  LPAC RECOMMENDATION: No recommendation. The Legislative Office is directed to work with the Integrated Waste Management Planning and the Permitting and Enforcement Committees in May to develop a coordinated Board position on the policy issues raised in AB 3001. The bill will be brought back to the LPAC on May 12, 1992 for further review and consideration.

- AB 3348 (Eastin) -- Revises the manner in which funds in the Solid Waste Disposal Site Cleanup and Maintenance Account are allocated.

  LPAC RECOMMENDATION: No recommendation. The LPAC recognized that the bill would be significantly amended in the near future and recommended that the bill be brought back to the LPAC on May 12, 1992 for consideration after the amendments have been made.

- AB 3434 (Clute) -- Revises the statutory definitions of "recycling" and "transformation" for purposes of integrated waste management planning requirements, thereby allowing the conversion of biomass waste into energy to count towards the law's diversion requirements as a recycling rather than a transformation activity.

  LPAC RECOMMENDATION: The bill is forwarded to the Board for consideration with no recommendation from the LPAC. The LPAC believes that the issues raised in the bill have significant policy implications and should be discussed by the Board at the April 29, 1992 public meeting.

  [Note: AB 3434 failed passage in the Assembly Natural Resources Committee on April 6, 1992 with a vote of 6-8.]

- SB 1346 (McCorquodale) -- Authorizes the CIWMB to study and report on the risks imposed by the disposal of fluorescent light bulbs in solid waste landfills.

  LPAC RECOMMENDATION: (3-0) Support, if amended. The LPAC recommended that the bill be amended to extend the deadline for preparing the study to a more reasonable deadline.

- SB 1523 (Killea) -- Requires the CIWMB to adopt regulations establishing permitting procedures for composting facilities.

  LPAC RECOMMENDATION: (3-0) Support, if amended. The LPAC recommended that the bill be amended to allow for permit-by-rule for green waste facilities; modify the definition of "composting facility"; and correct a technical error.

- SB 1546 (Craven) -- Requires that subpoenas for employees of CalEPA, and CalEPA state agencies, be accompanied with a $150 deposit and that the employing agency be reimbursed for actual costs for compliance with the subpoena.

  LPAC RECOMMENDATION: (2-1) Support.

- SB 1668 (Beverly) -- Revises the due dates for the Source Reduction and Recycling Elements and Countywide Integrated Waste Management Plans.

  LPAC RECOMMENDATION: (3-0) Support.

BOARD ACTION:

The status report and analyses are presented for the Board's information and consideration. The Board may wish to adopt positions on some or all of these bills.

ATTACHMENTS:

1) Status Report for 1992 Legislation.

2) Analyses and copies of bills: AB 181 (Tanner), AB 2393 (Cortese), AB 2446 (Eastin), AB 2567 (Moore), AB 2920 (Lee), AB 3001 (Cortese), AB 3073 (Sher), AB 3348 (Eastin), AB 3434 (Clute), SB 1346 (McCorquodale), SB 1523 (Killea), SB 1546 (Craven), and SB 1668 (Beverly).

Prepared By: Patty Zwarts, Michelle Fadelli

Approved By: Dorothy Fettig

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Status Report of Priority Bills

April 15, 1992

Bill No: AB 181 Hazardous Substances Liability
Author: Tanner
Subject: The bill defines the term "responsible party" and "liable person" to exclude any city, county, district, or other local agency which has provided incidental solid waste handling services, solely because of the act of providing those services, for the purposes of state Superfund liability.
Status: Senate Appropriations Committee

Bill No: AB 375 CA Environmental Quality Act
Author: Allen
Subject: The bill requires public agencies under California Environmental Quality Act (CEQA) to adopt specified mitigation measures as a condition of project approval.
Status: Senate Governmental Organization Committee

Bill No: AB 1388 Solid Waste Facilities Locations
Author: Horcher
Subject: Prohibits a local enforcement agency from approving a revision of a solid waste facilities permit for the expansion of an existing solid waste land disposal or transformation facility unless the city or county in which the facility is located makes a specified finding after a public hearing is noticed. The bill is only applicable to the Puente Hills Landfill in Los Angeles County.
Status: Senate Floor (Inactive File)

Bill No: AB 2092 Solid Waste Plans and Fees
Author: Sher
Sponsor: Author
Subject: Revises provisions of state law governing the preparation and submittal of Source Reduction and Recycling Elements (SRREs) and County Integrated Waste Management Plans.
Status: Senate Floor (Inactive File)

Bill No: AB 2211 Waste Management/Wood Waste
Author: Sher
Sponsor: Author & CIWMB
Subject: This bill makes various technical changes to provisions of the Integrated Waste Management Act and related provisions, and clarifies that actions taken by the CIWMB to promote markets for non-yard wood waste shall not count toward the diversion requirements of the Act except

as they would have been allowed under the Act prior to amendment by AB 1515 of 1992.
Status: Senate Governmental Organization Committee

Bill No: AB 2303 Assembly Budget Bill
Author: Vasconcellos
Subject: The bill makes appropriations for support of state government (including the CIWMB) for the 1992-93 fiscal year.
Status: Senate Rules

Bill No: AB 2393 Heavy Metals/Packaging
Author: Cortese
Subject: Allows the CIWMB to conduct a study of heavy metals in product packaging, and to report the results of the study to the Governor and the Legislature by January 1, 1995.
Status: Assembly Ways and Means Committee

Bill No: AB 2446 Purchase of Recycled Products
Author: Eastin
Sponsor: Author
Subject: Repeals the provision of existing law that requires the Department of General Services to give a 5% preference towards the purchase of recycled paper products. Instead, the bill requires DGS to purchase by 1/1/94 at least 25% recycled fine writing and printing paper (40% by 1/1/96). This new requirement would also apply to compost, glass, oil, plastic, solvents, paint, and tire products.
Status: Assembly Ways and Means Committee

Bill No: AB 2466 Land Use Permits
Author: Farr
Subject: Requires the Secretary of Environmental Protection to adopt regulations for an expedited system of obtaining permits from state agencies, and requires new information to be included in permits.
Status: Assembly Ways and Means Committee

Bill No: AB 2473 Water Fees
Author: Burton
Subject: Requires the State Water Resources Control Board to develop interim fees to generate the amounts appropriated from the Waste Discharge Permit Fund, which is renamed the Water Protection Fund. Requires the Governor to propose legislation for a permanent fee schedule and to establish different categories of dischargers.
Status: Senate Rules

Bill No: AB 2494 Source Reduction and Recycling Elements
Author: Sher
Subject: Amends provisions of AB 939 to require the Board to use a "disposal-based" method to determine compliance with the law's diversion requirements. The bill also authorizes regional implementation of the planning mandates, and requires the CIWMB to provide local governments with increased assistance in the areas of market development, source reduction and public education.
Status: Assembly Second Reading File

Bill No: AB 2496 Environmental Advertising
Author: Sher
Subject: The bill revises the definition of "biodegradable" to mean a material that has the proven capability to decompose in the most common environment where the material is disposed, within 3 years.
Status: Assembly Consumer Protection Committee

Bill No: AB 2567 Solid Waste Plans and Fees
Author: Moore
Subject: Requires local governments to adhere to specified procedural requirements when imposing fees or fee increases for the purpose of paying the costs of preparing, adopting, or implementing a countywide integrated waste management plan.
Status: Assembly Ways and Means Committee (4/22/92)

Bill No: AB 2654 Water quality/Govt. and Public Utility Projects
Author: Tanner
Subject: Prohibits specified materials from being passed into the waters of the state that result from the construction, reconstruction, or maintenance of a public or private road, street, or highway.
Status: Assembly Ways and Means Committee

Bill No: AB 2661 Rice Straw
Author: Chandler
Subject: Requires the Departments of Forestry and Fire Protection, Parks and Recreation, and General Services to initiate programs to restore public lands that use rice straw and to use that material whenever possible. The CIWMB is required to make evaluations with regard to rice straw.
Status: Assembly Ways and Means Committee

Bill No: AB 2696 Solid Waste/Trade Secrets
Author: Wright
Sponsor: CIWMB
Subject: The bill would expand and strengthen the trade secret provisions of the Integrated Waste Management Act administered by the CIWMB. Specifically, AB 2696 would require individuals furnishing any information that is necessary to comply with the waste management laws to the CIWMB or local enforcement agency to identify, at the time of submission, all the information the person believes is a trade secret. The bill would also specify under which conditions a trade secret could be released to government agencies or the public. AB 2696 is approved by the Governor's Office as Legislative Proposal CEPA 92-50.
Status: Assembly Ways & Means Committee

Bill No: AB 2882 Water Quality
Author: Tanner
Subject: Prohibits a variance from being issued by the State Water Resources Control Board for <u>any</u> new landfill, or lateral expansion of an existing landfill, on land that has been primarily used for mining or excavating gravel or sand.
Status: Assembly Ways and Means Committee

Bill No: AB 2920 Disaster Debris
Author: Lee
Subject: Requires the Office of Emergency Services, in cooperation with the California Integrated Waste Management Board, to develop a disaster plan designed to divert disaster-related debris from landfills.
Status: Assembly Ways And Means Committee

Bill No: AB 2923 Waste Tires
Author: Hauser
Subject: The bill excludes from the definition of a minor waste tire facility a tire dealer or an automobile dismantler which stores tires on the premises for less than 90 days, if not more than 1,500 waste tires are ever accumulated.
Status: Assembly Ways and Means Committee

Bill No: AB 3001 Siting
Author: Cortese
Sponsor: Waste Management, Inc.
Subject: Under existing law, the siting of a solid waste disposal, transfer station, waste processing, or resource recovery facility is prohibited unless the site <u>conforms</u> with the countywide integrated waste management plan approved by the CIWMB. The bill removes transfer stations, waste

processing, and resource recovery facilities from the conformance finding requirement of existing law. AB 3001 would narrow this requirement to only prohibit the siting of solid waste disposal or transformation facilities if the site is not identified in a countywide integrated waste management plan.

Status: Assembly Ways and Means Committee

Bill No: AB 3024 Project Site Demographics
Author: Roybal-Allard
Subject: Prohibits the approval of a permit for a potentially high impact development project, unless the application includes a description of the project site demographics. The bill applies to solid waste disposal facilities and other "high impact" facilities (i.e., incinerators), as defined.
Status: Assembly Ways and Means Committee

Bill No: AB 3072 Uniform Permit Process
Author: Wyman
Subject: Authorizes the Secretary for Environmental Protection to adopt regulations establishing a uniform permit process which applies to all environmental review activities.
Status: Assembly Environmental Safety Committee

Bill No: AB 3073 Oil Recycling
Author: Sher
Sponsor: Author
Subject: The bill would make amendments to the Oil Recycling Enhancement Act administered by the CIWMB. Specifically, AB 3073 would expand the definition of "oil manufacturer" to include anyone who imports lubricating oil into the state in bulk. AB 3073 would also place specific restrictions on the CIWMB's ability to raise the recycling incentive amount.
Status: Assembly Ways and Means Committee

Bill No: AB 3117 Minimum Content/Paper and Plastic Bags
Author: Bates
Subject: The bill would require all manufacturers that manufacture and sell to retailers and all supermarket retailers, to use paper and plastic bags that contain a minimum of 30% postconsumer content by January 1, 1994, and a minimum of 50% postconsumer content by January 1, 1995.
Status: Assembly Ways and Means

Bill No: AB 3322 Permits
Author: Sher
Subject: Requires the CIWMB and local enforcement agencies to establish a program that would expedite the review of permits in order to reduce unnecessary delay.
Status: Assembly Ways and Means Committee

Bill No: AB 3334 State Agency Expenditures
Subject: Would prohibit any expenditure of state funds for 23 specified state agencies, including the CIWMB.
Status: Assembly Committee on Consumer Protection

Bill No: AB 3348 Disposal Site Cleanup and Maintenance
Author: Eastin
Sponsor: Author
Subject: Revises the manner in which the Solid Waste Disposal Site Cleanup and Maintenance Account (the "Eastin" fund) is allocated, as follows: increases household hazardous waste grants to 35% of the fund, removes the 25% set aside for loan guarantees, appropriates $1 million to the Water Board for the SWAT program and $60,000 to DTSC for a database or household hazardous waste programs, and provides a $3 million loan for start-up of the Board's used oil program.
Status: Assembly Ways and Means

Bill No: AB 3434 Wood Waste/Biomass
Author: Clute
Subject: The bill broadens the universe of wastes that could count towards the diversion goals of existing law. Specifically, the bill would redefine the term "recycle" to include the conversion of biomass fuels to energy, thereby allowing such waste to count towards the diversion goals. In addition, the bill revises the definition of "transformation" to exclude the conversion of biomass waste into energy or products that may be converted to energy.
Status: Died (6-8) in Assembly Natural Resources Committee (4/6/92)

Bill No: AB 3448
Author: Campbell
Subject: Existing law authorizes a local enforcement agency to issue, modify, or revise a solid waste facilities permit if the CIWMB has concurred in the permit. This bill would specify that the local enforcement agency may take those actions after a public hearing.
Status: Assembly Natural Resources Committee

Bill No: AB 3470 Public Agency Contracts/Recycled Products
Author: O'Connell
Subject: Requires all state agencies and counties when carrying out public works contracts, purchasing paper, glass, plastic, compost, motor oil, or rubberized asphalt products to give a 15% preference for recycled products made by a company within California and, if the recycled products are not made by a company within California, to give a 5% preference for recycled products made by a company outside of California.
Status: Assembly Ways and Means Committee

Bill No: AB 3519
Author: Sher
Subject: The bill repeals duplicative sections in existing integrated waste management law.
Status: Assembly Natural Resources Committee

Bill No: AB 3521 Recycled Paper Program Costs
Author: Tanner
Subject: Requires that specified revenues be deposited in the IWMA and be continuously appropriated to the CIWMB. Upon approval of the CIWMB, revenues derived from the sale of recyclable materials by state agencies and institutions would be continuously appropriated to those state agencies and institutions for the purpose of offsetting recycling programs costs.
Status: Assembly Ways and Means Committee

Bill No: AB 3673 Solid Waste
Author: Tanner
Subject: Makes technical, nonsubstantive changes to the definition of "compost" and to the Integrated Waste Management Fund.
Status: Assembly Natural Resources Committee

Bill No: AB 3677 Disposal Facilities
Author: Clute
Subject: Prohibits any state or local agency from issuing a permit for the operation of a proposed solid waste disposal facility if, at its lowest point of elevation, the disposal facility would be lower than the highest point above sea level of an aquifer located beneath the disposal facility site.
Status: Failed (6-6) in Assembly Natural Resources Committee (4/6/92); reconsideration scheduled 4/27/92

Bill No: AB 3689 State Agencies/Waste Management Plans
Author: Gotch
Subject: This bill requires each state agency to develop in consultation with the CIWMB, an integrated waste management program by September 1, 1993. Requires each state agency to complete a waste audit by July 1, 1993, to determine the presence of solid wastes that can be recycled, source reduced, or reused under the program. The bill requires one waste reduction and recycling coordinator to be designated by each state agency; this individual would be responsible for implementing the program within that agency and would serve as a liaison to other state agencies and coordinators.
Status: Assembly Ways and Means Committee

Bill No: AB 3765 Environmental Protection/Lead Agencies
Author: Mays
Subject: Requires the Secretary of Environmental Protection to designate a lead agency for CEQA purposes for any project that requires a permit from two or more agencies, unless those agencies mutually agree on a lead agency.
Status: Assembly Ways and Means Committee

Bill No: AB 3789 Cement Kiln Dust
Author: Woodruff
Subject: Exempts cement kiln dust from Department of Toxic Substances Control requirements.
Status: Assembly Committee on Environmental Safety

Bill No: AB 3809 Waste Management Assistance
Author: Knowles
Subject: Establishes within the Department of Conservation, the Rural Waste Management Assistance Program to work with rural counties. The bill also creates a Rural Waste Relief Account (RWRA) in the California Beverage Container Recycling Fund (Fund) to be managed by DOC. An amount not to exceed $1 million would be transferred by the bill from the Fund to the RWRA on or before July 1, 1992.
Status: Assembly Natural Resources Committee (4/27/92)

Bill No: SB 44 Transformation
Author: Torres
Subject: This bill is a reintroduction of SB 97. The bill specifies that transformation, for the purposes of the 10% diversion credit authorized by current law, does not include the incineration of unprocessed municipal waste in a mass-burning facility and that unprocessed municipal waste does not include biomass wastes.
Status: Assembly Natural Resources Committee

Bill No: SB 51 Cal-EPA
Author: Torres
Subject: Enacts the Pollution Prevention Act of 1991. The bill also makes statutory changes to conform to the Governor's Reorganization Plan No. 1 of 1991.
Status: Assembly Inactive File

Bill No: SB 97 Transformation
Author: Torres
Subject: The bill specifies that transformation, for the purposes of the 10% diversion credit authorized by current law, does not include the incineration of unprocessed municipal waste in a mass-burning facility and that unprocessed municipal waste does not include biomass wastes.
Status: Conference Committee

Bill No: SB 685 Disposal Sites
Author: Calderon
Subject: Requires the State Water Resources Control Board to adopt a fee schedule which assesses a fee on any owner or operator of a solid waste disposal site who has not submitted a complete and correct solid waste quality assessment test to the regional water board by July 1, 1991.
Status: Assembly Natural Resources Committee

Bill No: SB 1143 Household Hazardous Waste
Author: Killea
Subject: Requires the Department of Toxic Substance Control, in cooperation with the CIWMB to maintain a data base of all household hazardous waste collection events, facilities, and programs within the state and to make this information available to the public upon request. Makes additional technical changes to the household hazardous waste laws.
Status: Assembly Environmental Safety & Toxic Materials Committee

Bill No: SB 1280 Senate Budget Bill
Author: Alquist
Subject: Senate Budget Bill. The bill would make appropriations for support of state government (including the CIWMB) for the 1992-93 fiscal year.
Status: Senate Budget and Fiscal Review Committee

Bill No: SB 1346 Fluorescent Light Bulbs
Author: McCorquodale
Subject: Authorizes the CIWMB to conduct a study on the problems associated with, and improved methods of handling and disposing of, discarded fluorescent light bulbs. It would require the CIWMB to conduct the study within the Board's existing budget and utilizing existing personnel and to report to the Legislature and Governor the results by March 1, 1993.
Status: In Assembly (not yet assigned to committee)

Bill No: SB 1523
Author: Killea Composting Facilities
Sponsor: Author
Subject: Requires the CIWMB to adopt regulations for the permitting, operation and closure of compost, co-compost and mulching facilities, and authorizes the Board to distinguish in these regulations between types of facilities based upon the type and volume of waste.
Status: Senate Appropriations Committee

Bill No: SB 1546 Subpoenaed Public Employees
Author: Craven
Subject: Would require that subpoenas for employees of Cal-EPA and agencies within Cal-EPA be accompanied with a $150 deposit and that the employing agency ultimately be reimbursed for the actual costs of the employee's compliance with the subpoena.
Status: Senate Appropriations (4/27/92)

Bill No: SB 1668 Due Dates for Solid Waste Elements/Plans
Author: Beverly
Sponsor: CSAC and League of Cities
Subject: The bill, an urgency measure, extends the due dates by one year for the solid waste planning elements and plans that must be reviewed by the CIWMB. In addition, the bill would extend by one year the January 1, 1992 due date for countywide integrated waste management plans, (CIWMPs); and the due date for CIWMPs due January 1, 1993 is extended six months.
Status: Senate Appropriations Committee

Bill No: SB 1703 Disposal Fees
Author: Johnston
Subject: The bill authorizes the Board of Supervisors of each county to establish a schedule of fees for incorporated areas of the county where cities do not provide their own waste disposal sites and would require the Board to impose uniform fees for incorporated and unincorporated areas, and requires the board to consult the governing body of the incorporated area before imposing the fees on that area. The bill would also permit the Tuolumne County Board of Supervisors to recover solid waste disposal fees which would have been collected on land within the Sonora City limits for the 1991-92 and subsequent fiscal years as if the above authority to levy fees had been enacted.
Status: Senate Local Government Committee (4/22/92)

Bill No: SB 1867 Solid Waste Disposal
Author: Green, C.
Subject: The bill would specify that each county and city has the primary authority to regulate the management of solid waste in the waste stream generated within the county's or city's jurisdiction from the source of its generation to its diversion or to its disposal at a permitted disposal facility.
Status: Senate Governmental Organization Committee

Bill No: SB 1919 Trash Bags
Author: Hart
Subject: Makes technical revisions to the minimum content law for trash bags which is administered by the CIWMB.
Status: Senate Appropriations

Bill No: SB 1955 939 Revision/Planning and Implementation
Author: Morgan
Sponsor: LA County
Subject: SB 1955 would substantially revise the integrated waste management planning and implementation requirements administered by the CIWMB. The bill would shift the CIWMB's current emphasis on planning over into the area of market development. Specifically, the bill revises the diversion requirements of existing law by retaining the 25% diversion requirement of 1995, and by requiring that at the first plan revision, that the plan demonstrate how 80% of each material for which adequate markets have been identified will be diverted by the year 2000. The bill makes numerous other revisions to the integrated waste management laws.
Status: Senate Appropriations Committee

Bill No: SB 1985 Household Hazardous Waste
Author: Thompson
Subject: Defines the term "household hazardous waste collection program" and provides a specified immunity provision to public agencies or persons operating these programs.
Status: Senate Appropriations Committee

Bill No: SB 2039 Permit Streamlining
Author: Bergeson
Subject: Requires the Secretary of Environmental Protection to conduct a study on the feasibility of consolidating permits by state agencies within the Agency and report to the Governor and Legislature by July 1, 1993.
Status: Senate Committee on Governmental Organization

Bill No: SB 2040 Cal-EPA
Author: Calderon
Subject: Codifies the changes made by the Governor's Reorganization Plan No. 1 which created the California Environmental Protection Agency.
Status: Senate Governmental Organization Committee

Bill No: SB 2061 Training and Technical Assistance for Locals
Author: Leslie
Subject: Requires the CIWMB, when providing training and technical assistance and guidance to local jurisdictions, to pay particular attention to cities and counties which demonstrate to the CIWMB their small geographic size or low population density and the small quantity of solid waste generated within the city or county.
Status: Senate Appropriations Committee

Legislative and Public Affairs Committee

BILL REPORT

Board	Author	Bill Number
California Integrated Waste Management Board	Tanner	AB 181
Sponsor	**Related Bills**	**Date Amended**
		Apr 2, 1992

April 15, 1992

BILL SUMMARY

AB 181 would make specified changes to the amount of liability apportioned to local governments that own or operate solid waste landfills, under the Superfund laws administered by the Department of Toxic Substances Control (DTSC).

BACKGROUND

One example of the exposure of local governments to potential Superfund liability is occurring at the Operating Industries landfill in Monterey Park. Several companies disposed of their industrial wastes at the landfill over a period of many years. In addition, local agencies either contracted with haulers to pickup, transport and dispose of solid waste at the landfill or directly provided these services. The U.S. Environmental Protection Agency (EPA) has identified 114 private responsible parties who disposed of their hazardous materials at the landfill. The EPA filed suit under the federal Superfund law against these companies to recover cleanup costs which could range up to $800 million.

EXISTING LAW

Existing state and federal Superfund law provides for the recovery, from responsible parties, of costs incurred by the state and federal Superfund to cleanup a hazardous substance release site. Responsible parties generally include owners and operators of hazardous substance facilities and the transporters and disposers of hazardous substances. In addition, a responsible party may seek to recover its costs from any other person who may be liable for cleanup costs.

ANALYSIS

AB 181 would exempt from the definition of "responsible party" any local agency which, on or before January 1, 1990, provided incidental solid waste handling services, and which would have

DEPARTMENTS THAT MAY BE AFFECTED

Department of Toxic Substances Control

Committee Recomendation	Committee Chair	Date
Support		4-15-92

been liable solely because of the act of providing these services. ("Incidental solid waste handling services" are those provided by solid waste haulers via local agency authorization.)

In addition, the bill would require a trier of fact, if it determines that a local agency may be a responsible party at a hazardous substance release site as a result of the local agency's handling of solid waste, to determine whether the hazardous substances present in the solid waste disposed by the local agency at the site contributed to the conditions of contamination. If the trier of fact so determines, the local agency's state Superfund liability must be based on specified criteria, including: the amount of hazardous substances, the degree of toxicity, the degree of the local agency's involvement and contribution to the harm, the degree of care exercised by the local agency, and the degree of cooperation by the local agency with state and federal officials.

The bill would not affect a local agency's liability for its negligent, wrongful or unlawful acts, and does not apply to any local agency which owns or operates a solid waste disposal facility where a hazardous substances release occurs.

COMMENT

AB 181 would not adversely affect the California Integrated Waste Management Board's (CIWMB) programs and would make more equitable the apportionment of liability for hazardous waste cleanups that involve solid waste landfills where local governments have deposited solid waste.

This bill addresses the degree of financial responsibility that local agencies bear in cases where landfills, at which solid waste generated in their jurisdictions has been disposed, have become hazardous substance release sites under the state Superfund law. The bill limits local agency responsibility based on the relatively small portion of their jurisdiction's solid waste which contains hazardous substances. If a trier of fact finds that this small portion has contributed to toxic contamination at the landfill, the local agency's financial responsibility must be based on specified criteria which address the local agency's contribution and responsibility for the toxicity problem, rather than for the overall quantity of solid waste.

Recent amendments taken in the Senate Judiciary Committee removed any administrative responsibility for the DTSC. Determinations

of whether a local agency contributed to toxic contamination are now an issue for a trier of fact.

Since studies of solid waste generation and landfill volume show that less than one percent of a municipality's solid waste volume contains hazardous substances, the above criteria would limit a local agency's financial responsibility for cleanup of a hazardous substance release site to its proportionate share as determined by a trier of fact.

LEGISLATIVE HISTORY

The bill was introduced on January 3, 1991, passed the Assembly Environmental Safety and Toxic Materials Committee on January 15, 1992 (10-0), the Assembly Ways and Means Committee (consent) on January 22, and the Assembly Floor (consent) on January 28. The bill was amended and passed the Senate Judiciary Committee on March 24, 1992 (8-1) and is presently in the Senate Appropriations Committee.

FISCAL IMPACT

This bill would not impose any costs upon the CIWMB. However, AB 181 could result in significant savings for local governments.

Support: League of California Cities; Independent Cities Association; California Contract Cities Association; San Mateo Council of Cities; Cities of Alameda, Alhambra, Arcadia, Baldwin Park, Barstow, Bell, Bellflower, Big Bear Lake, Ceres, Cerritos, Chula Vista, Coronado, Covina, Cudahy, Culver City, Cupertino, Danville, Diamond Bar, Downey, Dublin, El Cajon, Glendora, Hawaiian Gardens, Hayward, Hesperia, La Canada/Flintridge, Lakewood, La Mirada, Los Angeles, Monrovia, Monterey Park, Needles, Norco, Pacific Grove, Palo Alto, Palos Verdes Estates, Pittsburg, Pleasanton, Rancho Cucamonga, Rolling Hills, San Jose, San Marino, Santa Clara, Santa Maria, South Pasadena, Temple City, Vernon, Victorville, Walnut, and Yucca Valley.

Opposition: Western States Petroleum Association; Waste Management of North America, Inc.; California Council for Environmental and Economic Balance; California Chamber of Commerce.

Legislative and Public Affairs Committee

BILL REPORT

Board	Author	Bill Number
California Integrated Waste Management Board	Cortese	AB 2393
Sponsor	**Related Bills**	**Date Amended**
	SB 1346	April 1, 1992

April 15, 1992

BILL SUMMARY

AB 2393 would require the California Integrated Waste Management Board (CIWMB) to conduct a study on the effects of heavy metals in product packaging on transformation and solid waste landfill facilities.

EXISTING LAW

There is currently no state law that specifically regulates the amount of heavy metals contained in consumer packaging.

BACKGROUND

AB 2393 is a followup measure to AB 1609 (Cortese) which was vetoed by Governor Wilson in 1991. AB 1609 would have created a new program within the CIWMB for regulating the foil capsules used in the packaging of wine bottles. In vetoing AB 1609, the Governor indicated that the bill inappropriately involved the CIWMB in public health issues that were in the scope of responsibility and expertise of the Department of Health Services. The Governor indicated that it may be more appropriate to reconsider such a program in 1992 with input from both the CIWMB and the Department of Health Services.

Last year the CIWMB had indicated to the author that a program to regulate heavy metals in packaging may be premature. It is recognized that heavy metals in landfills are a major source of pollution, however, it has not been demonstrated that consumer packaging is the source of this pollution. Laws have been adopted on the East Coast to regulate consumer packaging at transformation facilities where these wastes have contributed to the heavy metal (lead, mercury, cadmium, and hexavalent chromium) content in incinerator ash. However, in California solid waste incinerators are not widely used. In reviewing AB 1609 last year, the CIWMB recommended that a study first be done to consider the effects of heavy metals in packaging on transformation and landfill facilities before a regulatory program is developed.

Departments Affected		
Department of Toxic Substances Control, Department of Health Services, and the Office of Environmental Health & Hazards Assessment		
Committee Recomendation	**Committee Chair**	**Date**
SUPPORT		4-15-92

172

At the federal level, HR 3865 (as amended March 26, 1992) creates a program for reducing the amount of toxic metals in packaging. HR 3865 would prohibit the intentional introduction of heavy metals into packaging within two years after the bill's enactment. Also, the bill would, over a four-year period, reduce the percentage of heavy metals that are allowed to be contained in any packaging or packaging component.

ANALYSIS

AB 2393 would require the CIWMB to prepare a study, by January 1, 1995, on the presence of heavy metals in packaging and the threat these heavy metals pose to the public health and the environment. The study, to be conducted with existing resources, would include at a minimum the following components: a compilation of data on heavy metals in packaging using existing technical studies; the effects of heavy metals in packaging on transformation and solid waste landfill facilities; the public health and environmental hazards associated with heavy metals in packaging; recommendations for actions to reduce heavy metals in packaging, including any legislative remedies for implementation, enforcement, and funding.

In preparing the study, the CIWMB is directed to consult with the Department of Health Services and the Office of Environmental Health Hazards Assessment regarding the public health issues associated with heavy metals in packaging.

COMMENT

AB 2393 is consistent with the CIWMB's recommendation to the author in 1991 that a study should be prepared to explore the potential public health and environmental hazards posed by heavy metals in packaging before a regulatory program is developed. The study proposed in AB 2393 would draw upon existing technical studies that have been completed in the East Coast and by the federal Environmental Protection Agency. The CIWMB is well aware of the pollution problems caused by heavy metals in incinerator ash and in landfills; this bill allows the CIWMB to determine if consumer packaging is a contributor to this problem and what actions are warranted from a regulatory standpoint.

LEGISLATIVE HISTORY

AB 2393 was introduced on January 27, and passed the Assembly Natural Resources Committee (10-2) on March 10, 1992 and is presently in the Assembly Ways and Means Committee.

Support: None known

Opposition: None known

FISCAL IMPACT

The bill would impose minor, absorbable costs upon the CIWMB to complete the study in the timeframe allowed by AB 2393. The CIWMB would be required to complete the study using existing resources and therefore would redirect resources and staff from existing programs.

Legislative and Public Affairs Committee

BILL REPORT

Board	Author	Bill Number
California Integrated Waste Management Board	Eastin	AB 2446
Sponsor	**Related Bills**	**Date Amended**
	AB 3470	March 26, 1992 as proposed for amendment

April 8, 1992

BILL SUMMARY

AB 2446, as proposed for amendment, would require the Department of General Services (DGS) to purchase specified recycled products by certain dates.

EXISTING LAW

1) Public Contract Code Sections 12153 through 12320 establish several programs to encourage the procurement of recycled products by state agencies, local governments, and the Legislature. Specifically, the DGS is required to provide a preference of up to 5% toward the purchase of recycled paper products.

2) Public Contract Code Section 12226 requires the California Integrated Waste Management Board (CIWMB) to prepare a study by March 1, 1990 concerning the state's role in market development.

BACKGROUND

The CIWMB will soon finalize report, The State's Role in Market Development for Recycling, which assesses progress in implementing state mandated procurement programs for specified products and an analysis of the significant factors influencing the state's role in procurement preferences for recycled goods and materials. Additionally, the report will present information on procurement efforts by local governments, other states, and the federal government. This report is expected to be released in May 1992.

Preliminary information indicates that while progress is being made in procurement practices, it is proceeding slowly. Each product has a specific set of factors affecting the procurement process, especially price, availability, quality, and DGS specifications that may inadvertently prevent purchase of a recycled product. The report will assess the procurement potential of paper, compost and co-compost products, glass, oil, plastics, solvents, paints, and tires. There are indications that price preferences, set asides, and additional personnel

DEPARTMENTS THAT MAY BE AFFECTED

Department of General Services

Committee Recomendation	Committee Chair	Date
SUPPORT		4-15-92

175

resources would improve the procurement of recycled products at the state and local government levels. In addition, education of procurement officials at the state and local government levels to meet recycled product procurement goals would enhance the recycled product procurement effort.

According to the author, the price of recycled paper products is competitive with "virgin" paper products. However, recycled fine writing and printing paper is, on average, 18 percent more expensive than similar virgin paper. The author believes that once there is a steady market for recycled fine writing and printing paper the price will decrease making it more competitive with virgin paper. Similar legislation in other states has proved very successful in increasing the amount of recycled paper products procured.

ANALYSIS

AB 2446 would repeal the provisions of existing law that requires the DGS to give a 5% preference towards the purchase of recycled paper products. The bill would establish a new program to encourage the procurement of recycled products by requiring the DGS to purchase certain percentages of recycled products.

Specifically, AB 2446 would require the DGS to purchase, (based on the total amount of products purchased) by January 1, 1994 at least 25% recycled fine writing and printing paper. This amount would increase by January 1, 1996 to at least 40% to recycled fine writing and printing paper. By January 1, 1994 at least 25% recycled compost, glass, oil, plastic, solvents, paint, and tire products would need to be purchased by DGS. These percentages would increase to 40% in 1996, and 50% by 1998.

The CIWMB would be required to develop an avoided-cost analysis for recycled paper products and recycled paving materials. Based on this analysis, the DGS and the DOT are directed to establish an avoided-cost deduction for use in bidding for these products and materials. After January 1, 1994 the DGS is required to provide avoided-cost deductions for bids on recycled paper products and DOT is required to provide similar deductions for recycled paving materials.

The bill would also repeal the price preference provisions of existing law that apply to the Legislature for purchasing

recycled paper. Instead, AB 2446 would impose requirements for purchasing recycled fine writing and printing paper that are imposed on DGS under this measure.

COMMENT

The present system of providing preferences for procuring recycled paper has not been successful for making the prices of fine writing and printing papers affordable. Moreover, the present system of procurement goals for other recycled products (i.e., glass, compost, oil, plastic, etc.) has not stimulated the market economy enough to encourage the widespread procurement of these products. This measure is consistent with the CIWMB's programs to encourage the use of recycled products. This bill would create a stable demand for recycled products by mandating that the state, as a major procurer of goods, purchase reasonable amounts of recycled products within a reasonable timeframe.

LEGISLATIVE HISTORY

The bill was introduced on February 3, and passed the Assembly Consumer Protection, Governmental Efficiency, and Economic Development Committee (8-3) on March 26, 1992 and is in the Assembly Ways and Means Committee.

Support: Californians Against Waste, Waste Management, Inc., Norcal Waste, Inc., League of California Cities, Cross Pointe (Ohio paper company) CALPIRG, Planning and Conservation League, Conserventry (California recycled paper company).

Opposition: None known

FISCAL IMPACT

The bill would impose costs to the CIWMB from the Integrated Waste Management Account of approximately $200,000 (.5 PY) for completing the avoided cost analysis by January 1, 1994. The CIWMB expects to issue a contract for the analysis and would use staff for contract oversight.

Legislative and Public Affairs Committee

BILL REPORT

Board	Author	Bill Number
California Integrated Waste Management Board	Moore	AB 2567
Sponsor	**Related Bills**	**Date Amended**
		as introduced

April 15, 1992

BILL SUMMARY

AB 2567 would require a city or county which imposes a fee or fee increase to fund integrated waste management planning and implementation to hold a noticed public meeting and to limit any such fee to the amount necessary to cover actual costs.

BACKGROUND

AB 2567 responds to a complaint by a constituent in Assemblywoman Gwen Moore's district over an increased waste management fee. Reportedly, the constituent paid an annual waste management fee of $89 and was assessed a new fee of $13.99 toward the costs of preparing and implementing the county's integrated waste management plan. (Los Angeles County Department of Public Works states that the fee assessed single family dwellings in the unincorporated part of the county is $3.51 per year.) The constituent requested that these fees be made subject to voter approval.

EXISTING LAW

Under existing law:

1) A city or county may impose fees to fund the costs of preparing, adopting, and implementing an integrated waste management plan.

2) The fees collected may also be used to pay the costs of setting and collecting the fees.

3) The fees must be based on the types or amounts of solid waste and must be used to pay actual costs incurred, and only those costs directly related to the plan shall be used in determining the amount of the fee.

4) Procedural requirements and limitations are placed on a city or county which imposes specified fees; however, cities and counties imposing fees to cover the costs of integrated waste management are not subject to these requirements and limitations.

DEPARTMENTS THAT MAY BE AFFECTED

Committee Recomendation	Committee Chair	Date
NO RECOMMENDATION		4-15-92

ANALYSIS

AB 2567 would subject cities and counties which impose fees to cover the costs of preparing, adopting, and implementing an integrated waste management plan, to the same limitations and requirements applied to local governments when imposing other specified fees and fee increases.

AB 2567 makes the following changes to existing law:

1) Requires at least one public meeting, at which oral or written presentations may be made, to be held prior to a city or county levying a new fee or fee increase for waste management plans.

2) Requires that notice of the meeting be mailed to interested parties at least 14 days prior to the meeting, and that the legislative body be allowed to establish a reasonable charge for the costs of sending the notices.

3) Requires the city or county to make data available to the public at least 10 days prior to the meeting, indicating the costs of preparing, adopting, and implementing the waste management plan.

4) Prohibits a city or county from imposing a new fee or fee increase which exceeds estimated actual costs unless approval of the voters is obtained, and requires that any excess revenues be used to reduce the fee charged.

5) Requires that any new fee or fee increase be imposed only by ordinance or resolution.

COMMENT

Currently, when local governments consider imposing a wide variety of fees, they are subject to the procedural standards referred to in this bill: noticed meetings, mailings, published cost estimates. Under existing law, these standards for imposing fees apply only to costs related to the following: district consolidation, governmental reorganization, planning, implementation of a general plan, conversion of a mobile home park to other uses, building permits and zoning variances, water and sewer connections, building inspections, permits, map processing, enforcement of the state building standards, maintenance of

building records, and airport land use review and enforcement. This bill would add fees imposed for the costs of waste management planning and implementation to this existing list.

AB 2567 would therefore require that fees and fee increases imposed to cover the costs of a waste management plan be presented to the public prior to approval, approved at a public meeting by formal ordinance or resolution, and that interested parties have sufficient notice of the meeting and an opportunity to comment on the proposal.

While current law requires that fees be used to pay the actual costs incurred by a city or county and that determination of the fee be based only on the costs directly related to the plan, the law does not expressly prohibit the collection of excess revenues or require that excess revenues be applied to reduce the fees themselves.

LEGISLATIVE HISTORY

AB 2567 was introduced February 10, 1992 and passed the Assembly Local Government Committee on March 25, 1992 (10-0) and is presently in the Assembly Ways and Means Committee.

Support: None known.

Opposition: None known.

FISCAL IMPACT

AB 2567 would not impose any costs on the Board. The bill may impose minor costs on local governments to meet the notice, mailing, and fiscal data requirements. However, the bill would allow a city or county to charge recipients for the costs of mailing notices.

Legislative and Public Affairs Committee

BILL REPORT

Board	Author	Bill Number
California Integrated Waste Management Board	Lee	AB 2920
Sponsor	**Related Bills**	**Date Amended**
		Mar. 31, 1992

April 15, 1992

BILL SUMMARY

AB 2920 would require the Office of Emergency Services, in cooperation with the California Integrated Waste Management Board, to develop a disaster plan designed to divert disaster-related debris from landfills.

BACKGROUND

Following the October 20, 1991 firestorm in the Oakland hills, more than 100,000 tons of charred debris was hauled away. Reportedly, the salvageable wood, bricks, steel and concrete were recycled, but approximately two-thirds of the debris were deposited in the Altamont and Vasco Road landfills in Southern Alameda County. The City of Oakland managed the cleanup program.

Following the February 12, 1992 flooding in Southern California, at least 4,000 cubic yards of trash and debris washed down the Ventura River and were deposited along a three mile stretch of beach. The debris included wood and brush, clothing and personal items, animal carcasses, and twisted metal from trailers and recreational vehicles. Beach maintenance in Ventura County is normally handled by State Parks.

EXISTING LAW

Existing law:

1) Allows the use of state personnel, equipment and facilities to clear and dispose of disaster debris if the Governor finds such use would serve a state purpose, would be in the public interest, and that the personnel, equipment, and facilities are already in the emergency area.

2) Does not provide for or require a plan to divert disaster debris from landfills.

DEPARTMENTS THAT MAY BE AFFECTED

Office of Emergency Services

Committee Recomendation	Committee Chair	Date
SUPPORT, IF AMENDED		4-15-92

3) Requires the Board to consider natural disasters when reviewing the amount of any penalties to be imposed as a result of a city or county failing to meet the integrated waste management requirements of current law, but does not exempt a city or county from complying with these requirements.

ANALYSIS

AB 2920 would require the Office of Emergency Services, in cooperation with the California Integrated Waste Management Board (CIWMB), to develop a solid waste management disaster plan to assist in diverting debris, resulting from a disaster in California, from landfills.

COMMENT

1) The large amounts of debris resulting from the Oakland fire and the recent Ventura flood emphasized the severe impact that disposal of disaster debris can and will have on our landfills.

   Both the fire and the flood provide examples of crucial issues which may arise over clearing and disposing of disaster debris, including: funding, management and responsibility, public health, hazardous materials, potential recycling, reuse and composting, and volunteer coordination.

2) The CIWMB adopted emergency regulations October 30, 1991 in response to the Oakland fire. Those regulations granted solid waste facility operators a limited waiver of specified standards (related to the origin of waste, rate of inflow for storage, transfer and disposal, types of waste, and hours of facility operation). The emergency regulations were valid for 120 days, as long as the operator "used maximum efforts to recycle, reuse, or otherwise divert from disposal as much waste as feasible." The purpose of the waivers was to "allow demolition and repair to proceed expeditiously" by relaxing restrictions.

   The preparation of a solid waste management disaster plan would help local governments to be prepared to respond quickly to clear debris resulting from a disaster while still adhering to the long terms goals of AB 939, and without the need for emergency regulations on a case-by-case basis.

3) Waste management is likely to be a low priority to citizens and local governments after the devastation of a natural disaster. If a solid waste management plan is developed and information made available prior to such an event, the potential controversy or difficulty of requesting or requiring solid waste diversion from landfills may be significantly reduced. Even if an agency or local government was willing to adhere to solid waste diversion goals following a disaster, a plan or program developed to achieve maximum diversion in a non-crisis situation would most likely be more thorough, and effective than one put together under emergency conditions.

4) A November 1991 report by the Board's Diversion Assistance Branch suggested several topics which a solid waste disaster plan might address, including:

- waste management alternatives - reuse, recycling, disposal
- case studies of recent disasters - flood, fire, earthquake
- review of recent disasters by participating officials
- timing and priorities of cleanup
- health and safety
- hazardous wastes
- information on regional contractors and equipment available for incident response
- security
- public information

AMENDMENTS

The bill should be amended:

1) To give the CIWMB the lead role in developing the plan.

2) To authorize the Board to develop rules, regulations, and emergency regulations. (See attachment)

LEGISLATIVE HISTORY

The bill was introduced February 19, 1992. It was amended in the Assembly Committee on Natural Resources on March 23, 1992, and passed on consent (14-0) and is presently in the Assembly Ways and Means Committee.

FISCAL IMPACT

Costs to the Board are unknown at this time. Costs will depend on how much staff time would be required to provide information to the Office of Emergency Services.

AMENDMENTS TO AB 2920
(As amended March 31, 1992)

AMENDMENT 1

On page 2, delete subsection (d)

AMENDMENT 2

On page 2, add:

SEC. 2 Section 43035 is added to the Public Resources Code to read:

43035. (a) The Board, in cooperation with the Office of Emergency Services, shall develop an integrated waste management disaster plan to provide for the handling, storage, processing, transportation, diversion from disposal, or disposal where absolutely necessary, of waste resulting from a disaster, as defined in Section 8696.5 of the Government Code.

(b) The Board may adopt rules, regulations, and emergency regulations that the Board determines to be necessary for the purposes specified in subsection (a).

Legislative and Public Affairs Committee

BILL REPORT

Board	Author	Bill Number
California Integrated Waste Management Board	Cortese	AB 3001
Sponsor	**Related Bills**	**Date Amended**
		as introduced

April 15, 1992

BILL SUMMARY

AB 3001 limits the current law conformance finding for solid waste facilities with an approved countywide integrated waste management plan, to a finding that the area proposed for a disposal or transformation facility has been identified in the countywide siting element. The bill also deletes the California Integrated Waste Management Board's authority to adopt specified regulations.

EXISTING LAW

Under current law:

1) The Board is required to concur in or object to the issuance of a solid waste facilities permit within 60 days of receipt of a proposed permit by the Local Enforcement Agency (LEA). One element for the Board to consider in this decision is the compatibility of the proposed facility with local efforts to achieve the mandated waste diversion levels. This element of concurrence has come to be called the "prevent or impair" finding -- that is, whether a proposed facility "prevents or substantially impairs" achievement of the diversion requirements. (This "prevent or impair" finding only applies to the so-called "Gap" period prior to the approval of countywide integrated waste management plans.)

2) Prior to the approval of a countywide integrated waste management plan (CoIWMP), the establishment or expansion of solid waste facilities is subject to what is termed the "Gap" language. The Gap language prohibits the establishment of facilities unless the facility was previously identified in a locally approved County Solid Waste Management Plan. If a facility has not been previously identified, it must be locally approved; if it is a material recovery facility or transfer station, the site identification and description must be submitted to the Local Task Force for review and comment.

DEPARTMENTS THAT MAY BE AFFECTED

Committee Recomendation	Committee Chair	Date
NO RECOMMENDATION		4-15-92

2) After CoIWMPs are approved the CIWMB, the establishment of solid waste sites is prohibited unless the facility is in conformance with the CIWMB approved CoIWMP.

3) The CIWMB is authorized to adopt regulations exempting classes of solid waste facilities from the pre- and post-gap conformance finding requirements.

ANALYSIS

AB 3001 modifies the requirements for solid waste facility conformance findings as follows:

1) During the post-gap period, locations for solid waste disposal and transformation facilities would be required to have been identified in the countywide siting element.

2) The authority of the CIWMB to exempt, by regulation, classes of solid waste facilities from conformance finding requirements after CoIWMPs have been adopted (post-gap) is deleted.

COMMENT

1) This bill significantly narrows the nature of solid waste facility conformance findings once CoIWMPs have been adopted. Under current law, such facilities (including disposal, transfer, processing, and resource recovery facilities) must be found to be in conformance with the overall CoIWMP approved by the Board. AB 3001 would require that for disposal and transformation facilities only, facilities be identified in the locally adopted countywide siting element.

2) The requirements governing permitting of solid waste facilities during the "Gap" were enacted by AB 2296 (Cortese) of 1990. The bill resulted from concern that the lack of guidance in the law about how permitting should occur during the time before countywide plans were approved might impede implementation of diversion programs. AB 2296 specified the criteria to be used by the Board in concurring or objecting to a permit application, namely that the facility meets state minimum standards and whether the facility will "prevent or substantially impair" the ability of a local agency to meet the AB 939 diversion requirements. A subsequent Letter to the Journal by Assemblyman Cortese clarified legislative intent that the Board's responsibility to concur or object in permits was not being expanded to require the redesign of proposed facilities to meet

recycling levels which exceed the 25% and 50% requirements in the law.

LEGISLATIVE HISTORY

AB 3001 was introduced on February 19, 1992, and was approved by the Assembly Natural Resources Committee on April 6 (11-0) and is presently in the Assembly Ways and Means Committee.

FISCAL IMPACT

It is not anticipated that the bill will result in fiscal impact to the CIWMB. While the bill revises the nature of Board conformance findings for solid waste facilities, it does not add new requirements.

Legislative and Public Affairs Committee

BILL REPORT

Board	Author	Bill Number
California Integrated Waste Management Board	Sher	AB 3073
Sponsor	**Related Bills**	**Date Amended**
		As introduced

April 15, 1992

BILL SUMMARY

AB 3073 would make a number of technical changes to the requirements of the "California Oil Recycling Enhancement Act" which was enacted in 1991 by AB 2076 (Sher).

BACKGROUND

In the final days of the 1991 legislative session, additional amendments to AB 2076 were requested by interested parties and there was not sufficient time to incorporate these suggestions in the legislation. AB 3073 incorporates these amendments as well as some additional issues which came to light after AB 2076 was signed into law.

As the law was written in 1991:

1) The recycling fee would not apply to oil importers who use oil, but do not "sell or distribute" oil.

2) The recycling fee exemption for sales for vessels operating in interstate or foreign commerce sales failed to include petroleum company-owned vessels.

3) It is unclear whether the local agency procurement requirement for recycled oil would be conditional as to vehicle warranty requirements for "fitness" and "quality" standards for oil.

EXISTING LAW

Existing state law (as enacted by AB 2076 of 1991):

1) Requires oil manufacturers to pay a recycling fee to the Board (four cents per quart; 16 cents per gallon) for oil sold or transferred in the state, or imported for use in the state.

2) Does not require a person or entity who imports oil into the state without selling it or distributing it to pay the fee.

DEPARTMENTS THAT MAY BE AFFECTED

Board of Equalization

Committee Recomendation	Committee Chair	Date
SUPPORT		4-15-92

3) Requires local agencies to purchase lubricating oil from the seller whose product contains the highest percentage of recycled oil and to eliminate any requirements to purchase oil manufactured from virgin materials. (Existing law may not allow a local agency to purchase virgin oil products for use in vehicles with warranties which would be voided by the use of recycled oil products.)

4) Requires that recycling incentives shall be set at not less than four cents per quart and allows the Board to raise the rate if deemed necessary to promote oil recycling and if sufficient funds are available.

ANALYSIS

AB 3073 makes the following changes to existing law:

1) It provides that local agencies are not prohibited from purchasing virgin oil products for exclusive use in vehicles whose warranties would be voided by the use of products containing recycled oil.

2) It amends the definition of "oil manufacturer" to include any person or entity who imports lubricating oil into the state in bulk for use other than sale.

3) It amends the recycling fee exemption for oil sold for use in vessels operated in interstate or foreign commerce by deleting the limitation of the exemption to common or contract carriers.

4) The bill prohibits the Board from raising the recycling incentive amount unless the Board finds that the increase will not adversely affect funding required for other aspects of the oil recycling program, including grants and loans to local governments and nonprofit entities, research, testing and demonstration projects to develop uses for recycled oil, administration, a contingency reserve, inspections, and reimbursements to collection centers for the proper management of oil contaminated by hazardous materials.

COMMENT

1) AB 3073 is a cleanup measure to AB 2076 (Sher) of 1991 which the board supported and the Governor signed into law.

2) The bill makes the imposition of the recycling fee more equitable by closing a loophole for those entities which import and use large quantities of oil in the state but which currently escape payment of a fee because they do not "sell or distribute" the oil.

3) The exemption for interstate or foreign commerce vessels now includes petroleum company-owned vessels as was originally intended in AB 2076. However, the exemption responds to the fact that a company does business outside of the state, but does not address whether the vessel owners dispose of the oil in California.

4) The statutory language which establishes many of the oil recycling programs and projects to be funded by the board is permissive in nature (e.g. "the board <u>may</u> issue grants" or "projects <u>may</u> include"). It may be difficult to determine whether an increase in the recycling incentive would "adversely affect" the funding of programs the board is merely <u>allowed</u> but not <u>required</u> to fund. This language may effectively prevent the board from ever increasing the recycling incentive.

AMENDMENTS

Staff suggests the following technical amendments be submitted to the author for consideration:

1) On page 2, line 10 after "vehicles" insert:

"owned prior to January 1, 1993"

This amendment addresses, but may not solve, the situation where a local agency may currently own vehicles with warranties which prohibit the use of recycled oil. This language does not, however, prohibit an agency from continuing to purchase vehicles with such warranties, thereby avoiding compliance with oil recycling goals indefinitely. The committee may wish to suggest adding the following:

"After January 1, 1993 a local agency shall not purchase vehicles with warranties which would be voided by the use of recycled oil products unless the cost of alternative vehicles is unreasonably prohibitive."

2) On page 3, line 14 delete "in bulk" and after "for" insert "commercial or industrial." And on line 15, after "sale" add "or distribution."

The sentence as amended would read: "Oil Manufacturer" means any person or entity who bottles, cans, or otherwise packages, distributes, or sells lubricating or industrial oil in the state, or imports lubricating oil into the state for commercial or industrial use, other than sale or distribution.

By deleting "in bulk" the amendment prevents a person or entity from avoiding compliance by importing oil into the state in containers smaller than 55 gallons.

By adding "or distribution" the amendment broadens the definition by including oil importers which may distribute large quantities of oil for use in the state but do not "sell" it.

LEGISLATIVE HISTORY

The bill was introduced on February 20, 1992 and passed the Assembly Natural Resources Committee (14-0) on consent on March 23, 1992 and is presently in the Assembly Ways and Means Committee.

Support: none known
Opposition: none known

FISCAL IMPACT

AB 3073 will result in an unknown amount of additional revenues for the Board by expanding the definition of "oil manufacturer" to include specified importers, thereby increasing the number of entities paying recycling fees.

However, the defined exemption for interstate or foreign commerce is broadened, but apparently only as was intended last year under AB 2076.

Legislative and Public Affairs Committee

BILL REPORT

Board	Author	Bill Number
California Integrated Waste Management Board	Eastin	AB 3348
Sponsor	**Related Bills**	**Date Amended**
		Mar 30, 1992

April 15, 1992

BILL SUMMARY

AB 3348 revises the manner in which funds from the Solid Waste Disposal Site Cleanup and Maintenance Account (Account) are allocated. The bill increases the allocation for household hazardous waste grants, deletes the specification that 25% of the funds be reserved for loan guarantees, and provides funding for a database of household hazardous waste events at the Department of Toxic Substances Control and for State Water Resources Control Board review of solid waste assessment tests. In addition, the bill authorizes a loan from the Account to fund start-up of the used oil recycling program mandated by legislation last year.

BACKGROUND

According to information provided by the author's office, the intent of this bill is to provide for better use of the funds accumulating in the Solid Waste Disposal Site Cleanup and Maintenance Account. For example, while the loan guarantee funds have not been utilized to date, requests for funding for household hazardous waste programs far exceed the amount of funding available annually for this purpose.

EXISTING LAW

1) Current law (enacted by AB 2448, Eastin, Chapter 1319, Stats. of 1987) requires that solid waste landfill operators pay an annual fee to the California Integrated Waste Management Board (CIWMB) on all solid waste disposal at each disposal site to provide an annual funding level of approximately $20 million ($20,000,000). These funds are required to be allocated as follows:

   - 20% for household hazardous waste grants for cities and counties for programs to prevent the disposal of hazardous waste in solid waste landfills (approximately $4 million/year).

DEPARTMENTS THAT MAY BE AFFECTED

State Water Resources Control Board, Department Toxic Substances Control

Committee Recomendation	Committee Chair	Date
NO RECOMMENDATION		4-15-92

- 25% for loan guarantees for solid waste landfills for corrective actions ($5 million/year).

- 10% for grants to local enforcement agencies to support solid waste landfill permit and inspection programs ($2 million/year).

- 5% to the State Water Resources Control Board (SWRCB) to assist in solid waste landfill permit and inspection programs ($1 million/year).

- 5% for CIWMB administration of these various programs ($1 million/year).

- The remaining funds are available for corrective actions.

2) Current law also vests the Department of Toxic Substances Control (DTSC) with the responsibility for issuing permits or variances to operate hazardous waste facilities (including household hazardous waste facilities) and requires that the State Water Resources Control Board (SWRCB) rank solid waste disposal sites based upon the threat posed by each site to water quality.

3) Legislation enacted in 1991 (AB 2076, Sher) requires the CIWMB to implement a comprehensive program to promote used oil recycling.

ANALYSIS

This bill makes the following changes to the Solid Waste Disposal Site Cleanup and Maintenance Act (AB 2448):

1) Repeals provisions providing for the establishment of the Solid Waste Cleanup and Maintenance Advisory Committee (Committee) and prescribing the duties of the Committee.

2) Revises CIWMB reporting requirements relating to this Act by requiring the Board to include specific implementation information in the annual report, including information on coordination of state agency activities relating to closure and postclosure maintenance of solid waste landfills.

3) Increases the percentage of the Account which is allocated annually for household hazardous waste grants from 20% to 35%.

4) Removes the requirement that 25% of the funds in the Account be reserved for loan guarantees.

5) Allocates $60,000 annually from the Account to the DTSC for the development and maintenance (jointly with the CIWMB) of a database of household hazardous waste programs.

6) Appropriates $1 million from the Account to the SWRCB to complete a review of solid waste landfill facilities that have been classified in ranks one through five in the solid waste assessment test program (SWAT). Expenditure of these funds by the Water Board would be subject to the conditions of a Memorandum of Understanding between the CIWMB and the SWRCB.

7) Loans $3 million from the Account to the California Used Oil Recycling Fund to fund start-up of the Oil Recycling Enhancement Act of 1991; the loan is required to be fully repaid with interest by June 30, 1994.

COMMENT

1) This bill would repeal provisions of law which establish the Solid Waste Cleanup and Maintenance Advisory Committee. The Committee was required to establish criteria for selecting grant recipients (household hazardous waste) and for making loan guarantees. These requirements have been fulfilled and there are no additional statutory requirements for this Committee to fulfill.

2) The bill would increase from $4 million to $7.5 million the amount of funding allocated annually for household hazardous waste grants. Funding requests for these grants have far exceeded the amount available. In 1991/92, 72 applicants requested $9.2 million in discretionary grants and 23 applicants received a total of $834,000. Also in 1991/92, 58 applicants requested over $16.2 million in non-discretionary grant funding; these applicants received approximately $3.7 million. As more jurisdictions establish household hazardous waste programs, the amount of funding which goes out for the non-discretionary grants will increase, leaving proportionately less funding available for discretionary grant applications.

3) The $3 million loan for start-up of the Used Oil Enhancement Act was requested by the CIWMB as funds for this program will not be available until 1993, and staff must be hired during the 1991/92 fiscal year and the beginning of the 1992/93

fiscal year to draft regulations and begin other implementation requirements of this comprehensive law.

4) This bill would remove the requirement that 25% of the funds in the Account be reserved for loan guarantees to assist landfill operators in funding corrective actions; however, the bill would not delete the loan guarantee program or the ability of the CIWMB to provide loan guarantees. Board staff believe that it is appropriate for the loan guarantee provisions to remain in the law for while none have yet been applied for, increased state-level corrective action work may well precipitate increased use of this program by landfill operators.

5) This bill provides $1 million in funding for SWRCB review of SWATs. Review of the SWATs should be linked to the CIWMB's corrective action program, and the determination of which landfills pose the greatest threat to public health and the environment and should therefore be remediated first. The SWRCB has statutory responsibilities relating to regulation of solid waste landfills in addition to the SWAT program; these mandates and CIWMB mandates should be carefully reviewed to remove or avoid any areas of regulatory overlap or duplication.

LEGISLATIVE HISTORY

AB 3348 was introduced on February 21, 1991 and was passed by the Assembly Natural Resources Committee on April 6 (15-0) and is presently in the Assembly Ways and Means Committee.

FISCAL IMPACT

The bill significantly redirects funds in the Solid Waste Disposal Site Cleanup and Maintenance Account and would result in some redirection of staff. For example, increased staff may be needed for the household hazardous waste grant program and to work with the DTSC on a database of household hazardous waste events.

Legislative and Public Affairs Committee

BILL REPORT

Board	Author	Bill Number
California Integrated Waste Management Board	Clute	AB 3434
Sponsor	**Related Bills**	**Date Amended**
Independent Energy Prod Assoc.	SB 44	Mar. 24, 1992

April 15, 1992

SUMMARY

AB 3434 allows increased levels of waste diversion credits for conversion of biomass to energy and modifies the definitions of "recycling" and "transformation" for the purposes of solid waste diversion requirements.

BACKGROUND

There are reportedly 50 biomass to energy plants in California producing nearly 900 megawatts of energy. According to the author's office, AB 3434 would allow these facilities to compete for fuel supplies on an equal basis with their competitors. Biomass to energy plants also are diverting significant amounts of urban wood waste from landfills.

EXISTING LAW

AB 939 (Sher, Chapter 1095, Statutes of 1989), required cities and counties to divert from their landfills 25% of solid waste by 1995 and 50% by the year 2000. AB 939 also allows the use of transformation to meet up to 10% of the year 2000 diversion requirement. The CIWMB has allowed waste materials processed for fuel at biomass facilities to qualify for this transformation credit.

ANALYSIS

AB 3434 would broaden the universe of wastes that could qualify towards the diversion requirements of existing law by redefining the term "recycling" to include the conversion of biomass fuels to energy. The bill revises the statutory definition of "transformation" by stating that transformation does <u>not</u> include the conversion of biomass waste into energy or the distillation o biomass wastes into products that may be converted into energy. It also revises the definition of "recycling" to include the converting of materials into usable energy. By revising these two definitions, the bill redefines biomass conversion to energy as recycling rather than transformation (as is the case under current law).

DEPARTMENTS THAT MAY BE AFFECTED

Committee Recomendation	Committee Chair	Date
		4-15-92

COMMENTS

A number of jurisdictions are diverting wood wastes from landfills by processing it into fuel for biomass facilities. This diversion method is more frequently considered than either the composting or processing of this waste type into a new product, because there is a fairly steady market for these materials at biomass facilities.

There has been considerable controversy over waste transformation technologies and the perceived environmental and public health threats from such facilities. When the Integrated Waste Management Act was enacted in 1989, a limited diversion credit of up to 10% toward the second diversion goal (50% by the year 2000) for waste transformation was allowed. AB 3434 would lift this 10% limitation for biomass waste and allow the transformation of biomass waste into energy to count towards the full diversion goals.

By amending the statutory definition of "recycling" to include biomass conversion into energy, the bill dramatically alters traditional definitions of this term by recyclers and regulators at all units of government. It also alters the current waste hierarchy which places recycling above transformation, by including a form of transformation in the recycling definition. As the author's intent is to allow all biomass conversion to count towards the diversion requirements, it may be more appropriate to amend the legislation to directly authorize this, rather than to accomplish this aim by revising the definition of recycling as the bill currently does.

LEGISLATIVE HISTORY

The bill failed passage in the Assembly Natural Resources Committee on April 6, 1992 (6-8).

FISCAL IMPACT

The bill would impose costs of $35,000 (1PY) in FY (1992-93), and $70,000 (1 PY) annually from the IWMF in following years for reviewing revised plans and for making adjustments to existing regulations.

The CIWMB estimates that AB 3434 may also impose costs on those local governments that have already prepared their planning documents. Specifically, those local governments that want to obtain full diversion credit for biomass waste transformation would need to revise their documents.

Legislative and Public Affairs Committee

BILL REPORT

Board	Author	Bill Number
California Integrated Waste Management Board	McCorquodale	SB 1346
Sponsor	**Related Bills**	**Date Amended**
	AB 2393	Mar 19, 1992

April 15, 1992

BILL SUMMARY

SB 1346 would authorize the California Integrated Waste Management Board (CIWMB) to conduct a study on the disposal of fluorescent light bulbs.

BACKGROUND

Generally, the Department of Toxic Substances Control (DTSC) regulates the disposal of spent fluorescent light tubes and vapor mercury lamps as a hazardous waste because they contain hazardous levels of mercury and other hazardous constituents (Section 66680(b), Title 22, CAC). The DTSC is presently studying the potential public health and environmental hazards posed by spent fluorescent and mercury vapor lamps. In addition, the DTSC is developing regulations that specifically address the management of spent fluorescent and vapor mercury lights until these regulations are completed the DTSC is enforcing a temporary policy for their management.

The DTSC temporary policy allows generators to dispose of, as nonhazardous waste, no more than 25 spent fluorescent lights and/or mercury vapor lamps, regardless of size, at any one time in one day. For example, this policy would allow individuals to dispose of 20 tubes and 5 lamps or 15 lamps and ten tubes, etc. The DTSC believes that the 25 tube/lamp per day limit represents the maximum amount of mercury (based on the average quantity contained in each tube or lamp) that could be safely disposed of at a solid waste landfill.

ANALYSIS

SB 1346 would allow the CIWMB to prepare a study, in consultation with the DTSC, on the problems associated with, and improved methods of handling and disposing of, fluorescent light bulbs throughout all stages of the solid waste stream. The CIWMB would be required to complete the study using existing resources and staff by March 1, 1993.

DEPARTMENTS THAT MAY BE AFFECTED: Department of Toxic Substances Control

Committee Recomendation	Committee Chair	Date
SUPPORT, IF AMENDED		4-15-92

COMMENTS

This bill would authorize the CIWMB to complete a study on fluorescent light bulb disposal issues. However, if the CIWMB chooses to prepare the study, then SB 1346 would only give the CIWMB three months to complete such a study. The CIWMB could not reasonably complete a thorough report in such a short timeframe. As a complicating factor, the CIWMB would have to use existing resources (redirection of funds) to finance this study within the strict timeframes allowed by SB 1346. The bill should be amended to extend the 1993 deadline to March 31, 1994. Since the study is not mandatory, such an amendment would allow the CIWMB to complete the study when adequate resources are available.

AMENDMENTS

(1) SB 1346 should be amended (see attached) to delete the March 1, 1993 deadline and instead allow the study to be prepared as part of the annual report due to the Legislature March 31, 1994.

LEGISLATIVE HISTORY

SB 1346 was introduced on January 30, 1992 and passed the Senate Governmental Organization Committee (8-0) on March 25, the Senate Appropriations Committee (Section 28.8) on April 1, 1992 and is on the Senate Floor.

Support: None known

Opposition: None known

FISCAL IMPACT

The bill would impose costs of approximately $35,000 (.5 PY) from the Integrated Waste Management Account in the later half of FY 1992-93. SB 1346 requires that the CIWMB complete the study using existing resources and staff and would result in a redirection of resources and staff from existing programs.

SB 1346 also imposes minor, absorbable costs on the DTSC for their assistance in preparing the required report.

PROPOSED AMENDMENTS TO SB 1346
(amended March 19, 1992)

1. On page 2, line 6, amend to read:

"(b) The California Integrated Waste Management Board may conduct a study, in consultation with the Department of Toxic Substances Control, on the problems associated with, and improved methods of handling and disposing of, discarded fluorescent light bulbs throughout all stages of the solid waste stream. The study shall be carried out with the board's existing budget and utilizing existing personnel. The board ~~shall~~ may report the results of the study to the Governor and the Legislature ~~on or before March 1, 1993~~ in conjunction with the annual report required by Section 40507 of the Public Resources Code on March 31, 1994."

Legislative and Public Affairs Committee

BILL REPORT

Board	Author	Bill Number
California Integrated Waste Management Board	Killea	SB 1523
Sponsor	**Related Bills**	**Date Amended**
		Mar. 26, 1992

April 15, 1992

BILL SUMMARY

SB 1523 requires that compost comply with federal U.S. Environmental protection Agency standards and that the California Integrated Waste Management Board (CIWMB) adopt regulations for the permitting, operation and closure of compost, co-compost, and mulching facilities.

BACKGROUND

It is staff's understanding that the intent of SB 1523 is to establish permitting procedures for composting facilities that will encourage the establishment of environmentally sound composting facilities in the State as one important means of diverting solid waste from land disposal. It is further the intent of this bill to authorize California to establish permitting standards and procedures which vary for different types and sizes of composting facilities (such as greenwaste composting, municipal solid waste -- MSW -- composting, sludge composting, etc.), recognizing that the potential risks to public health and the environment vary greatly depending upon the type of waste(s) being composted and the overall size of a facility.

A number of states have permitting processes for composting which are divided in this manner. For example, Ohio provides differing procedures for what are termed Class I, Class II and Class III facilities (MSW facilities, source-separated yard waste and additional waste types -- such as sewage sludge, and only greenwaste). Maine also has three classes of permits, but all three classes relate to the level of risk posed by sludge additives to compostable wastes. In addition, a number of states reportedly exempt from permitting yard waste composting facilities, or may regulate such facilities with a permit-by-rule process rather than full permit review and issuance.

It is generally acknowledged that composting can play a significant role in diverting wastes from landfills, especially given that a

DEPARTMENTS THAT MAY BE AFFECTED

State Water Resources Control Board

Committee Recomendation	Committee Chair	Date
SUPPORT, IF AMENDED		4-15-92

wide range of wastes can be successfully composted. It is also of general concern that for some classes of composting facilities -- such as greenwaste facilities -- a full solid waste facilities permit may deter the siting of the large number of facilities that will be needed in the near future to accommodate the material being diverted. Also, the conditions of a full permit may not be warranted given the low level of risk posed by such facilities.

EXISTING LAW

Under current law, composting facilities fall within the definition of solid waste facilities. As such, the CIWMB is required to adopt and revise regulations setting forth minimum standards for composting facilities to ensure protection of air, water, and land from pollution; such regulations are to include standards for the design, operation, maintenance, and ultimate reuse of facilities. Pursuant to this existing law authority and requirement, the Board is currently in the process of developing regulations governing operating requirements and permitting procedures for composting facilities.

As composting facilities are solid waste facilities under the law, a solid waste facilities permit is required for their operation.

ANALYSIS

SB 1523, as amended, contains the following major provisions:

1) Defines "composting facility" as an off-site commercial facility or location at which significant volumes of solid wastes are accumulated for purposes of producing compost, co-compost, or mulch.

2) Requires that compost, co-compost and mulch which is derived from solid waste, sewage sludge or septage comply with standards adopted by the U.S. Environmental Protection Agency (the so-called "503" regulations), and authorizes the CIWMB to enforce these standards at composting facilities regulated by the Board.

3) Requires the CIWMB to adopt regulations setting forth minimum requirements for the permitting, operation and closure of compost, co-compost and mulching facilities, and authorizes the Board to distinguish in these regulations between types of facilities based upon the type and volume of waste at the facility.

4) Requires the State Water Resources Control Board to adopt guidelines and criteria to assist the regional boards in determining when waste discharge requirements should be required for composting facilities.

5) Exempts "backyard" composting of residential waste from permitting requirements if the total volume of accumulated compost material does not exceed 10 cubic yards.

6) Requires the CIWMB to provide technical assistance to applicants for composting facility permits and to work with other involved regulatory agencies to minimize permitting obstacles.

7) Exempts composting facilities from the requirements governing how conformance of facilities with county plans will be determined during the "gap" period prior to approval of countywide integrated waste management plans.

LEGISLATIVE HISTORY

This bill was introduced February 14 and approved by the Senate Governmental Organization Committee on March 31, 1992 (9-0) and is presently in the Senate Appropriations Committee.

FISCAL IMPACT

Unknown costs to the CIWMB to adopt regulations for composting facilities; the Board is already required to adopt such regulations and staff is already assigned to this task. SB 1523 could result in revisions to the nature of these regulations, but should not result in appreciable additional costs as the basic requirement to develop such regulations is already in the law.

Support: None known

Opposition: None known

AMENDMENTS

1) Staff has suggested that it may be appropriate to ask that SB 1523 be further amended to give the CIWMB stated authority to develop a permit-by-rule process for green waste composting facilities. (While the bill now authorizes the Board to distinguish between types and sizes of facilities, there is no provision regarding authority to adopt permit-by-rule regulations.)

2) It may also be appropriate to request that the definition of "composting facility" be further modified to delete the reference to "off-site commercial facilities"; this is suggested by staff as the size and type of facility should dictate the need to regulate not whether it is a commercial or off-site facility (in other words, an on-site, non-commercial, facility could potentially pose a threat to public health and the environment depending upon its size and the types of wastes used in the composting operation).

3) Staff suggests that the language on page 4 regarding the federal "503" regulations be further amended to delete "et.seq." as these additional provisions may not always be relevant to compost standards.

Legislative and Public Affairs Committee

BILL REPORT

Board	Author	Bill Number
California Integrated Waste Management Board	Craven	SB 1546
Sponsor	**Related Bills**	**Date Amended**
		April 9, 1992

April 15, 1992

BILL SUMMARY

SB 1546 would require a party requesting the subpoena of an employee of the State of California to provide a $150 deposit per day and to ultimately pay for all actual expenses incurred by the employee for appearing in court.

BACKGROUND

It has been estimated that two or three employees of the California Integrated Waste Management Board (CIWMB) are subpoenaed each year. An average of 18 hours per incident is expended for staff preparation and appearance in court. This estimate may increase over the years as the CIWMB moves to expand its permitting and compliance programs.

The latest incident involved a Board employee subpoenaed to testify at a civil proceeding involving worker safety issues following the employee's inspection of the Chateau Fresno landfill.

EXISTING LAW

Under existing law:

1) Specified peace officers and firefighters required by subpoena to attend a civil proceeding as a witness receive full salary and travelling expenses incurred in complying with the subpoena. The party at whose request the subpoena is issued must fully reimburse the public entity which pays those expenses. A $150 deposit must accompany the subpoena, with a balance due or refund to follow determination of actual expenses.

2) Public employees not covered by the exception in (1) above receive regular salary and are generally paid a standard witness fee of $35 plus $.20 per mile which is then turned over to the employing agency.

DEPARTMENTS THAT MAY BE AFFECTED

All state agencies

Committee Recomendation	Committee Chair	Date
SUPPORT		4-15-92

ANALYSIS

SB 1546 would extend those provisions of current law which require a $150 deposit and full reimbursement for public safety employees required by subpoena to attend a civil proceeding to all state employees.

COMMENTS

Current law requires full reimbursement to governmental agencies for subpoenaed court appearances by public safety employees due to the regularity of their attendance in court as witnesses. This reimbursement requirement is an exception to the general rule, primarily because other state employees have not regularly served as witnesses in their official capacities.

However, as environmental issues are increasingly litigated, and as the Board expands its permitting, inspection and compliance programs, it is likely that staff of the CIWMB may be called into court in greater numbers and with greater frequency-- and with increasing costs to the Board.

The standard witness fee of $35 per day does not begin to cover the actual cost to the state of the employee's time required to comply with the subpoena. In light of current fiscal conditions and departmental budget constraints, this bill will ensure that the Board is not adversely impacted for complying with subpoenas in civil proceedings.

Recent Amendments. When this bill was reviewed by the Legislative and Public Affairs Committee (LPAC), the full reimbursement provisions in that version of the bill were extended only to employees of Cal-EPA and employees of entities within Cal-EPA. (The LPAC vote was 2-1.) Since then, the bill has been amended to provide for full reimbursement for any state employee required by subpoena to attend a civil proceeding.

This amendment reflects a change in general policy on this issue from one which called for full reimbursement only for those employees regularly called into court to one which now promotes reimbursement for any employee called into court. Under current law (which reimburses only public safety employees), it is assumed that other state employees are subpoenaed to appear in court so infrequently that the costs can be readily absorbed by the employing agency. As amended, SB 1546 now demands that private litigants repay the state for any employee's time, no longer

viewing compliance with a subpoena as a "standard service" which will be provided by the State free of charge.

LEGISLATIVE HISTORY

SB 1546 was introduced February 18, 1992, passed the Senate Judiciary Committee (8-0) on March 30, 1992 and is currently in the Senate Appropriations Committee. The latest amendment was April 9, 1992. The bill is sponsored by the State Water Resources Control Board.

Support: California Environmental Protection Agency
Opposition: None known

FISCAL IMPACT

This bill would result in unknown cost savings to the Board for reimbursements for the salary and expenses of any subpoenaed employees.

Legislative and Public Affairs Committee

BILL REPORT

Board	Author	Bill Number
California Integrated Waste Management Board	Beverly	SB 1668
Sponsor	**Related Bills**	**Date Amended**
	AB 2092	April 1, 1992

April 15, 1992

BILL SUMMARY

The bill would extend the due dates by one year for the solid waste planning elements and plans that must be reviewed by the California Integrated Waste Management Board (CIWMB) and extend other specified statutory deadlines.

EXISTING LAW

Current law, enacted by AB 939 of 1989, requires that each county and city prepare and adopt a source reduction and recycling element (SRRE) and a household hazardous waste element (HHWE) by July 1, 1991. Counties are required to submit countywide integrated waste management plans (CIWMPs) to the California Integrated waste Management Board (CIWMB) by January 1, 1992 (for counties with less than five years remaining landfill capacity), January 1, 1993 (for counties with between five and eight years remaining landfill capacity), and January 1, 1994 (for counties with more than eight years remaining landfill capacity).

ANALYSIS

This bill, an urgency measure, revises the due dates for elements and plans as follows:

1) City source reduction and recycling elements must be submitted to the county by July 1, 1992, unless because of compliance with requirements of the California Environmental Quality Act (CEQA) this date cannot be met, in which case the city must submit the element to the county by December 1, 1992.

2) County SRREs are required to be adopted by July 1, 1992, unless because of compliance with CEQA requirements this date cannot be met, in which case the county is required to adopt the SRRE by December 1, 1992.

3) City and county household hazardous waste elements are required to be adopted by July 1, 1992, unless because of compliance with CEQA requirements this date cannot be met, in which case the due date is December 1, 1992.

DEPARTMENTS THAT MAY BE AFFECTED

Committee Recomendation	Committee Chair	Date
SUPPORT		4-15-92

4) The due date for CIWMPs currently due January 1, 1992 is extended (to January 1, 1993), or 12 months after the Office of Administrative Law (OAL) approves the regulations for the preparation of countywide siting elements and CIWMPs (whichever is later). For counties with more than 8 years capacity, the plans are due January 1, 1994 (current law), or 18 months after OAL approves the regulations for the siting elements and countywide plans.

LEGISLATIVE HISTORY

SB 1668 was introduced on February 20 and approved by the Senate Governmental Organization Committee on April 7, 1992 (9-0) and is presently in the Senate Appropriations Committee.

Support: CSAC
League of California Cities

Opposition: None known

FISCAL IMPACT

This bill should not result in additional costs to local agencies or the CIWMB to prepare or review integrated waste management planning documents, as these costs are already imposed by the requirements of current law.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

April 29, 1992

Agenda Item #20

ITEM: Consideration of Federal Legislation

BACKGROUND:

There are two federal bills (HR 3865 and S 976) that will be used as vehicles for the reauthorization of the Resource Conservation and Recovery Act (RCRA) this year. It is expected that these comprehensive reauthorization bills will impact virtually all California Integrated Waste Management Board (CIWMB) programs and activities.

HR 3865 was the subject of intensive markup sessions held from March 23 to March 26, 1992 where over a dozen amendments were added to the bill. The latest version (April 3) of the bill incorporates the amendments made by the Transportation and Hazardous Materials Subcommittee. The bill is set for additional markup sessions in the House Committee on Energy and Commerce in early May.

S 976 has also been the subject of considerable activity and is scheduled for its first markup in the Senate Subcommittee for Environmental Protection and Energy on April 29, 1992. The latest version of S 976 (March 27th Environmental and Public Works Committee staff draft) will be used as a starting point to discussions at the April 29, 1992 hearing.

It is not yet clear whether passage of the RCRA reauthorization legislation will, in fact, take place this year. It is clear, however, that there is considerable Congressional activity being devoted to reworking both S 976 and HR 3865, with the ultimate goal of obtaining their successful passage. Additionally, while the full RCRA package (HR 3865 and S 976) may not ultimately advance, it appears likely that if portions of it are successfully resolved (such as the used oil or interstate transport provisions), those pieces of the package may advance to the President's desk in separate legislation.

COMMITTEE ACTION:

The Legislation and Public Affairs Committee recommends that the Legislative Office be directed to work with the Board members and advisors to draft a comment letter to the appropriate Congressional Committees and Members expressing the Board's concerns with both HR 3865 and S 976.

BOARD ACTION:

The status report and analyses are presented for the Board's information and consideration. The Board may wish to adopt positions on some or all of these bills.

ATTACHMENTS:

1) A summary listing and status report on pending federal solid waste legislation.

2) Analyses of HR 3865 (Swift) and S 976 (Baucus).

Prepared By: Patty Zwarts Phone: 255-2203

Approved By: Dorothy Fettig Phone: 255-2208

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

STATUS UPDATE ON FEDERAL LEGISLATION

Bill No: **HR 645, G. Miller (D-CA)**
Subject: **Radiation Protection Act of 1991**
The bill amends the Atomic Energy Act of 1954 to authorize the States to regulate the disposal of low-level radioactive waste for which the Nuclear Regulatory Commission does not require disposal in a licensed facility.

History: The Nuclear Regulatory Commission (NRC) has developed a plan to allow low-level waste, such as old smoke detectors, radioactive hospital equipment and old parts of nuclear facilities to be scrapped like any other garbage. To date, regulators have required such waste be disposed of in three federally licensed facilities in South Carolina, Nevada and Washington State, rather than in private and public landfills, as proposed. The legislation would not negate the NRC plan, but would allow state to hold low-level radioactive waste disposal to stricter standards.

Outlook: This bill may possibly be considered as part of the House strategy legislation, if HR 645 comes to the House floor, it's chances of passage are pretty good, according to an aide with the House Interior and Insular Affairs Committee. "Nobody is willing to vote against it," he added.

Status: The bill was introduced on January 24, 1991. On October 2, 1991, the House Interior and Insular Affairs Committee approved HR 645. The full committee's amended version of the bill would grant states greater authority over the decision to dispose of low-level nuclear waste within their boundaries. Before the House votes on the bill, members of the House Energy and Commerce Committee need to review the legislation.

Bill No: **HR 2194, D. Eckart (D-OH)**
Subject: **Federal Facility Compliance Act**
This bill amends the Solid Waste Disposal Act to clarify provisions concerning the application of certain requirements and sanctions to Federal facilities.
HR 2194 would give states and the Environmental Protection Agency authority to levy civil fines and penalties against federal facilities that violate federal hazardous waste laws. It amends the Resource Conservation and Recovery Act (RCRA) by stripping federal facilities of their sovereign immunity from civil penalties. It also restores the EPA's ability to use

administrative orders to resolve regulatory violations at federal facilities.

History: Representatives Dennis Eckart and Dan Schaefer have tried since 1988 to get a federal facility compliance law enacted. In 1991, a virtually identical bill passed the House by a 380-39 vote, but was not considered by the Senate. This year, Senate Republicans, knowing Senate Majority Leader George Mitchell, D-Me, had made the bill a priority, attached a controversial amendment authorizing an investigation into leaked classified information about Clarence Thomas during his Supreme Court confirmation hearings.

Outlook: The Bush Administration strongly opposes the legislation, arguing that it could drain the budgets of the Defense and Energy Departments and prevent those agencies from cleaning up the worst sites first.

Status: The bill was introduced on May 2, 1991. The House passed the bill by voice vote on June 24, 1991. The Senate passed a similar bill (S. 596) on October 24, 1991. HR 2194 was debated in the House on February 4, 1992. It was sent to conference and conferees were appointed by unanimous consent on that date.

Bill No: **HR 2746 C. Collins (D-IL)**
Subject: **National Recycling Markets Act of 1991**
HR 2746 would stabilize and improve markets for recycled products, by requiring corporations and business to manufacture products and containers that can be recovered and reused. In addition, the legislation would devise new recyclable product and container standards as well as form a Commerce Department Commission to enhance the recycled products market.

Outlook: The Commerce, Consumer Protection and Competitiveness Subcommittee of the House Energy and Commerce Committee held a hearing on the legislation July 18, 1991. The bill's future remains unclear. Its fate is tied to the entire Resource Conservation and Recovery Act reauthorization, which flared up in March, which will likely generate guidance as to whether recycling should be stimulated from the supply standpoint or from the demand end, as the bill stimulated from the supply standpoint or from the demand end, as this bill proposes.

Status: The bill was introduced on June 25, 1991. Its too early to determine whether the legislation would see action this year.

Bill No: **HR 3865 A. Swift (D-WA)**
Subject: **National Waste Reduction, Recycling, and Management Act**
HR 3865 would establish a national waste management strategy with an emphasis on recovery and recycling. It would authorize appropriations for fiscal years 1993 through 1998 to enact the plan. Included in the legislation are provisions to promote reductions in packaging and to assist states in stimulating the market for recycled materials. The bill also would allow local governments to bar out-of-state garbage from entering their communities.

History: HR 3865 was scheduled for markup March 23-26, 1992. During the markup, the subcommittee defeated several provisions sought by environmental groups to strengthen the bill's requirements. The issues will likely be brought up again at the full committee for markup, where they stand a better chance of approval.

Outlook: Most lawmakers want to send a RCRA reauthorization bill to President Bush this year, and supporters hope to go to conference this summer. Swift has contacted the Bush Administration seeking its input and cooperation on the legislation but has received little substantive response. At hearings on the measure, EPA officials voiced opposition to the majority of the legislation.

Status: The bill was introduced on November 22, 1991. Public hearings were held on March 10 and March 13th, because of such a long list of interested speakers, the bill was heard again on March 16, 1992. The bill was marked up on March 23rd - 26th in the House Energy and Commerce Subcommittee on Transportation and Hazardous Materials which approved an amendment in the nature of a substitute to HR 3865 by a 16-1 vote on March 26, 1992. The revised bill added sections addressing mining wastes and used oil. The full committee is expected to meet mid-May for more mark ups.

Bill No: **S 615 F. Lautenberg (D-NJ)**
Subject: **Environmental Marketing Claims Act of 1991**
The bill would direct the administrator of the Environmental Protection Agency to establish an environmental marketing claims regulatory program and to ensure that claims filed with the program are not false or deceptive.

Outlook: The author of the bill feels it should be added to the S 976 Baucus reauthorizing the Resource Conservation and Recovery Act during mark up in April.

Status: The bill was introduced on March 12, 1991.

Bill No: **S 668 J. McCain (R-AZ)**
Subject: **Indian Environmental General Assistance Program Act of 1991**
This bill would authorize $15 million each year until 1996 to provide environmental assistance grants to clean up and manage contamination on Indian reservations. The application of the grants would apply generally to air, land and water contamination problems, but a specific effort would be made to curb damage from leased hazardous waste dumping on Indian reservations.

Outlook: Following review by the House Committee on Energy and Commerce, the House will consider the bill. The environmental Protection Agency testified in favor of the legislation because it helps address some of the current gaps in environmental jurisdiction. There doesn't appear to be any objections from the Administration.

Status: The bill was introduced on March 14, 1991. The House Committee on Interior and Insular Affairs approved an amended version of the bill on November 13, 1991, after the Senate had approved it.

Bill No: **S 976 M. Baucus (D-MT)**
Subject: **Resource Conservation and Recovery Act Amendments of 1991**
The bill would amend RCRA to emphasize waste reduction and recycling. It would authorize $140 million for each of the fiscal years 1992 through 1996.

History: The primary intent of the legislation is to reduce the 180 million tons of waste Americans generate each year. It establishes a hierarchy for solid waste management, beginning with source reduction and recycling followed by incineration and landfilling. The goal is to recycle 25% of the solid waste stream by 1995 and 50% of the waste stream by 2000.

Outlook: Because the bill proposes major reforms in the RCRA Act, it will face a tough fight in Congress. Senator Baucus said some lawmakers may object to a provision in the bill allowing states to ban the import of solid waste or charge a fee to states exporting solid waste. The Author believes the bill combined with a national energy strategy, would provide opportunities for job creation and technological innovation and it could save millions of dollars in long-term environmental cleanup costs.

Status: The bill was introduced on April 25, 1991. The Senate Environment and Public Works Committee scheduled a series of hearings on the measure during March 1992, and mark up is scheduled for April 29, 1992.

Bill No: **S 984 D. Boren (D-OK)**
Subject: **International Pollution Deterrence Act of 1991**
The bill would amend existing law so that a country's failure to impose and enforce effective pollution controls and environmental safeguards would constitute the bestowal of a subsidy by the country on its manufactured products, and require the imposition of countervailing duties on such products.

Outlook: The Senator's staff is enlisting cosponsors for the bill, and is directing constituents interested in its passage to contact members of Congress. There will probably be a companion bill on the House side which would have to be attached to a larger tax bill in order to advance further.

Status: The bill was introduced on April 25, 1991.

Bill No: **S 1082 J. Chafee (R-RI)**
Subject: **Hazardous and Additional Waste Export and Import Act of 1991**
This bill would amend the Solid Waste Disposal Act to prohibit the export from and import into the United States of hazardous and additional waste except in compliance with the requirements of this bill.

Outlook: The Author of the bill will try to get this bill incorporated into S 976 Baucus, Resource Conservation and Recovery Act.

Status: The bill was introduced on May 15, 1991.

Bill No: **S 1687 J. McCain (R-AZ)**
Subject: **Indian Tribal Government Waste Management Act of 1991**
The bill would require the Environmental Protection Agency to work with Indian tribal governments in developing waste management programs on Indian lands. The EPA would provide technical assistance to improve waste management facilities on Indian reservations, most of which do not meet federal standards.

Outlook: The Senate Select Committee on Indian Affairs, which held hearings on the measure in October, is reviewing hearing transcripts to decide if there will be further action on the bill, but no timetable has been set.

Status: The bill was introduced on August 2, 1991.

Legislative and Public Affairs Committee

BILL REPORT

Board	Author	Bill Number
California Integrated Waste Management Board	Swift	HR. 3865
Sponsor	**Related Bills**	**Date Amended**
	S. 976	March 17, 1992

April 16, 1992

BILL SUMMARY

HR. 3865 would reauthorize the federal Resource Conservation and Recovery Act (RCRA) and makes changes to federal law in the areas of municipal solid waste management and recycling related issues.

EXISTING STATE LAW

There are a number of state laws that are similar to the various provisions of HR. 3865. These state laws include:

- Solid waste management planning (AB 939, Chapter 1095, Statutes of 1989);
- Waste tire facilities (AB 1843, Chapter 974, Statutes of 1989);
- Solid waste facility permitting and regulatory requirements (AB 939, Chapter 1095, Statutes of 1989);
- Composting facility regulation (AB 939, Chapter 1095, Statutes of 1989 and AB 1520, Chapter 718, Statutes of 1991);
- Minimum content requirements (AB 1305, Chapter 1093, Statutes of 1989-newsprint paper; SB 235, Chapter 769, Statutes of 1991-rigid plastic containers; SB 1066, Chapter 1066, Statutes of 1991-telephone books; and AB 2092, Chapter 1452, Statutes of 1990-trash bags);
- Large household appliances (AB 1760, Chapter 849, Statutes of 1991);
- Procurement of recycled products (AB 4, Chapter 1094, Statutes of 1989 and SB 1322, Chapter 1096, Statutes of 1989);
- Environmental advertising (AB 3994, Chapter 1413, Statutes of 1990);

DEPARTMENTS THAT MAY BE AFFECTED: Department of Toxic Substances Control, the State Water Resources Control Board, and the Department of Conservation

Committee Recomendation	Committee Chair	Date

- Used oil program (AB 2076, Chapter 817, Statutes of 1991); and
- Technical assistance (AB 939, Chapter 1095, Statutes of 1989).

BACKGROUND

HR. 3865, and its companion measure S. 976, are the vehicles for the reauthorization of RCRA this year. HR. 3865 was significantly amended on March 17, 1992 after public hearings were held in the Transportation and Hazardous Materials Subcommittee. The bill was the subject of intensive markup sessions from March 23 to March 26, 1992 where over a dozen amendments were added to the bill by the Transportation and Hazardous Materials Subcommittee. The Subcommittee has deferred several controversial issues to the House Committee on Energy and Commerce, including: used oil recycling; treatment of industrial nonhazardous waste; and waste from oil and gas exploration.

ANALYSIS

As written, HR 3865 would provide for the reauthorization of RCRA and authorizes appropriations for fiscal years 1993 through 1998 for funding the bill's provisions. The bill would affect many of the programs and laws administered by the California Integrated Waste Management Board (CIWMB). Although the bill addresses a range of environmental issues, this analysis will only discuss those portions of HR. 3865 that affect the CIWMB.

One section of the bill would impose a new requirement on the CIWMB to prepare a state solid waste plan. The CIWMB prepared its last state plan for EPA in 1985, entitled A Comprehensive Plan for the Management of Nonhazardous Waste in California. Most of the new programs and requirements created by HR. 3865 would duplicate, for the most part, existing CIWMB programs. Much of the language in the bill appears to be modeled loosely after California's solid waste laws. If enacted, the bill would require some changes and adjustments to California statutory law and regulations. The CIWMB would also have increased costs for implementing the provisions of HR. 3865.

SPECIFIED COMMENTS

The legislation has a number of components that are summarized below, along with some general comments on the section's effect on the CIWMB.

- **State Plan Requirements.** The first portion of HR. 3865 would place specific requirements on states for the planning and management of solid waste facilities. The bill requires states to develop solid waste management plans within two and one-half years after enactment of the bill. Existing federal law would be amended to expand the minimum requirements for states to prepare solid waste management plans. Each state, within one and one-half years after enactment of the bill, would be asked to conduct an inventory of solid waste generated or transported into the state.

  COMMENT: The last plan prepared by the CIWMB was in 1985 and considerable changes have been made to the integrated waste management laws in California since that time. The CIWMB would like to ensure that the bill's planning requirements are consistent with our present solid waste management planning process.

- **Facility Regulations** The bill would also require the federal Environmental Protection Agency (EPA) to develop several sets of regulations affecting landfills and incinerators. Within one year of enactment, the EPA is required to promulgate regulations establishing specified management criteria for new and existing municipal solid waste landfills. The EPA would also be directed to develop comprehensive regulations for the management of municipal solid waste incinerator ash within 18 months of enactment of this bill. The EPA would also be directed to draft regulations for the safe storage of solid wastes, including those destined for recycling, within two years of enactment. The bill directs both the state and local planning authorities to divert recyclable materials from incinerators and landfills.

  COMMENT: The CIWMB already has programs in place to regulate solid waste disposal facilities. The CIWMB is reviewing HR 3865 to ensure that the bill's provisions are consistent with California law.

- **Waste Tires** HR. 3865 would require states to develop scrap tire management programs as part of their state plans. The waste tire portion of the state plan would be required to address a number issues, including information on existing tire piles, prohibitions on the disposal of tires in landfills, and recycling alternatives. This program must address the reduction of existing scrap tire piles, with the goal of eliminating these piles by January 1, 2005.

COMMENT: The CIWMB presently is administering a program to regulate waste tire disposal facilities that is somewhat similar to the program proposed in HR. 3865. The CIWMB is interested in the bill's waste tire program as it affects our program from a fiscal and policy standpoint.

- **Interstate Transport of Solid Waste** The bill authorizes states, within six months of enactment, to charge a differential fee on the disposal of out-of-state waste in the importing state. Initially, the fee may not exceed four times either the importing state's or the exporting state's surcharge on waste disposal, whichever is greater. HR 3865 would also place a number of restrictions on the transport of intrastate solid wastes. The Boucher amendments (March 25, 1992) would allow landfills, three and one-half years after enactment, to accept solid wastes generated from outside the state without receiving approval from the affected local agency.

  COMMENT: At this time, California is not experiencing problems with other states importing their solid wastes into the state since our environmental laws are more stringent. If the surrounding states implement solid waste management programs that are as tough as California's program, this may be an issue in future years. Of note, this portion of HR. 3865 may affect some counties (San Bernardino, Alpine, and El Dorado) that export their waste out-of-state because of transportation and weather problems.

- **Composting** The EPA would be directed to develop, after 18 months of enactment, product standards for compost made from source-separated organic materials and compost made from mixed municipal waste. In addition, the EPA would be required to develop regulations for permitting facilities that produce source-separated organic material and compost made from mixed municipal waste within two years of enactment.

  COMMENT: The CIWMB has the authority to regulate composting facilities and is undertaking administrative efforts to promulgate regulations for the permitting of composting facilities. The CIWMB is expected to have final regulations adopted in 1993. There is also proposed state legislation (SB 1523) that would create a regulatory program for composting facilities. The composting program in HR. 3865 appears to be consistent with state law.

- **Permitting of waste facilities** Within four years of enactment, the EPA is directed to establish permit programs for municipal solid waste transformation facilities, landfills, ash monofills, source-separated organic waste and mixed municipal waste composting facilities, materials recovery facilities, and scrap tire collection sites and monofills.

  COMMENT: California is presently implementing a number of programs for permitting the waste facilities mentioned in HR. 3865. The CIWMB will continue to monitor the bill for consistency with California's permitting requirements.

- **Minimum Content Requirements** The bill would establish several minimum content requirements for recyclable materials. By 1995, the bill would require all packaging to meet one of four source reduction and recycled content requirements. The industry would be required to meet a 40 percent recovery rate requirements by 1995 for various paper products, with higher minimum recycled content standards to be imposed by the year 2000.

  COMMENT: California has laws to impose minimum content requirements on newsprint paper, trash bags, telephone directories and rigid plastic containers sold in the state. The Department of Conservation also administers minimum content programs for glass and fiberglass. HR. 3865 would appear to go beyond state law by imposing minimum content requirements on a wide range of paper products and packaging.

- **Toxic Metals in Packaging.** HR. 3865 places specific requirements on the sale and manufacturing on packaging in order to reduce the amount of heavy metals in consumer packaging.

  COMMENT: There is no state legislation that would limit the amount of heavy metals in packaging. Legislation has been introduced (AB 2393) that would study the effects of heavy metals in packaging on transformation and solid waste disposal facilities.

- **Large Household Appliances** The bill would require EPA to issue guidelines to aid in the processing of large household appliances for recycling.

  COMMENT: The CIWMB is administering a program that encourages the recycling of all white goods and metal discards that is more encompassing that HR. 3865.

- **Federal Procurement of Recycled Goods** The bill would amend provisions of existing federal law regarding the procurement of recycled goods by federal agencies. HR. 3865 establishes a 10 percent preference for the procurement of certain recycled goods and requires the federal government, after 1997, to purchase only recycled paper that meets the guidelines for recycled paper. The federal government is also directed to use source reduction practices.

  COMMENT: The state has an existing program to offer a 5 percent preference towards the purchase of recycled paper. Legislation is being considered (AB 2446 and AB 3470) to strengthen the state's laws regarding procurement practices by state and local agencies.

- **Used Oil Recycling** The EPA would be directed to promulgate management standards for generators, transporters, and recyclers of used oil within 15 months of enactment. The standards would cover the issues of proper storage, inspection, spill and release prevention, cleanup, financial responsibility, and record keeping.

  COMMENT: The CIWMB is presently implementing a program to encourage the recycling of used oil. The CIWMB would like to ensure that the used oil program in HR 3865 conforms with California's program.

- **Environmental Marketing Claims** The bill would establish the terms and conditions under which manufacturers and other advertisers may make environmental claims concerning products for the purpose of marketing such products. The EPA would be directed, within two years of enactment, to develop standards and criteria for environmental advertising.

  COMMENT: California presently has a law in place that sets forth criteria for environmental advertising. It would be important that the environmental advertising standards are consistent at both the state and federal levels.

- **Plastic Recycling Codes** HR. 3865 would require manufacturers of plastic containers to use codes in identifying the principal plastic resin of which containers are composed to assist in recycling efforts.

  COMMENT: The provisions of HR. 3865 should be compatible with state laws in this area.

- **Technical Assistance** The EPA would be directed to assist states and local governments in solid waste management, resource recovery, and planning activities.

  COMMENT: The CIWMB presently provides technical assistance to local governments to comply with California's integrated waste management laws.

LEGISLATIVE HISTORY

The bill was introduced in Congress on November 22, 1991 and was referred to the House Committee on Energy and Commerce. Later, the bill was referred to the Transportation and Hazardous Materials Subcommittee where public hearings were held on March 10, and March 16, 1992. The House Energy and Commerce Subcommittee on Transportation and Hazardous Materials approved a number of amendments, in the nature of a substitute, to HR 3865 (16-1) on March 26, 1992. The bill is expected to be heard in the House Energy and Commerce Committee in May where further markup sessions will occur.

SUPPORT: Information unavailable

OPPOSITION: Information unavailable

FISCAL ANALYSIS

The bill is expected to impose significant, undetermined costs upon the CIWMB after the bill is enacted. Some of these costs will not occur until after EPA has promulgated the regulations required by HR. 3865. Other costs, such as the development of a state plan, would be imposed on the CIWMB soon after enactment of this measure.

Some of the costs that can be attributed to HR. 3865 would include the development and implementation of a state plan; revision of state regulations; and modifications in current CIWMB programs and permits.

Legislative and Public Affairs Committee

BILL REPORT

Board	Author	Bill Number
California Integrated Waste Management Board	Baucus	S. 976
Sponsor	**Related Bills**	**Date Amended**
	HR. 3865	Apr 25, 1991

April 16, 1992

BILL SUMMARY

S. 976 would reauthorize the federal Resource Conservation and Recovery Act (RCRA) and makes changes to federal law in the areas of solid waste, hazardous waste, recycling, and waste minimization.

EXISTING STATE LAW

There are a number of state laws that are similar to the various provisions of S. 976. These state laws include:

- Solid waste management planning (AB 939, Chapter 1095, Statutes of 1989);
- Solid waste facility permitting and regulatory requirements (AB 939, Chapter 1095, Statutes of 1989);
- Minimum content requirements (AB 1305, Chapter 1093, Statutes of 1989-newsprint paper; SB 235, Chapter 769, Statutes of 1991-rigid plastic containers; SB 1066, Chapter 1066, Statutes of 1991-telephone books; and AB 2092, Chapter 1452, Statutes of 1990-trash bags);
- Procurement of recycled products (AB 4, Chapter 1094, Statutes of 1989 and SB 1322, Chapter 1096, Statutes of 1989); and
- Used oil program (AB 2076, Chapter 817, Statutes of 1991).

BACKGROUND

S. 976, and its companion measure HR. 3865, are the vehicles for the reauthorization of RCRA this year. At this writing, it is expected that the bill will be significantly amended this Summer. Hearings will be held on the bill beginning April 29, 1992 in the Senate Environmental Protection Subcommittee where markups sessions are scheduled. There are indications from key Congressional staff that certain bills, or portions of bills, will be folded into S. 976 as it is further developed. Some of the

DEPARTMENTS THAT MAY BE AFFECTED

Department of Toxic Substances Control and the State Water Resources Control Board

Committee Recomendation	Committee Chair	Date

issues expected to be amended into S. 976 include lead-acid battery recycling, used oil recycling, tire recycling, and incinerator requirements. This bill is not progressing as rapidly as its companion measure HR. 3865, which has had numerous hearings and markup sessions.

ANALYSIS

It is important to note that the bill will be significantly amended in the next few months. A number of smaller bills and programs (see background section) may also be amended into S. 976 in the near future. The bill should be reanalyzed when amendments to the bill become available.

As written, S. 976 would provide for the reauthorization of RCRA and authorizes appropriations for fiscal years 1992 through 1996 for funding the bill's provisions. One section of the bill would impose a new requirement on the California Integrated Waste Management Board (CIWMB) to prepare a state solid waste plan. The CIWMB prepared its last state plan for EPA in 1985, entitled A Comprehensive Plan for the Management of Nonhazardous Waste in California. The bill would affect many of the programs and laws administered by the (CIWMB).

Most of the new programs and requirements created by S. 976 would duplicate, for the most part, existing CIWMB programs. Much of the language in the bill appears to be modeled loosely after California's solid waste laws. If enacted, the bill would require some changes and adjustments to California statutory law and regulations. The CIWMB would also have increased costs for implementing the provisions of S. 976. Although the bill addresses various types of wastes and environmental issues, such as hazardous wastes, this analysis will only discuss those portions of S. 976 that affect the CIWMB.

SPECIFIED COMMENTS

The legislation has a number of components that are summarized below, along with some general comments on the section's effect on the CIWMB.

- **State Plan Requirements.** The bill would place specific requirements on states for the planning and management of solid waste facilities. The bill requires states to develop solid waste management plans within two and one-half years after enactment of the bill, and every five years thereafter. Existing federal law would be amended to expand the minimum

requirements for states to prepare solid waste management plans. States must also ensure that they have solid waste permit programs in place within four years that meet minimum Environmental Protection Agency (EPA) standards.

COMMENT: The last plan prepared by the CIWMB was in 1985 and considerable changes have been made to the integrated waste management laws in California since that time. The CIWMB would like to ensure that the bill's planning requirements are consistent with our present solid waste management planning process.

- **Interstate Transport.** S. 976 would direct EPA to regulate the interstate transport of solid wastes and places specific restrictions on the transportation of solid wastes across state lines. The bill would create a special process, involving the assessment of fees by states, for regulating the interstate transport of solid wastes.

  COMMENT: At this time, California is not experiencing problems with other states importing their solid wastes into the state since our environmental laws are more stringent. If the surrounding states implement solid waste management programs that are as tough as California's program, this may be an issue in future years. Of note, this portion of S. 976 may affect some counties (San Bernardino, Alpine, and El Dorado) that export their waste out-of-state because of transportation and weather problems.

- **Facility Regulations.** The bill would require the EPA to develop several sets of regulations affecting landfills and incinerators. The EPA is required to promulgate regulations establishing specified criteria for facilities that manage municipal solid waste, municipal incinerator waste, infectious waste, and industrial wastes. Regulations would also be developed for regulating the recycling of hazardous waste or secondary hazardous materials. The EPA would develop regulations for the recycling of nonhazardous solid waste and secondary materials.

  COMMENT: The CIWMB already has programs in place to regulate solid waste disposal facilities. The CIWMB is reviewing S. 976 to ensure that the bill's provisions are consistent with California law.

- **Minimum Content Requirements.** The first portion of S. 976 would establish several minimum content requirements for

recyclable materials. Specifically, EPA would be directed to develop minimum content standards for paper, glass, metals, and plastics within two years of enactment. The bill also establishes national goals for reducing the municipal solid waste stream; 25% by 1995 and 50% by the year 2000. The bill would direct EPA to set specified annual average minimum recovery and utilization rates for specific commodities by December 31, 1995. The bill establishes model urban and rural recycling collection programs and requires states to adopt comparable programs.

COMMENT: California has laws to impose minimum content requirements on newsprint paper, trash bags, telephone directories and rigid plastic containers sold in the state. The Department of Conservation also administers minimum content programs for glass and fiberglass. S. 976 would appear to go beyond state law by imposing minimum content requirements on a wide range of paper products and packaging.

- **Federal Procurement of Recycled Goods.** S. 976 requires federal agencies to give preference in purchasing to items possessing the greatest practicable amount of recycled content. The federal Department of Commerce is also directed to assist in developing new markets for recycled products.

  COMMENT: The state has an existing program to offer a 5 percent preference towards the purchase of recycled paper. Legislation is being considered (AB 2446 and AB 3470) to strengthen the state's laws regarding procurement practices by state and local agencies.

- **Used Oil Recycling.** The EPA is directed to adopt regulations, within 18 months of enactment, for the collection, storage, transportation, and recycling of used oil. The regulations would cover the issues of proper storage, inspection, and record keeping.

  COMMENT: The CIWMB is presently implementing a program to encourage the recycling of used oil. The CIWMB would like to ensure that the used oil program in HR 3865 conforms with California's program.

LEGISLATIVE HISTORY

The bill was introduced in Congress on March 25, 1991 and was referred to the Senate Committee on the Environmental and Public

Works where a hearing was held on S. 976 on June 6, 1991. Later, the bill was referred to the Environmental Protection Subcommittee where eight public hearings were held on between May and July of 1991. The Subcommittee resumed the hearings in 1992 with the last public hearing held on March 5, 1992. The Senate Environmental and Public Works Committee has released a staff draft (March 27) proposing amendments to S 976. The bill is scheduled for markup sessions on April 29 in the Environmental Protection Subcommittee where the staff draft will be discussed.

SUPPORT: Information unavailable

OPPOSITION: Information unavailable

FISCAL ANALYSIS

The bill is expected to impose significant, undetermined costs upon the CIWMB after the bill is enacted. Some of these costs will not occur until after EPA has promulgated the regulations required by S. 976. Other costs, such as the development of a state plan, would be imposed on the CIWMB soon after enactment of the measure.

Some of the costs that can be attributed to S. 976 would include the development and implementation of a state plan; revision of state regulations; and modifications in current CIWMB programs and permits.

California Integrated Waste Management Board

April 29, 1992

Agenda Item #21

Item: Petition for a Reduction in the Source Reduction and Recycling Element Diversion Requirements for the City of San Juan Bautista (San Benito County)

Committee Action:

The Integrated Waste Management Planning Committee heard this item at its April 9, 1992 meeting. At that meeting, the Committee approved staff's recommendation to:

- allow a reduction from the 25 percent diversion requirements to 12.5 percent for a period of 24 months,
- require the City to re-evaluate after 24 months whether this 12.5 percent rate should be increased, decreased, or remain the same based on the City's feasibility to implement proposed programs, and
- require the City, on an annual basis, beginning one year after approval of this reduction, to report to the Board on all progress and conditions relevant to implementing diversion programs.

The Committee also decided that San Juan Bautista's petition should be placed on the consent agenda at the April 29, 1992 Board meeting.

Background:

Public Resources Code (PRC) Section 41780 requires that each city and county divert 25% of its solid waste from landfills by 1995 and 50% by the year 2000. PRC Section 41782 allows the California Integrated Waste Management Board (Board) to grant a reduction in the planning requirements and diversion goals. The Board-approved regulation, Title 14, Section 18775 of the California Code of Regulations (CCR) lists the qualifications that each jurisdiction must meet to petition the Board for a reduction in these requirements and goals.

Specifically, incorporated areas must verify that achievement of the requirements is not feasible, due to:

1. a geographic area of less than 3 square miles, or

a population density of less than 1500 people per square mile, and

2. a waste generation rate of less than 100 cubic yards per day or 60 tons per day.

Board staff received a petition for a reduction in the diversion requirements from the City of San Juan Bautista in January of 1992. The City submitted a Preliminary Draft Source Reduction and Recycling Element (SRRE) to the Board for review in March of 1991. San Juan Bautista requests a reduction in the 25 percent PRC Section 41780 diversion requirement to 12.5 percent to be re-evaluated in 24 months. The City believes that a reduction in the planning requirements is not necessary, but will work with Board staff to revise the existing SRRE.

Analysis:

City Characteristics

San Juan Bautista is a small town with a population of approximately 1,650 (source: Council of San Benito Governments, 1990) and a geographic area of 0.7 square miles. The population density is 2357 people per square mile. The City generates approximately 89 tons of waste per month. There are approximately 500 dwellings in the City and 50 businesses and retail stores, however, there is no industry. There are also three State parks in the City located near the San Juan Bautista Mission.

Solid Waste Collection and Disposal

Rural Dispos-All of Salinas is the only hauler that serves the City. The company collects solid waste on a weekly basis. Disposal is in the Johnson Canyon Landfill in Monterey County. Data from Rural Dispos-All indicates that the City disposes of an average of 82 tons of residential and commercial waste each month. Yard waste comprises approximately 26 percent of the total waste stream.

Current and Proposed Diversion Programs

Existing Diversion:

Current diversion rates through recycling programs involve approximately 7 percent of the total waste stream or about 6.20 tons per month. The City's diverted waste over a seven month period consists of:

CURRENT WASTE DIVERSION CATEGORIES

Category		WEIGHT
Cardboard		8.27 tons
Glass (all)		27.38 tons
Plastic	(CA Redemption)	.59 tons
Cans (Aluminum)	(CA Redemption)	4.40 tons
Misc. Metals		1.00 tons
Newspaper		1.75 tons
Total		43.39 tons

Proposed Diversion:

The City proposes to review the existing solid waste collection agreement with its disposal company to address the institution of curbside recycling programs, annual collection of household wastes, monitoring recycling programs, assisting in solid waste education, and yard waste collection. Also, the City has recently purchased a shredder to process yard waste into mulch and compost for the residents.

Staff Analysis:

San Juan Bautista City staff feels that achievement of the 25% diversion requirement is not feasible due to the limited availability of City funds. With only 500 homes in the City, implementation of programs necessary to meet the 25% diversion goals would result in a financial hardship for the residents. The projected annual cost of these programs would exceed all available revenues. Also, there would not be sufficient City staff to implement and monitor programs necessary to meet the 25% diversion goal.

San Juan Bautista staff believes that a 12.5% diversion rate is more practical and a 24-month period will allow them to determine whether this rate should be increased, decreased, or remain the same based on the feasibility of implementing proposed programs.

The City qualifies to petition the Board for a reduction of the PRC 41780 diversion goals under Section 18775 based upon its small geographic size and small waste generation rate. Section 18775 directs jurisdictions to provide the following information in their petition:

1. a general description of the existing disposal and diversion systems, including documentation of the types and quantities of waste disposed and diverted;

2. identification of the specific reductions being requested (i.e., planning or diversion requirements or both);

3. documentation of why attainment of mandated diversion and planning requirements is not feasible; and

4. the planning or diversion requirements that the jurisdiction feels are achievable.

Board staff has reviewed the petition for reduction in diversion requirements based on the information provided in the City of San Juan Bautista's petition and draft SRRE. In addition, the petition for reduction has been reviewed for compliance with PRC Section 41782 and CCR Section 18775. Board staff has found that, based on the information provided by the City, a reduction in the mandated diversion requirements is justified. In addition, Board staff has found the petition fully complies with PRC Section 41782, CCR Section 18775, and the Board's procedures for processing petitions.

Staff Comments:

Board staff recommends that the Board approve San Juan Bautista's petition for a reduction of the 25% diversion goal to 12.5% for a 24 month period. This 24 month period will allow the City to determine whether this rate should be adjusted or remain the same based on the feasibility of implementing proposed programs.

ATTACHMENTS:

1. Copy of the Board-approved regulation 14 CCR Section 18775

2. San Juan Bautista Petition for Reduction in Diversion Requirements

3. Resolution # 92 - 27

Prepared by: Bridget D. Brown BDB **Phone:** (916) 255-2316

Reviewed by: John D. Smith/Dianne Range DR **Phone:** (916) 255-2555

Reviewed by: Tom Rietz **Phone:** (916) 255-2385

Legal review: **Date/Time:** 4/16 16 16

February 5, 1992

PROPOSED PERMANENT REGULATION - For Title 14, California Code of Regulations, Division 7, Chapter 9, Article 7

Section 18775. Reduction in Diversion and Planning Requirements.

(a) A jurisdiction may petition the Board, at a public hearing, to reduce the diversion requirements specified in Public Resources Code section 41780, and the planning requirements. To petition for a reduction, the jurisdiction shall present verification to the Board which indicates that achievement of the requirements is not feasible due to small geographic size or low population density of the jurisdiction and the small quantity of waste it generates. To qualify to petition for a reduction in the diversion and planning requirements, a city or county must meet the following:

(1) For an incorporated city, a geographic area of less than 3 square miles or a population density of less than 1500 people per square mile and a waste generation rate of less than 100 cubic yards or 60 tons per day.

(2) For the unincorporated area of a county, a geographic area of less than 1500 square miles or a population density of less than 10 people per square mile and a waste generation rate of less than 100 cubic yards or 60 tons per day.

(b) Based on information presented at the hearing, the Board may establish reduced diversion requirements, and alternative, but less comprehensive planning requirements. A petitioner may identify those specific planning requirements from which it wants to be relieved and provide justification for the reduction. Examples of reduced planning requirements could include, but would not be limited to, reduced requirements for solid waste generation studies, reduced requirements and consolidation of specific component requirements of the Source Reduction and Recycling Element. These reduced diversion and planning requirements, if granted, must ensure compliance with Public Resources Code section 41782.

(c) Cities and counties requesting a reduction in the diversion and/or planning requirements must include the following information in the reduction petition:

(1) A general description of the existing disposal and diversion systems, including documentation of the types and quantities of waste disposed and diverted. Documentation sources may include, but are not limited to the following:

(a) Solid Waste Generation or Characterization Studies
(b) Diversion data from public and private recycling operations

(c) Current year waste loading information from permitted solid waste facilities used by the jurisdiction

(2) Identification of the specific reductions being requested (i.e. diversion or planning requirements or both).

(3) Documentation of why attainment of mandated diversion and planning requirements is not feasible. Examples of documentation could include, but are not limited to:

(a) Evidence from the documentation sources specified in paragraph (c)(1) of this section;

(b) Verification of existing solid waste budget revenues and expenses from the duly authorized designated representative of the jurisdiction;

(4) The planning or diversion requirements that the jurisdiction feels are achievable, and why.

(d) Cities and counties which petition the Board and receive a reduction in the diversion and planning requirements pursuant to this section, shall fully address the following issues in an annual report submitted to the Board within 90 days of the anniversary date the reduction was originally granted, and each year thereafter until the Board-mandated diversion levels are met:

(1) the jurisdiction's current activities to establish and maintain source reduction and recycling programs;

(2) changes in demographics in the jurisdiction;

(3) changes in types and amounts of waste generated in the jurisdiction;

(4) changes in funding sources for implementing the Source Reduction and Recycling Element;

(5) changes in markets for the jurisdiction's recyclables;

(e) The Board may, upon review of the annual report, find that a revision or revocation of the reduction is necessary. The Board shall present any such findings at a public hearing.

NOTE: Authority cited: Section 40502, Public Resources Code. Reference: Section 41782, Public Resources Code.

ATTACHMENT 2

CITY OF SAN JUAN BAUTISTA

CITY COUNCIL
Marlene Dwyer
Steve Hambacher
John Alnas, Jr.
Robert Paradise
Priscilla Hill

"The City of History"

311 SECOND STREET
P.O. BOX 1086
SAN JUAN BAUTISTA, CA 95045
(408) 623-4661

CITY MANAGER
Thomas M. Mancini
CITY ATTORNEY
Michael S. Riback
CITY CLERK
Maggie Bilich
CITY TREASURER
Jacqualin Starr

RECEIVED
FEB 4 1992
JNB

January 30, 1992

Mr. Ralph E. Chandler
Executive Director
California Integrated Waste Management Board (CIWMB)
8800 Cal Center Drive
Sacramento, CA 95826

RE: Ltr dated January 15, 1992; SUBJECT: Reduction Petition for San Juan Bautista

Dear Mr. Chandler:

On February 5, 1992, I plan to meet with Ms. Diane Range and other staff personnel to discuss continued concerns that I have about the Board staff's inconsistency in addressing the City's petition for a reduction in planning and/or diversion requirements. Following that meeting, I plan to present these concerns to the IWM Planning Committee during the Public Hearing scheduled for some time after 1:30 p. m.

During that hearing, I plan to address the three items requested in the referenced letter in the hopes of providing the Board staff with enough information for them to continue processing the original petition for reduction in planning/diversion goals. Specifically, Board staff requested:

- a complete description of the existing diversion programs including identification of the quantities and percentages of waste diverted;
- a complete description of the proposed diversion programs including identification of the quantities and percentages of waste to be diverted; and
- documentation showing that achievement of the 25% and 50% diversion goal is not feasible (small geographic size, low population density, or small quantity of generated waste is not sufficient reason for granting a reduction).

Response to first requirement "existing diversion programs".

At this time, the only diversion program we have is a State-approved recycling center in the City. Since its opening on June 18, 1992, the center has diverted the following source elements in the tonnage indicated.

Cardboard	8.27 tons	
Glass (all)	27.38 tons	
Plastic	.59 tons	CA Redemption
Cans (AL)	4.40 tons	CA Redemption
Misc. Metals	1.00 ton	
Newspaper	1.75 tons	
Total	43.39 tons	in seven months or 6.20 tons per month

This 6.20 tons represents seven (7) percent of the reported 83 tons per month of waste generated by the City.

THE MISSION - 1797
Home of the famous Mission San Juan Bautista, largest in the state; Fremont Peak State Historical Monument; in the heart of the noted San Juan Valley

Ralph E. Chandler
Executive Dir., CIWMB
Sacramento, CA
January 30, 1992

Response to the second requirement "proposed diversion programs".

The City has put together a Recycling Committee made up of one council member and representatives of the fire department, pre-school, private citizens, and business persons. Their efforts have resulted in obtaining 1,700 reusable containers to be used in a curbside program where non-profit organizations will collect the items and benefit from the economic proceeds by selling the items to the recycling center. The committee and organizations still have to develop how the containers will be distributed, what item(s) are to be placed out for collection, transportation, date(s) of collection, what organization collects on what date of the month, etc.

Until its proposed program gets under way, the quantities and percentages of waste to be diverted will not be available. At the very least, a six-month trial (and error) period would be needed before any substantial quantities or percentages could be gathered and documented. Providing figures BEFORE a program is developed and implemented is one of the problems I have with Board staff's request.

The second "proposed diversion program" involves the July 1992 review of the City's agreement with its disposal company. Between now and then, disposal firms will be asked to bid for the contract to collect waste. It is planned that the firms desiring to compete for the contract will be required to address (1) a curbside recycling program, (2) annual collection of household wastes, (3) reporting the amounts of source elements and percentages, (4) assisting in education, and (5) assisting in removal of yard waste that can be used as compost, etc.

The last "proposed diversion program" that we envision will involve the composting of yard waste. At present, it is estimated that yard waste comprises about 26 percent of our waste stream. The City is looking into the purchase of a shredder that would be located in the City Public Works Yard. Through education, the public will be informed about the shredder. It will be available to those who desire to bring their yard waste to the public works yard. The composted waste will be gathered at that location. Whether we sell it for X$ per cubic yard or give it away is a matter that has to be discussed by the Committee and City Council. Once again, how much and in what percentages remains to be determined until AFTER the proposed program gets under way and sufficient time is allowed for information to be gathered and analyzed.

Response to "documentation showing that achievement ..." remains unresolved at this time. Because of severe budgetary shortfalls experienced as the result of the on-going recession, general fund revenues are not available to continuing use of a consultant with the expertise to make the 'guesstimates' requests. All that is being provided at this time is information that can be provided by our contact with the disposal firm or recycling center. It is this requirement that continues to present the greatest obstacle to meeting the Board staff's request. Documentation BEFORE program implementation cannot be done without benefit of professional expertise. Why is your staff having difficulty understanding that?

Ralph E. Chandler
Ex. Dir., CIWMB
Sacramento, CA
January 30, 1992

As you can see, the City of San Juan Bautista is doing its best to comply with the mandates of AB 939 without the use of high-priced consulting firms. We have already committed $ 25,000 to the project and because of inconsistencies from the Board staff can no longer fund further consultant services.

Without these services, further work on the SRRE and HHWE will probably cease. How and when it will ever get started again remains to be seen.

Personally, I think there is another approach to the solid waste management problem facing small cities requesting reduction in planning and/or diversion goals. Instead of regulating how to do it by requesting quantities and percentages and or programs, staff should only provide guidance after the City has had a chance to see what it can do by itself to reduce or divert various source elements. Let us gather the information, let us work with County or other agencies to develop the programs, let us work with our disposal firms and landfill operators. If after whatever programs have been developed and implemented show that waste generation is being reduced or diverted in whatever percentages (large or small), then the Board staff assists, and works with the City, to come up with ideas/guidance on how best to approach problem areas.

If a small city can do it without over-regulation, and based on the amounts and types of waste generated that are peculiar to that City, the reduction in planning and diversion goals should be granted for a specific period of time (let's say 24 months). Documentation of source elements, quantities, and percentages gathered, analyzed and recorded. If, within that 24 month period, it becomes obvious the small city has done everything it can to meet the 25% and 50% goals, but cannot, then the previously approved reduction in planning and/ or diversion goals become permanent.

Your consideration in forwarding these comments to the staff for inclusion in the previously submitted SRRE and HHWE will be appreciated.

Further request that upon Board staff's receipt of this information that the petition for reduction of planning and/or diversion requirements be approved in the following percentages. The City of San Juan Bautista feels that at this time it would like the 25 % requirement reduced to 12.5%, and the 50% requirement be reduced to 25% for a period of 24 months. Following that period, a reevaluation be conducted to determine whether the reductions remain or should be further reduced or possibly increased.

Respectfully,

Thomas M Mancini

Thomas M. Mancini
City Manager

cc: Council/Attorney/CIWMB

ATTACHMENT 3

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION #92-27

FOR THE REDUCTION OF DIVERSION REQUIREMENTS FOR THE CITY OF SAN JUAN BAUTISTA

REDUCTIONS IN DIVERSION REQUIREMENTS

WHEREAS, Public Resources Code Section 41782 allows reductions in the diversion requirements specified in Public Resources Code Section 41780 if a city or county can demonstrate that achievement of the mandated requirements is not feasible due to geographic size or low population density, and small waste generation rates; and

WHEREAS, Title 14 of the California Code of Regulations, Section 18775 allows for qualifying jurisdictions to petition the Board for reductions in diversion goals mandated by Public Resources Code Section 41780; and

WHEREAS, the Board has received a petition for a reduction in the diversion requirements from the City of San Juan Bautista; and

WHEREAS, the City of San Juan Bautista qualifies based on small geographic size and small waste generation rates to petition the Board for specified reductions; and

WHEREAS, the Board has found that the request for reduction of the short term diversion goals from 25% to 12.5% for 24 months is reasonable based on the City's small geographic size and small waste generation rate; and

WHEREAS, programs to achieve the required 25% diversion would be infeasible to implement given the City's limited budget and staffing; and

WHEREAS, this diversion goal reduction for 24 months allows the City to re-evaluate whether this rate should be increased, decreased, or remain the same based on the City's feasibility to implement proposed programs; and

WHEREAS, the City has complied with Public Resources Code Section 41782, and Title 14 of the California Code of Regulations, Section 18775.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby grants the reduction in diversion requirements from 25% to 12.5% for a period of 24 months, at which time, the City will re-evaluate its achievements and determine whether this rate should be increased, decreased, or

remain the same based on the feasibility of implementing proposed programs.

BE IT FURTHER RESOLVED, that the Board directs the City, on an annual basis, beginning one year after approval of this reduction, to report to the Board on all progress and conditions relevant to implementing diversion programs.

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 on April 29, 1992.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

April 29, 1992

AGENDA ITEM 23A

ITEM: Consideration of Concurrence in the Issuance of a New Solid Waste Facilities Permit for Keller Canyon Sanitary Landfill, Contra Costa County.

COMMITTEE ACTION: On March 11, 1992 the Permitting and Enforcement Committee voted two to one in favor of concurrence in the issuance of this new Solid Waste Facilities Permit.

BACKGROUND:

Facility Facts

Project:	A permit to allow the operation of a new, Class II, modified canyon sanitary landfill with daily tonnage up to 2750 tons per day.
Facility Type:	Class II Landfill
Name:	Keller Canyon Sanitary Landfill, Facility No. 07-AA-0032.
Location:	901 Bailey Road, Pittsburg
Setting:	The facility is located in the hills south of Pittsburg at elevations that range from approximately 400 to 1,060 feet. Surrounding land consists of agricultural and residential uses. The Concord Naval Weapons Station abuts the south border of the property.
Operational Status:	New facility, has not commenced operation
Permitted Daily Capacity:	2750 tons per day
Area:	1399 acres
Owner/Operator:	Keller Canyon Landfill Company, Inc. a wholly owned subsidiary of Browning Ferris Industries of California, Inc.
LEA:	Contra Costa County Environmental Health Division

SUMMARY:

Site History The proposed Keller Canyon Sanitary Landfill has not yet commenced operations.

Summary of Permit Consideration of Issues Board staff have reviewed the proposed Solid Waste Facilities Permit and all relevant information, and is recommending the Board concur in the issuance of the permit at its April 29 meeting. After Board concurrence however, there is one complicating factor regarding this facility. The City of Pittsburg has requested the State Water Resources Control Board (SWRCB) to review the Waste Discharge Requirements (WDR) issued to Keller Canyon Sanitary Landfill. The City's request was filed pursuant to the Porter-Cologne Water Quality Act (Section 13320 and 13321), through which any aggrieved person may petition to review any action or failure to act by a regional board. The SWRCB, upon notice and a hearing, may stay in whole or in part the effect of the decision and order of a regional board. The SWRCB considered the issuance of a stay at its April 16, 1992 Board meeting.

The SWRCB voted unanimously to support staff recommendation of denying the issuance for a stay of the effect of the WDR Order No. 91-052. During the hearing it was clearly stated that the April 16, 1992 decision was only for the issuance of the stay and not the merits of the WDR. The technical concerns currently under review by the SWRCB are the adequacy of the liner system, toe berm, containment features and ground water monitoring system.

Two other issues have been previously resolved. The SWRCB has determined that differential settlement will not compromise the integrity of the facility. The SWRCB also determined that the requirement for subdrain system constitutes an engineered alternative to the five-foot separation between waste and ground water.

On May 18, 1992 the SWRCB will hold a workshop to discuss the proposed Order. The SWRCB will make its determination on the technical merits of the WDR at a subsequent hearing, tentatively set for June. The SWRCB can uphold the WDR or remand it back to the Regional Water Board to revise or revoke it. If the WDR is revised to significantly change the design or operation of the facility, the Local Enforcement Agency (LEA) would request that the operator submit an application for permit revision. If the WDR is revoked then the LEA would ask the operator to surrender the permit or revoke the permit.

Project Description The proposed site is located on 2,628 acres of agriculturally zoned land. Of the total acreage, 1,229 will be reserved for uses consistent with open space and agricultural designations. The facility activities will encompass a total of 375 acres, while the limit of waste disposal, the landfill "footprint", is 244 acres. The permitted site acreage, 1,399 acres, is identified in the Environmental Impact Report as the Primary Project Area. The on-site structures at the facility will consist of:

1. Administrative offices,
2. In-site equipment fueling and maintenance facilities,
3. Scale and paybooth facility,
4. Storage facility for ineligible waste,
5. Parking areas for employees and the public,
6. Access and internal roads, utilities, outdoor lighting, sound berms, fencing and landscaping.

The City of Pittsburg borders the north side and the Concord Naval Weapons Station borders the south side of the site.

The facility will receive up to 2750 tons per day of residential, commercial, industrial, construction/demolition, designated and special wastes. Special wastes would include: sewage sludge, geothermal waste, contaminated soil, shredder waste, and cannery waste. Over half the wastes will be processed at a transfer station before being transported to the facility.

The facility will accept waste six days a week, Monday through Saturday, from 7:00 a.m. to 7:00 p.m. The required daily cover shall be placed over refuse at the end of each operating day. All heavy equipment movement shall be completed by 7:30 p.m., at which time the station working lights will be extinguished.

Refuse vehicles will enter the facility from Bailey Road on the west side of the site. Incoming trucks will proceed to the in-bound scale lanes adjacent to the scale house where each refuse carrier will weigh in. Weights and/or volumes will automatically be entered into a computer database. Drivers will drive to the working face, dispose of their loads, then weigh-out at the out-bound scale lane. Refuse vehicles will exit the facility onto Bailey Road. All computer entries will be tabulated at the end of each work day.

Where wastes are unloaded, spread, and compacted, the size of the working face will be adjusted to optimize response to tipping area traffic, necessary space for landfill equipment, economic use of cover soil and minimization of litter, odors, unsightliness and vectors. The working face will not exceed an

area of one acre nor measure more than 250 feet in width, with a maximum slope of 3:1. The waste will be compacted in layers of no greater than two feet and will be spread and compacted from the base of the working face in lifts constructed at a maximum height of 25 feet. The target value for in-place refuse density will be at least 1,250 pounds per cubic yard.

Daily cover will be placed by scrapers and/or bulldozers to a minimum compacted thickness of six inches. All cover soil will be excavated from on site borrow areas. Some excavated soil will be stockpiled for later use.

Environmental Controls The facility operator will implement noise mitigation measures as required by the Land Use Permit (LUP). These measures require the facility to prepare and implement a noise monitoring and abatement program; use the best available noise suppression equipment; and construct berms along the external face of each lift. Odor control measures will include the maintenance of a small working face, waste compaction and daily cover, site grading to prevent ponding of water, and a gas collection and flare system. Litter will be controlled by cover of all waste loads traveling to the landfill, portable litter control fences, daily on site litter pickup, and weekly litter pickup along Bailey Road.

The permanent access road from Bailey Road into the landfill will be paved to prevent dust. Unpaved roads will be watered as necessary to prevent dust. Other dust control measures will be used as necessary. Bird controls will be employed to meet the LUP and state requirements. These controls may include monofilament nylon or wire lines suspended over the active filling area at appropriate areas. If necessary, the facility will engage a biologist to assess the effectiveness of the monofilament system for bird control. Other vectors are controlled through the compaction and timely cover of the waste.

The landfill will have an on-site 240,000 gallon water storage tank for fire suppression. A minimum of one approved portable master-stream firefighting appliance will be located within 50 feet of each working face at any open waste cell in the landfill. A 100 foot minimum fire clearance will be provided around the landfill, and a 60 foot minimum fire break will be located around the perimeter of the site. Landfill equipment will have fire extinguishers. Landfill operators will be trained in fire suppression.

Resource Recovery Over half of the waste hauled to the landfill will first be processed through a transfer station. Resource recovery will occur at the transfer station. No salvaging will

be allowed at the landfill. A Resource Recovery Program will eventually be developed by the landfill operator. Any future programs will require local enforcement agency (LEA) approval and Board concurrence.

ANALYSIS:

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to Public Resources Code (PRC), Section 44009, the Board has 60 calendar days to concur or object to the issuance of a Solid Waste Facilities Permit. Since the proposed permit for this facility was received on March 3, 1992, the last day the Board could act is May 4, 1992.

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 Contra Costa 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 Contra Costa County General Plan. Board staff agrees with said findings.

3. Consistency with Waste Diversion Requirements

   Staff of the Board's Planning and Local Assistance Division make an assessment, pursuant to PRC 44009, to determine if the record contains substantial evidence that the proposed project would impair or impede the achievement of waste diversion goals. Based on available information, staff have determined that the issuance of the proposed permit should neither impair nor substantially prevent Contra Costa County from achieving its short-term waste diversion goals. The analysis used in making this determination is included as Attachment 2.

4. California Environmental Quality Act

State law requires the preparation and certification of an environmental document and Mitigation Monitoring and Implementation Schedule.

The County of Contra Costa Community Development Department prepared an Environmental Impact Report (EIR), (SCH #89040415), for the proposed project. As required by the California Environmental Quality Act (CEQA), the EIR identified the project's potential significant and/or adverse environmental impacts and provided mitigation measures that would reduce those impacts to less than significant levels. Board staff reviewed the EIR and provided comments to the County on December 13, 1989. The County prepared and submitted an adequate response to comments. The project was certified as approved by the Lead Agency on July 24, 1990, and a Notice of Determination (NOD) was filed.

A Mitigation Plan was submitted to the Board. Potential environmental impacts and mitigation measures associated with the Keller Canyon Landfill are identified and incorporated in the Mitigation Plan.

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 proposed design and operation of the Keller Canyon Landfill is in compliance with State Minimum Standards for solid waste handling and disposal as determined by the Environmental Health Division of Contra Costa County Health Services Department and is consistent with standards adopted by the California Integrated Waste Management Board.

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. 92-18 concurring in the issuance of Solid Waste Facilities Permit No. 07-AA-0032.

ATTACHMENT:

1. Permit No. 07-AA-0032
2. AB2296 Conformation by Local Assistance Branch
3. Permit Decision No. 92-18

Additional attachments were included in the March 11, 1992 Permitting and Enforcement Committee Meeting.

Prepared by: Beatrice Cuenca Phone: 225-2434

Reviewed by: Phillip J. Moralez/Martha Vazquez Phone: 255-2431

Legal Review: Date/Time: 4/22 .. 1pm 55

SOLID WASTE FACILITIES PERMIT

KELLER CANYON LANDFILL

FINDINGS

1. AUTHORIZED DESIGN AND OPERATION OF KELLER CANYON LANDFILL.[1]

A. **Owner/Operator.** Keller Canyon Landfill Company (KCLC), which is a wholly owned subsidiary of Browning Ferris Industries of California, Inc., owns and will operate the landfill site.

B. **Property Boundaries.** The Class II Landfill is located south of the City of Pittsburg, east of Bailey Road, north of Mulligan Hill and north of the City of Concord, situated in the foothills of the Mt. Diablo Range in Contra Costa County, California. Site location maps are attached as Exhibit A and Plate 1. The Assessors Parcel numbers are as follows:

094-050-001 094-060-001 094-060-002 094-070-001 094-080-003 094-100-001
094-110-001 094-120-001 094-130-006

The site occupies 2,628 acres of Sections 23, 24, 25, and 26 of Township 2N Range 1W, MDB&M. The facility activities will encompass a total of 375 acres, while the limit of waste disposal, the landfill "footprint", is 244 acres. The total permitted acreage is 1399 acres. The remaining 1229 acres will be reserved for uses consistent with open space and agricultural designations, as determined by the County.

C. **Physical Description.** The on site structures at the facility will consist of (1) administration offices; (2) facilities for on site equipment fueling and maintenance, (3) scale and pay booth facility; (4) storage facility for ineligible wastes; (5) parking areas for employees and the public; (6) access and internal roads, utilities, outdoor lighting, sound berms, fencing and landscaping.

D. **Types of Waste Received.** The landfill will receive residential, commercial, industrial, construction/demolition, designated and special wastes as provided in the RDSI and as set forth below. The facility will not accept hazardous wastes. The facility shall accept the following designated, non-hazardous or inert wastes:

Municipal Solid Waste	Commercial and Industrial Waste	Geothermal Wastes
Drilling Muds	Agricultural Wastes	Cannery Wastes
Contaminated Soils	Filter Cake/Dewatered Sludge	Sewage Sludge
Shredder Waste	Construction/Demolition Debris	Spent Catalyst Fines

[1]Hereinafter to be also known as "the facility".

248

E. **Quantification of Waste Received.** Maximum peak permitted capacity is 2750 tons per operating day.

Design capacity estimated to be 60-64 million cubic yards compacted at 0.6 tons/cubic yard. Maximum total waste mass shall not exceed 38.4 million tons.

F. **Method of Operation.** The Class II landfill will operate as a modified canyon fill, using daily cover.

Waste will be compacted in layers of no greater than two feet, and from the base of the working face, at a final slope of 4:1. The size of the working face will be adjusted to optimize response to tipping area traffic, necessary space for landfill equipment, economy of use of cover soil and minimization of litter, odors, unsightliness and vectors. The working face shall not exceed an area of one acre nor measure more than 250 feet in width, with a maximum slope of 3:1.

G. **Waste Reduction and Resource Recovery.** Municipal solid waste received at this facility shall arrive by transfer vehicles from transfer stations where waste reduction and resource recovery activities take place.

No waste reduction or resource recovery operations are included in this permit.

H. **Hazardous Waste Screening.** A hazardous waste screening program has been developed pursuant to San Francisco Bay Area Regional Water Quality Control Board Waste Discharge Requirements 91-052 (hereinafter, WDR). The program consists of the following activities: Inspection of random in coming loads; regular visual inspection of wastes deposited at the facility; training of facility personnel in hazardous waste recognition and proper hazardous waste handling procedures; reporting incidents of unlawful disposal to agencies specified below; installation of signs at the facility's entry way indicating that no hazardous waste are accepted; a list of unacceptable wastes.

Additional measures may be required upon the request of the LEA or the CIWMB.

Agencies to be notified in case of unlawful disposal:

Contra Costa Co. Health Services Department Environmental Health Division (510) 646-2521
Contra Costa County Health Services Department Environmental Health Division, Hazardous Materials Program (510) 646-2286
San Francisco Bay Area Regional Water Quality Control Board (510) 464-1255
Riverview Fire Protection District (510) 757-1303

I. **Five-Year Plan.** The land use permit will require the facility operator to develop a waste reduction and resource recovery program within the next year. Appropriate documentation shall be submitted for permit determination prior to the expected date of operation.

J. **HOURS OF OPERATION.** The facility will operate six (6) days per week, Monday through Saturday, with operating hours of 7:00 a.m. to 7:30 p.m.; no waste shall be accepted after 7:00 p.m.

The required daily cover shall be placed over refuse and all heavy equipment movement shall be completed by 7:30 p.m., at which time stationary working lights shall be extinguished.

Transfer vehicle traffic shall be regulated in accordance with COA[2] 29.9, Peak Period Traffic Management.

2. THE FOLLOWING ENTITLEMENTS AND AUTHORIZATIONS CONDITION THE DESIGN OR OPERATION OF THE LANDFILL AND AUTHORIZE THE CONSTRUCTION AND OPERATION OF THE LANDFILL:

A. Report of Disposal Site Information dated January 1992, prepared by CH_2M Hill.

B. Permits and authorities as follows:

1) Land Use Permit Conditions of Approval 2020-89, Contra Costa County Board of Supervisors. July 24, 1990. (COA)

2) Franchise Agreement October 31, 1990, Contra Costa Board of Supervisors.

3) Williamson Act Cancellation, Contra Costa County Board of Supervisors. July 14, 1990; October 5, 1991.

C. Waste Discharge Requirements Order No. 91-052, California Regional Water Quality Control Board, San Francisco Bay Region ("RWQCB"). March 20, 1991.

D. Authority to Construct and Permit to Operate, Bay Area Air Quality Management District (hereinafter, BAAQMD). May 30, 1991.

E. Contra Costa County Keller Canyon Landfill Final Environmental Impact Report, October 1989. State Clearinghouse #89040415.

F. Implementation and Mitigation Monitoring Program, Contra Costa Community Development Department. January 29, 1992.

G. USFS and BLM Special Use Permits are not required.

H. Nationwide Permit No. 26, Department of the Army, Corps of Engineers (hereinafter, COE) June 14, 1991.

I. Streambed Alteration Agreements, California Department of Fish and Game. October 18, 1991.

J. Clean Water Act 401 Certification, State Water Resources Control Board (hereinafter, SWRCB). October 3, 1991.

K. Approval of Final Development and Improvements Plan, Phase IA, Contra Costa

---

[2]As herein referenced, "COA" shall refer to Land Use Permit 2020-89, Conditions of Approval, Keller Canyon Landfill; Approved by the Contra Costa County Board of Supervisors, July 24, 1989.

County Community Development Department. October 25, 1991.

L. The following local or County ordinances or rulings regulate specific facility operations:

1. Contra Costa County Ordinance Code, Ch. 418.4, Disposal Sites,
2. Contra Costa County Ordinance Code, Ch. 418.5, Franchises for Solid Waste Facilities.

3. THE FOLLOWING FINDINGS AND CERTIFICATIONS ARE REQUIRED, PURSUANT TO PRC 50000, 44010 AND 50000.5:

A. The facility is identified and described in or found to conform with a county solid waste management plan which was in compliance with the law and regulations existing on December 31, 1989, adopted pursuant to former Title 7.3 (commencing with Section 66700) of the Government Code as it read on December 31, 1989, and is found to be in conformance with Public Resources Code Section 50000.

B. This permit is consistent with CIWMB standards.

C. Keller Canyon Landfill site is identified in and is consistent with the General Plan Amendment approved by the Contra Costa County Board of Supervisors on October 17, 1989 and subsequently adopted with the Contra Costa County General Plan, January, 1991.

4. The proposed design and operation of the Keller Canyon Landfill is in compliance with State minimum standards for solid waste handling and disposal as determined by the Environmental Health Division of Contra Costa County Health Services Department and is consistent with standards adopted by the California Integrated Waste Management Board.

5. A letter certifying that the landfill design is in conformance with applicable Riverview Fire Protection Ditrict fire standards pursuant to PRC 44151, has been received by the LEA.

6. General Plan Amendment Keller Canyon Landfill, (GPA 3-89-CO) (hereinafter, GPA) provides for compatibility with surrounding land use. In approving the GPA, the county Board of Supervisors has found that the facility is consistent with surrounding land uses.

7. THE FOLLOWING NOTICES OF ENVIRONMENTAL DETERMINATION HAVE BEEN FILED WITH THE STATE CLEARINGHOUSE:

(a) Contra Costa County Keller Canyon Landfill Final Environmental Impact Report, January, 1990, State Clearinghouse #89044115.

CONDITIONS

REQUIREMENTS:

1. The facility shall comply with all State Minimum Standards for Solid Waste Handling and Disposal.

2. The facility shall comply with all federal, state, and local requirements and enactments, including implementation of all mitigation measures given in any certified environmental document filed for the facility pursuant to Section 21081.6, California Public Resources Code.

3. Any additional information required by Contra Costa County Health Services Department (LEA) shall be furnished to agency personnel on request.

4. The operator shall maintain a copy of this permit and the RDSI at the facility at all times.

5. At the discretion of the LEA, landfill gas monitoring probes shall be installed for detection of gas migration. As specified in COA 20.11 accordance with regulations of BAAQMD and as specified by the LEA, landfill gas control system shall be installed. COA 20.11 requires installation of an active, vacuum gas control collection system concurrent with the placement of wastes.

PROHIBITIONS:

The following activities, operations, and conditions are expressly prohibited at the facility:

1. Accepting or disposal of wastes for which the facility is not approved, including:
   - hazardous wastes,
   - liquids or slurries unless authorized by the RWQCB and LEA,
   - septage,
   - designated wastes not identified in the Permit or in the WDR,
   - burning wastes,
   - large dead animals or large quantities of small dead animals, except with the approval of the Contra Costa County Health Services Department (LEA),
   - untreated medical waste as defined in Chapter 6.1 of the California Health and Safety Code or infectious wastes as defined in 14 CCR 17225.36.

2. Conducting unacceptable activities such as:
   - burning of wastes,
   - scavenging,
   - accepting or disposing of any other waste for which this facility is not permitted,
   - accepting quantities of wastes exceeding the permitted capacity of the facility as stated in the findings section of this permit, without prior approval of the LEA.

3. Allowing conditions which are not acceptable, such as:
   - standing water on covered fill areas,
   - landfill fires,
   - slope failure.

252

SPECIFICATIONS: The following requirements shall pertain to the operation of the facility:

1. Special operating procedures:

(a) Soils excavated during or incidental to construction of the landfill shall be stockpiled and reused for cover material to the fullest extent possible.

(b) Erosion control techniques such as providing road shoulder berms, covering areas of high erosion potential, diverting and controlling water runoff, and reseeding exposed areas, shall be implemented. Other erosion control measures shall be implemented as may be required by the LEA.

(c) Refuse and cover material shall be compacted in a manner so as to maximize strength and slope stability. The dimensions of the landfill working face shall not exceed those stated in the Findings of this permit. The working face shall not exceed a slope of 3:1.

(d) Surface roads shall be paved or wetted wherever such pavement or wetting is required by the LEA for purposes of dust suppression. The use of other dust palliatives on onsite roads and operating areas may also be required by the LEA.

(e) Litter fences shall be placed as required by the LEA in the event of demonstrable litter problems.

(f) The operator shall take all possible steps, including but not limited to staged cover, bird wires, "screamers", etc., to minimize attracting birds to the landfill.

(g) An odor complaint program shall be established and odor problems mitigated within time constraints imposed by the LEA.

(h) Operator must accept such waste as directed by LEA in response to any declared emergency.

(i) Pursuant to section 44012, Public Resources Code, the enforcement agency may prohibit or condition the handling or disposal of solid waste to protect, rehabilitate, or enhance the environmental quality of the state or to mitigate adverse environmental impacts.

2. Any change which would cause the design or operation of the facility not to conform to the terms or conditions of the permit is prohibited. Any such change shall be considered a significant change, and will require a revision of this permit pursuant to PRC, Division 30, Section 44004.

3. This facility has a total permitted capacity of 2750 tons per day and shall not receive more than that amount without first obtaining a revision of the permit.

4. A change in operator of this facility shall require a new permit pursuant to PRC, Division 30, section 44001. Keller Canyon Landfill Company (KCLC) shall be considered owners and operators of the landfill site.

253

PROVISIONS:

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

CLOSURE AND POSTCLOSURE MAINTENANCE PLAN:

1. Preliminary closure and postclosure maintenance plans have been submitted pursuant to 14 CCR 18255 and 18268. Pursuant to 14 CCR 18265, the facility shall be required to cease operation if both plans have not been approved by the LEA, the RWQCB and the CIWMB within one year of the date of receipt of the plans.

2. All documentation relating to the preparation of the closure and postclosure maintenance costs shall be retained by Keller Canyon Landfill Company and shall remain available for inspection by the Local Enforcement Agency and by the CIWMB.

MONITORING AND REPORTING REQUIREMENTS:

1. Water quality and air quality monitoring specified by the RWQCB and the BAAQMD shall be reported to the LEA quarterly, with an annual summary, or more frequently, as determined by the LEA.

2. Records of daily tonnages accepted at the site shall be provided quarterly to the LEA no later than 30 days into the succeeding quarter.

3. A log of special occurrences, pursuant to the provisions of 14 CCR 17368, shall be maintained at the facility and be made available to the LEA or the CIWMB on demand, and annually reported to the LEA on a date to be determined by the LEA.

4. The operator shall, once per calendar year, have this facility surveyed. Such survey shall be performed and signed by a licensed land surveyor or registered civil engineer, and it shall show the following:

(a) Total volume of fill for the phase surveyed,
(b) Volume of fill since last survey, and
(c) Remaining volume to be filled in the phase.

Aerial survey is required, including an initial survey before waste is accepted into each phase. All coordinate/elevation points shall be made available to the LEA on request.

5. Landfill gas monitoring as described under "Requirements" above shall be undertaken as directed by the LEA.

6. The operator shall provide any other information concerning the landfill which may be requested by the LEA.

State of California **Office of Environmental Protection**

Memorandum

To : Tom Hall, Manager **Date:** 4-1-92
Permits Branch
Permitting and Compliance Division

From : Michelle Marlowe Lawrence
Michelle Marlowe Lawrence
Planning And Assistance Division, Local Assistance, North
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Subject: Modified AB 2296 Finding for the siting of Keller Canyon Landfill, Contra Costa County.

In making my findings for consistency and conformance, I spoke with the staff to the Local Task Force and gathered information from the Preliminary Source Reduction and Recycling Element (SRRE), the permit application, and information submitted by the designated lead planning agency and the Local Enforcement Agency.

Finding of Consistency with waste Diversion Goals (PRC Section 44009):

Operation of the Keller Canyon landfill will not prevent or substantially impair with the ability to carry out the goals of waste reduction and diversion as required by the Integrated Waste Management Act of 1989 for the county. There are no flow control agreements between the operator, the haulers, and the jurisdictions. The County has detailed the extensive and integrated diversion programs it will implement between now and the year 2000 in its Preliminary Source Reduction and Recycling Element which indicates that the County will exceed the 25 and 50 percent diversion goals.

Source Reduction and Recycling Element:

The site was identified in the recently reviewed Preliminary Source Reduction and Recycling Element (SRRE) as a proposed facility. The SRRE details this site as well as four other possible new landfill locations. The SRRE indicates that the bulk of the County's planned composting program will occur at Keller Canyon when the landfill opens and the composting activities move beyond the pilot project stage. Local Assistance staff note that the proposed permit for Keller Canyon does not include the planned county composting operation, and are assuming that the operator will come back to the Board for a revised permit within the next two years once the pilot project has been evaluated and the County begins to

implement the curbside collection and commercial source separation that they have planned for the composting program.

The SRRE details the source reduction and resource recovery activities which the County participates in, and the planned and fully implemented diversion programs planned to achieve a maximum diversion level prior to landfilling.

Local Task Force:

Board staff have contacted LTF staff (County planning staff) to find out how this facility fits in with Contra Costa overall integrated waste management plans. The LTF has reviewed the proposed project and finds it necessary to provide adequate disposal in the county.

Facility Information:

The conditions of the Land Use Permit for this proposed facility requires that the landfill may not accept waste from jurisdictions which do not have curbside or equivalent programs in place; that the haulers deliver their loads to one of several transfer stations for further resource recovery prior to arriving at Keller Canyon; that the landfill develop and implement additional resource recovery programs at the landfill, if necessary; and that the landfill is prohibited from accepting self-haul loads.

Permitting the 244 acre landfill will enable the County of Contra Costa to landfill waste which cannot be diverted through existing diversion programs. In addition, it will enable the county to cease exportation of waste to nearby Counties, and thereby impacting remaining landfill capacity in neighboring jurisdictions. The maximum permitted tons per day is set at 2,750 TPD. Currently, Contra Costa County is exporting 260 TPD to Solano County and until December, 1991 the County was sending 1,110 TPD TO Alameda County for landfilling. The waste formally hauled to Alameda county is being hauled to Acme (soon to close), and West Contra Costa County which has a projected remaining lifespan of less than two years.

Conformance with CoSWMP:

PRC Section 50000 requires consistency with the most recently adopted CoSWMP until an approved CWIWMP is in place. The siting of this landfill is consistent with the County Solid Waste Management Plan as revised in December, 1990. Reference to this site as a future landfill site can be found in pages 6-21 through 6-25 of the CoSWMP. The Local Task Force utilized the solid waste facility system identified in the CoSWMP for addressing the proposed facility and provided its review and comments to the County staff, finding that the facility was necessary, and would not inhibit the County's ability to meet the mandates of the Integrated Waste Management Act of 1989.

Consistency with General Plan:

PRC Section 50000.5 requires consistency with the General Plan of a county or a city, depending on where the facility is being sited. Keller Canyon is in the unincorporated area of the county, and the Local Enforcement Agency and the Community Development Department (The designated lead planning agency for the County) certifies that consistency was achieved by General Plan Amendment 3-89-CO-II, adopted by the Board of Supervisors on October 17, 1989, which added Keller Canyon and four other sites to the County General Plan. The Keller Canyon landfill was subsequently incorporated into the January, 1991 comprehensive revision of the plan.

The LEA has certified that the landfill's compatibility with adjoining land uses was evaluated in the EIR which found that potential land use impacts could be mitigated to insignificance or were not significant. The land use compatibility was certified by the Board of Supervisors on February 2, 1990.

Summary:

Local assistance staff have therefore determined that permitting Keller Canyon Landfill will not prevent or substantially impair Contra Costa Count's ability to achieve the mandated diversion goals of 25 and 50%.

California Integrated Waste Management Board
Permit Decision No. 92-18
APRIL 29, 1992

WHEREAS, The County of Contra Costa 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 Keller Canyon Sanitary Landfill; 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 the 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. 07-AA-0032.

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 April 29, 1992.

Dated:

Ralph E. Chandler
Executive Director