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

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

Wednesday, July 8, 1992
9:30 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.

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1. CONSIDERATION OF CONTRACTS AND INTERAGENCY AGREEMENTS

2. ~~CONSIDERATION OF TIME FRAMES FOR COMPOSTING REGULATION DEVELOPMENT~~ pulled

3. ~~CONSIDERATION OF FEDERAL RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) LEGISLATION ON PROGRAMS UNDER THE COMMITTEE'S JURISDICTION~~ pulled

4. CONSIDERATION OF CERTIFICATION AND DESIGNATION OF THE FOLLOWING LOCAL ENFORCEMENT AGENCY, ALAMEDA COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH consent

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5. CONSIDERATION OF CERTIFICATION AND DESIGNATION OF THE FOLLOWING LOCAL ENFORCEMENT AGENCY, IMPERIAL COUNTY DEPARTMENT OF HEALTH SERVICES, DIVISION OF ENVIRONMENTAL HEALTH SERVICES — Consent — 7

6. CONSIDERATION OF CERTIFICATION AND DESIGNATION OF THE FOLLOWING LOCAL ENFORCEMENT AGENCY, KERN COUNTY ENVIRONMENTAL HEALTH SERVICES DEPARTMENT — Consent — 13

7. CONSIDERATION OF CERTIFICATION AND DESIGNATION OF THE FOLLOWING LOCAL ENFORCEMENT AGENCY, LOS ANGELES COUNTY DEPARTMENT OF HEALTH SERVICES — Consent — 19

8. CONSIDERATION OF CERTIFICATION AND DESIGNATION OF THE FOLLOWING LOCAL ENFORCEMENT AGENCY, ORANGE COUNTY HEALTH CARE AGENCY, DIVISION OF ENVIRONMENTAL HEALTH — Consent — 25

9. CONSIDERATION OF CERTIFICATION AND DESIGNATION OF THE FOLLOWING LOCAL ENFORCEMENT AGENCY, SHASTA COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH — Consent — 31

10. CONSIDERATION OF CERTIFICATION AND DESIGNATION OF THE FOLLOWING LOCAL ENFORCEMENT AGENCY, SONOMA COUNTY PUBLIC HEALTH DEPARTMENT — Consent — 37

11. CONSIDERATION OF CERTIFICATION AND DESIGNATION OF THE FOLLOWING LOCAL ENFORCEMENT AGENCY, CITY OF SAN JOSE DEPARTMENT OF NEIGHBORHOOD PRESERVATION, DIVISION OF ENVIRONMENTAL HEALTH — Consent — 43

12. DISCUSSION OF POST-CLOSURE LAND USE WORKSHOP HELD 6/11/92 (oral report)

13. OPEN DISCUSSION

14. 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

Joanne Vorhies
(916) 255-2156

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee Meeting

July 8, 1992

AGENDA ITEM 4

ITEM: Consideration of Certification and Designation of the Alameda County Department of Environmental Health as the Local Enforcement Agency for the County of Alameda.

BACKGROUND:

The Public Resources Code (PRC) 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 Local Enforcement Agency (LEA) meets all the requirements for the requested certifications. 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 fulfilling 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 Alameda County Board of Supervisors requesting approval of their designation of the Alameda County Department of Environmental Health as the enforcement agency for Alameda County. Furthermore, Board staff has received and reviewed the 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 of the designation of the Alameda County Department of Environmental Health as the Local Enforcement Agency for the County of Alameda (see attached fact sheet for detailed information).

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. Designation and Certification Fact Sheet.

2. CIWMB resolution for approval of the designation and the EPP, and issuance of certifications for the Alameda County Department of Environmental Health as the Local Enforcement Agency for the County of Alameda.

Prepared by: Myron Amerine\Mary T. Coyle Phone 255-2408

Reviewed by: Martha Vazquez Phone 255-2431

Legal review: Date/Time

DESIGNATION AND CERTIFICATION

FACT SHEET

Alameda County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Alameda County and all its cities

Designated Jurisdiction:

Alameda County

Designated Enforcement Agency:

Alameda County Department of Environmental Health

Facilities and Sites: Total count ---------- 34*

Vehicles: Total count ---------- 374*

Facility Types:

Landfill(s)---------- 3*
Transfer Station(s)---------- 2*
Landspreading of sludge---------- 1*
Materials Recovery Facility(s)---------- 2*

Site Types:

"Closed" sites ---------- 13*
"Exempt" site(s)---------- 1*
"Illegal site(s)---------- 0*
"Abandoned site(s)---------- 0*
Sites and/or facilities not yet defined--- 14*

Types of Certification requested:

"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

Budget Adequacy: (Total Annual Budget)----------$255,744.00*

Technical Expertise and Staff Adequacy:

- One Environmental Health Services Manager*
- Three Senior Environmental Health Specialist at 2/3 time*
- One Clerk full time*
- EPP shows need for 4.30 PY of staff*

* as indicated in the Enforcement Program Plan

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 92-59

July 16, 1992

Resolution approving the Enforcement Program Plan, issuing the requested certifications and approving the designation of the Alameda County Department of Environmental Health as the Local Enforcement Agency for the County of Alameda.

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 Alameda County; and

WHEREAS, the Enforcement Program Plan of the Alameda County Department of Environmental Health 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 Alameda 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 Alameda County Department of Environmental Health 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, based on the foregoing considerations, 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 Alameda County Department of Environmental Health as the Local Enforcement Agency for Alameda 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 July 16, 1992.

Date:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee Meeting

July 8, 1992

AGENDA ITEM 5

ITEM: Consideration of Certification and Designation of the Imperial County Department of Health Services, Division of Environmental Health as the Local Enforcement Agency for the County of Imperial.

BACKGROUND:

The Public Resources Code (PRC) 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 Local Enforcement Agency (LEA) meets all the requirements for the requested certifications. 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 fulfilling 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 Imperial County Board of Supervisors requesting approval of their designation of the Imperial County Department of Health Services, Division of Environmental Health as the enforcement agency for the County of Imperial. Furthermore, Board staff has received and reviewed the 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 of the designation of the Imperial County Department of Health Services, Division of Environmental Health as the Local Enforcement Agency for the County of Imperial. (see attached fact sheet for detailed information).

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. Designation and Certification Fact Sheet.

2. CIWMB resolution for approval of the designation and the EPP, and issuance of certifications for the Imperial County Department of Health Services, Division of Environmental Health as the Local Enforcement Agency for the County of Imperial.

Prepared by: Diane Vlach\Mary T. Coyle MC Phone 255-2408

Reviewed by: Martha Vazquez Phone 255-2431

Legal review: Date/Time

DESIGNATION AND CERTIFICATION

FACT SHEET

Imperial County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Imperial County and all its cities

Designated Jurisdiction:

Imperial County

Designated Enforcement Agency:

Imperial County Department of Health Services Division of Environmental Health Services

Facilities and Sites: Total count ---------- 19*

Vehicles: Total count ---------- 56*

Facility Types:

Landfill(s)---------- 19*
Proposed Facility(s)---------- 2*

Site Types:

"Closed" site(s)---------- 2*
"Exempt" site(s)---------- 1*
"Illegal site(s)---------- 4*

Types of Certification requested:

"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

Budget Adequacy: (Total Annual Budget)----------$191,578.410*

Technical Expertise and Staff Adequacy:

- One Environmental Health Specialist V
- One Environmental Health Specialist IV
- Two Environmental Health Specialist III
- One Supervising/Senior Clerk

EPP work load analysis shows 3.25 PY-accounted for by four core staff and Extra Help.

* as indicated in the Enforcement Program Plan

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 92-62

July 16, 1992

Resolution approving the Enforcement Program Plan, issuing the requested certifications and approving the designation of the Imperial County Department of Health Services, Division of Environmental Health Services as the Local Enforcement Agency for the County of Imperial.

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 Imperial County; and

WHEREAS, the Enforcement Program Plan of the Imperial County Department of Health Services 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 Imperial 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 Imperial County Department of Health Services, Division of Environmental Health Services 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, based on the foregoing considerations, 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 Imperial County Department of Health Services, Division of Environmental Health Services as the Local Enforcement Agency for Services 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 July 16, 1992.

Date:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee Meeting

July 8, 1992

AGENDA ITEM 6

ITEM: Consideration of Certification and Designation of the Kern County Environmental Health Services Department as the Local Enforcement Agency for the County of Kern.

BACKGROUND:

The Public Resources Code (PRC) 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 Local Enforcement Agency (LEA) meets all the requirements for the requested certifications. 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 fulfilling 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 Kern County Board of Supervisors requesting approval of their designation of the Kern County Environmental Health Services Department as the Local Enforcement Agency for the County of Kern. Furthermore, Board staff has received and reviewed the 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 of the designation of the Kern County Environmental Health Services Department as the Local Enforcement Agency for the County of Kern. (see attached fact sheet for detailed information).

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. Designation and Certification Fact Sheet.

2. CIWMB resolution for approval of the designation and the EPP, and issuance of certifications for the Kern County Environmental Health Services Department as the Local Enforcement Agency for the County of Kern.

Prepared by: Myron Amerine\Mary T. Coyle MC Phone 255-2408

Reviewed by: Martha Vazquez MV Phone 255-2431

Legal review: R Date/Time 29

DESIGNATION AND CERTIFICATION

FACT SHEET

Kern County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Kern County and all its cities

Designated Jurisdiction:

Kern County

Designated Enforcement Agency:

Kern County Environmental Health Services Department

Facilities and Sites: Total count ---------- 133*

Vehicles: Total count ---------- 275*

Facility Types:

Landfill(s)---------- 17*
Transfer Station(s)---------- 13*
Composting Station(s)---------- 1*
Processing Station(s)---------- 2*
Materials Recovery Facility(s)-------- 1*
Proposed Facility(s)---------- 5*

Site Types:

"Inactive" site(s)---------- 17*
"Closed" site(s)---------- 52*
"Exempt" site(s)---------- 2*
"Illegal site(s)---------- 2*

Types of Certification requested:

"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

Budget Adequacy: (Total Annual Budget)----------$689,390.00*

Technical Expertise and Staff Adequacy:

One Environmental Health Specialist IV
1.8 Environmental Health Specialist III
One Environmental Health Specialist II
Two Environmental Health Specialist in training
Two Environmental Health Technician II
One Environmental Health Technician I

EPP work load analysis shows 10.46 PY-accounted for by eight core staff and 2.46 FTE District Specialists and Extra Help.

* as indicated in the Enforcement Program Plan

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 92-60

July 16, 1992

Resolution approving the Enforcement Program Plan, issuing the requested certifications and approving the designation of the Kern County Environmental Health Services Department as the Local Enforcement Agency for the County of Kern.

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 Kern County; and

WHEREAS, the Enforcement Program Plan of the Kern County Environmental Health Services 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 Kern 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 Kern County Environmental Health Services 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, based on the foregoing considerations, 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 Kern County Environmental Health Services Department as the Local Enforcement Agency for Kern 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 July 16, 1992.

Date:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee Meeting

July 8, 1992

AGENDA ITEM 7

ITEM: Consideration of Certification and Designation of the County of Los Angeles Department of Health Services as the Local Enforcement Agency for the County of Los Angeles

BACKGROUND:

The Public Resources Code (PRC) 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 Local Enforcement Agency (LEA) meets all the requirements for the requested certifications. 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 fulfilling 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 Los Angeles County Board of Supervisors requesting approval of their designation of the County of Los Angeles Department of Health Services as the Local Enforcement Agency for the County of Los Angeles. Furthermore, Board staff has received and reviewed the 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 of the designation of the County of Los Angeles Department of Health Services as the Local Enforcement Agency for the County of Los Angeles. (see attached fact sheet for detailed information).

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. Designation and Certification Fact Sheet.

2. CIWMB resolution for approval of the designation and the EPP, and issuance of certifications for the County of Los Angeles Department of Health Services as the Local Enforcement Agency for the County of Los Angeles.

Prepared by: Jo Clement\Mary T. Coyle MC Phone 255-2408

Reviewed by: Martha Vazquez Phone 255-2431

Legal review: Date/Time

DESIGNATION AND CERTIFICATION

FACT SHEET

Los Angeles County, except the Cities of Los Angeles and West Covina

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Los Angeles County and all its cities except Los Angeles and West Covina

Designated Jurisdiction:

Los Angeles County, except the Cities of Los Angeles and West Covina

Designated Enforcement Agency:

Los Angeles County
Department of Health Services

Facilities and Sites: Total count ---------- 460*

Vehicles: Total count ----------2695*

Facility Types: Landfill(s)---------- 17*
Transfer Station(s)---------- 24*

Site Types: "Inactive" site(s)---------- 24*
"Closed" site(s)----------395* **

Types of Certification requested:

"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

Budget Adequacy: (Total Annual Budget)----------$1,678,195.60*

Technical Expertise and Staff Adequacy:

- One (1) Chief Environmental Health Specialist
- Three (3) Environmental Health Specialist IVs
- One (1) Engineering Geologist
- Twelve (12) Environmental Health Specialist IIIs
- One (1) Environmental Health Specialist I
- One (1) Data Analyst I
- One (1) Intermediate Typist Clerk

* as indicated in the Enforcement Program Plan
** this number includes closed, illegal, and abandoned

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 92-56

July 16, 1992

Resolution approving the Enforcement Program Plan, issuing the requested certifications and approving the designation of the County of Los Angeles Department of Health Services as the Local Enforcement Agency for the County of Los Angeles

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 the County of Los Angeles; and

WHEREAS, the Enforcement Program Plan of the County of Los Angeles Department of Health Services 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 County of Los Angeles 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 County of Los Angeles Department of Health Services 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; and

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 County of Los Angeles Department of Health Services as the Local Enforcement Agency for the County of Los Angeles 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 July 16, 1992.

Date:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee Meeting

July 8, 1992

AGENDA ITEM 8

ITEM: Consideration of Certification and Designation of the Orange County Health Care Agency, Division of Environmental Health as the Local Enforcement Agency for the County of Orange.

BACKGROUND:

The Public Resources Code (PRC) 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 Local Enforcement Agency (LEA) meets all the requirements for the requested certifications. 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 fulfilling 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 Orange County Board of Supervisors requesting approval of their designation of the Orange County Health Care Agency, Division of Environmental Health as the Local Enforcement Agency for the County of Orange. Furthermore, Board staff has received and reviewed the 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 of the designation of the Orange County Health Care Agency, Division of Environmental Health as the Local Enforcement Agency for the County of Orange. (see attached fact sheet for detailed information).

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. Designation and Certification Fact Sheet.

2. CIWMB resolution for approval of the designation and the EPP, and issuance of certifications for the Orange County Health Care Agency, Division of Environmental Health as the Local Enforcement Agency for the County of Orange.

Prepared by: Boxing Cheng\Mary T. Coyle MC Phone 255-2408

Reviewed by: Martha Vazquez Phone 255-2431

Legal review: _____ Date/Time _____

DESIGNATION AND CERTIFICATION
FACT SHEET

Orange County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Orange County Board of Supervisors and all its cities

Designated Jurisdiction:

Orange County

Designated Enforcement Agency:

Orange County Health Care Agency, Division of Environmental Health

Facilities and Sites: Total count ----------139*

Vehicles: Total count ----------958*

Facility Types:

Landfill(s)----------5*
Transfer Station(s)----------7*

Site Types:

"Inactive" site(s)----------2*
"Closed" site(s)----------113*
"Unknown" site(s)----------12*

Types of Certification requested: *

"A": Permitting, inspection and enforcement of regulations at solid waste disposal sites
"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

Budget Adequacy: (Total Annual Budget)----------$455,976.00 *

Technical Expertise and Staff Adequacy: *

- One (1) Director of Environmental Health
- One (1) Assistant Director of Environmental Health
- One (1) Program Manager
- One (1) Supervising Hazardous Waste Specialist
- One (1) Senior Accountant/Auditor
- One (1) Technical Service Coordinator
- One (1) Environmental Health Specialist II
- One (1) Hazardous Waste Specialist
- Two (2) Staff Aide II
- One (1) Contract Civil Engineer and Methane Specialist

* as indicated in the Enforcement Program Plan

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 92-63

July 16, 1992

Resolution approving the Enforcement Program Plan, issuing the requested certifications and approving the designation of the Orange County Health Care Agency, Division of Environmental Health as the Local Enforcement Agency for the County of Orange.

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 Orange County Health Care Agency; and

WHEREAS, the Enforcement Program Plan of the Orange County Health Care Agency, Division of Environmental Health requests the Board to approve the Enforcement Program Plan and issue certification types "A","C" and "D" to the designated local agency pursuant to Title 14 California Code of Regulations Section 18071; and

WHEREAS, the Orange 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 Orange County Health Care Agency, Division of Environmental Health 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","C" and "D" to the Orange County Health Care Agency, Division of Environmental Health as the Local Enforcement Agency for Orange 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 July 16, 1992.

Date:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee Meeting

July 8, 1992

AGENDA ITEM 9

ITEM: Consideration of Certification and Designation of the Shasta County Department of Environmental Health as the Local Enforcement Agency for the County of Shasta.

BACKGROUND:

The Public Resources Code (PRC) 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 Local Enforcement Agency (LEA) meets all the requirements for the requested certifications. 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 fulfilling 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 Shasta County Board of Supervisors requesting approval of their designation of the Shasta County Department of Environmental Health as the Local Enforcement Agency for the County of Shasta. Furthermore, Board staff has received and reviewed the 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 of the designation of the Shasta County Department of Environmental Health as the Local Enforcement Agency for the County of Shasta. (see attached fact sheet for detailed information).

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. Designation and Certification Fact Sheet.

2. CIWMB resolution for approval of the designation and the EPP, and issuance of certifications for the Shasta County Department of Environmental Health as the Local Enforcement Agency for the County of Shasta.

Prepared by: Myron Amerine\Mary T. Coyle MTC Phone 255-2408

Reviewed by: Martha Vazquez Phone 255-2431

Legal review: Date/Time 7/9

DESIGNATION AND CERTIFICATION

FACT SHEET

Shasta County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Shasta County and all its cities

Designated Jurisdiction:

Shasta County

Designated Enforcement Agency:

Shasta County Department of Environmental Health

Facilities and Sites: Total count ---------- 43*

Vehicles: Total count ---------- 63*

Facility Types:

Landfill(s)---------- 4*
Transfer Station(s)---------- 14*
Composting Station(s)---------- 1*
Proposed Facility(s)---------- 3*

Site Types:

"Disposal sites" ---------- 30*
"Inactive" site(s)---------- 5*
"Closed" site(s)---------- 21*
"Exempt" site(s)---------- 2*

Types of Certification requested:

"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

Budget Adequacy: (Total Annual Budget)----------$86,723.00*

Technical Expertise and Staff Adequacy:

One Environmental Health Specialist
One Environmental Health Technician II @ 25%

* as indicated in the Enforcement Program Plan

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 92-61

July 16, 1992

Resolution approving the Enforcement Program Plan, issuing the requested certifications and approving the designation of the Shasta County Department of Environmental Health as the Local Enforcement Agency for the County of Shasta.

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 Shasta County; and

WHEREAS, the Enforcement Program Plan of the Shasta County Department of Environmental Health 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 Shasta 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 Shasta County Department of Environmental Health 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, based on the foregoing considerations, 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 Shasta County Department of Environmental Health as the Local Enforcement Agency for Shasta 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 July 16, 1992.

Date:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee Meeting

July 8, 1992

AGENDA ITEM 10

ITEM: Consideration of Certification and Designation of the Sonoma County Public Health Department as the Local Enforcement Agency for the County of Sonoma.

BACKGROUND:

The Public Resources Code (PRC) 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 Local Enforcement Agency (LEA) meets all the requirements for the requested certifications. 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 fulfilling 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 Sonoma County Board of Supervisors requesting approval of their designation of the Sonoma County Public Health Department as the Local Enforcement Agency for the County of Sonoma. Furthermore, Board staff has received and reviewed the 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 of the designation of the Sonoma County Public Health Department as the Local Enforcement Agency for the County of Sonoma. (see attached fact sheet for detailed information).

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. Designation and Certification Fact Sheet.

2. CIWMB resolution for approval of the designation and the EPP, and issuance of certifications for the Sonoma County Public Health Department as the Local Enforcement Agency for the County of Sonoma.

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

Reviewed by: Martha Vazquez MV Phone 255-2431

Legal review: K Date/Time 4/9

DESIGNATION AND CERTIFICATION

FACT SHEET

Sonoma County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Sonama County and all its cities

Designated Jurisdiction:

Sonoma County

Designated Enforcement Agency:

Sonoma County Public Health Department

Facilities and Sites: Total count ---------- 41*

Vehicles: Total count ---------- 109*

Facility Types:

Landfill(s)---------- 20*
Transfer Station(s)---------- 8*
Composting Station(s)---------- 0*
Processing Station(s)---------- 0*
Materials Recovery Facility(s)-------- 0*
Proposed Facility(s)---------- 0*

Site Types:

"Inactive" site(s)---------- 6*
"Closed" site(s)---------- 13*
"Exempt" site(s)---------- 8*
"Illegal site(s)---------- 1*

Types of Certification requested:

"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

Budget Adequacy: (Total Annual Budget)----------$265,255.00*

Technical Expertise and Staff Adequacy:

- Three Environmental Health Specialists

EPP work load analysis shows 3.2 PY-accounted for by three core staff and .2 FTE Supervising Environmental Health Specialist.

* as indicated in the Enforcement Program Plan

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 92-58

July 16, 1992

Resolution approving the Enforcement Program Plan, issuing the requested certifications and approving the designation of the Sonoma County Public Health Department as the Local Enforcement Agency for the County of Sonoma.

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 Sonoma County; and

WHEREAS, the Enforcement Program Plan of the Sonoma County Public 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 Sonama 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 Sonoma County Public 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, based on the foregoing considerations, 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 Sonoma County Public Health Department as the Local Enforcement Agency for Sonoma 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 July 16, 1992.

Date:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee Meeting

July 8, 1992

AGENDA ITEM 11

ITEM: Consideration of Certification and Designation of the City of San Jose Department of Neighborhood Preservation, Division of Environmental Enforcement, as the Local Enforcement Agency for the City of San Jose.

BACKGROUND:

The Public Resources Code (PRC) 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 Local Enforcement Agency (LEA) meets all the requirements for the requested certifications. 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 fulfilling 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 San Jose City Council requesting approval of their designation of the City of San Jose Department of Neighborhood Preservation, Division of Environmental Enforcement, as the Local Enforcement Agency for the City of San Jose. Furthermore, Board staff has received and reviewed the 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 of the designation of the City of San Jose Department of Neighborhood Preservation, Division of Environmental Enforcement, as the Local Enforcement Agency for the City of San Jose. (see attached fact sheet for detailed information).

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. Designation and Certification Fact Sheet.

2. CIWMB resolution for approval of the designation and the EPP, and issuance of certifications for the City of San Jose Department of Neighborhood Preservation, Division of Environmental Enforcement, as the Local Enforcement Agency for the City of San Jose.

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

Reviewed by: Martha Vazquez Phone 255-2431

Legal review: Date/Time

DESIGNATION AND CERTIFICATION

FACT SHEET

City of San Jose

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body:

City of San Jose

Designated Jurisdiction:

City of San Jose

Designated Enforcement Agency:

Department of Neighborhood Preservation
Division of Environmental Enforcement

Facilities and Sites: Total count ---------- 16*

Vehicles: Total count ---------- 239*

Facility Types:

Landfill(s)	5*
Transfer Station(s)	1*
Composting Station(s)	1*
Processing Station(s)	0*
Materials Recovery Facility(s)	2*
Proposed Facility(s)	1*

Site Types:

"Inactive" site(s)	0*
"Closed" site(s)	7*
"Exempt" site(s)	0*
"Illegal site(s)	1*

Types of Certification requested:

"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

Budget Adequacy: (Total Annual Budget)----------$592,844.00*

Technical Expertise and Staff Adequacy:

- Two Environmental Health Specialist
- One Environmental Specialist
- Two Code Enforcement Inspector II
- One Code Enforcement Inspector I

EPP work load analysis shows 7.4 PY-accounted for by six core staff and 1.4 FTE Support Staff.

* as indicated in the Enforcement Program Plan

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 92-57

July 16, 1992

Resolution approving the Enforcement Program Plan, issuing the requested certifications and approving the designation of the City of San Jose Department of Neighborhood Preservation, Division of Environmental Enforcement, as the Local Enforcement Agency for the City of San Jose.

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 the City of San Jose; and

WHEREAS, the Enforcement Program Plan of the City of San Jose Department of Neighborhood Preservation, Division of Environmental Enforcement, 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 San Jose City Council has designated the above local agency and requested Board approval of their designation; and

WHEREAS, the City of San Jose Department of Neighborhood Preservation, Division of Environmental Enforcement, 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, based on the foregoing considerations, 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 City of San Jose Department of Neighborhood Preservation, Division of Environmental Enforcement, as the Local Enforcement Agency for the City of San Jose.

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 July 16, 1992.

Date:

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, July 15, 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.

1. CONSIDERATION OF CONTRACTS AND INTERAGENCY AGREEMENTS PAGE 1

2. CONSIDERATION OF TIME FRAMES FOR COMPOSTING REGULATION DEVELOPMENT as last item

3. CONSIDERATION OF FEDERAL RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) LEGISLATION ON PROGRAMS UNDER THE COMMITTEE'S JURISDICTION 5

(4) Consent
• A → J except E consent to be heard
• Sacto to be heard 7/1/92 w/ rpts consent.

PAG

17

4. CONSIDERATION OF CERTIFICATION AND DESIGNATION OF THE FOLLOWING LOCAL ENFORCEMENT AGENCIES:

Full Cert
- To be heard 7/29
- 1 vacancy to be filled in 2 wks
1/4 Review

A. CONTRA COSTA COUNTY HEALTH SERVICES DEPARTMENT, DIVISION OF ENVIRONMENTAL HEALTH
B. INYO COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH SERVICES
C. LAKE COUNTY ENVIRONMENTAL HEALTH
D. MONTEREY COUNTY HEALTH DEPARTMENT, DIVISION OF ENVIRONMENTAL HEALTH
E. SACRAMENTO COUNTY ENVIRONMENTAL MANAGEMENT DEPARTMENT, DIVISION OF ENVIRONMENTAL HEALTH
F. SAN DIEGO COUNTY DEPARTMENT OF HEALTH SERVICES
G. SANTA BARBARA COUNTY ENVIRONMENTAL HEALTH SERVICES DEPARTMENT
H. SANTA CLARA COUNTY HEALTH DEPARTMENT, DIVISION OF ENVIRONMENTAL HEALTH
I. VENTURA COUNTY RESOURCE MANAGEMENT AGENCY, DIVISION OF ENVIRONMENTAL HEALTH
J. YOLO COUNTY HEALTH DEPARTMENT, ENVIRONMENTAL HEALTH

W/ these, total of 22 cert pkg.

5. CONSIDERATION OF TEMPORARY CERTIFICATION AND DESIGNATION OF THE FOLLOWING LOCAL ENFORCEMENT AGENCIES:

Contract Co.
Temp to 1/31/93

51

Consent

A. ALPINE COUNTY HEALTH DEPARTMENT
B. AMADOR COUNTY HEALTH DEPARTMENT
C. GLENN COUNTY HEALTH SERVICES DEPARTMENT
D. LASSEN COUNTY HEALTH DEPARTMENT
E. MARIPOSA COUNTY HEALTH DEPARTMENT
F. MODOC COUNTY HEALTH DEPARTMENT, ENVIRONMENTAL HEALTH DIVISION
G. MONO COUNTY HEALTH DEPARTMENT
H. PLUMAS COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH
I. SAN BENITO COUNTY HEALTH DEPARTMENT, ENVIRONMENTAL HEALTH DIVISION
J. SIERRA COUNTY HEALTH DEPARTMENT
K. TRINITY COUNTY HEALTH DEPARTMENT

Have submitted request to be considered contract co. even tho not currently contract.

Consent

6. CONSIDERATION OF TEMPORARY CERTIFICATION AND DESIGNATION OF THE FOLLOWING LOCAL ENFORCEMENT AGENCIES:

73

local emergency. temp. 1/31/92

A. HUMBOLDT COUNTY HEALTH DEPARTMENT, ENVIRONMENTAL HEALTH DIVISION
B. CITY OF LOS ANGELES ENVIRONMENTAL AFFAIRS DEPARTMENT

7. CONSIDERATION OF TEMPORARY CERTIFICATION AND DESIGNATION OF THE FOLLOWING LOCAL ENFORCEMENT AGENCIES:

Need hearing panel.
Temp ex piration based on pop.

84

A. BUTTE COUNTY HEALTH DEPARTMENT
B. KINGS COUNTY HEALTH
C. MARIN COUNTY ENVIRONMENTAL HEALTH SERVICES
D. SAN LUIS OBISPO COUNTY HEALTH DEPARTMENT, DIVISION OF ENVIRONMENTAL HEALTH

E. SAN MATEO COUNTY ENVIRONMENTAL HEALTH SERVICES DIVISION
F. SISKIYOU COUNTY PUBLIC HEALTH DEPARTMENT
G. SOLANO COUNTY DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
H. TEHEMA COUNTY DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
I. TULARE COUNTY DEPARTMENT OF HEALTH SERVICES, DIVISION OF ENVIRONMENTAL HEALTH
J. YUBA COUNTY ENVIRONMENTAL HEALTH

Consent

8. CONSIDERATION OF TEMPORARY CERTIFICATION AND DESIGNATION OF THE FOLLOWING LOCAL ENFORCEMENT AGENCIES: PAGE 102

- Missing elements or Not enough staff time to review.

A. CALAVERAS COUNTY HEALTH DEPARTMENT
B. COLUSA COUNTY HEALTH DEPARTMENT, ENVIRONMENTAL HEALTH DIVISION
C. EL DORADO COUNTY BUILDING DEPARTMENT
D. MADERA COUNTY ENVIRONMENTAL HEALTH DEPARTMENT
E. MENDOCINO COUNTY PUBLIC HEALTH DEPARTMENT, DIVISION OF ENVIRONMENTAL HEALTH
F. MERCED COUNTY DEPARTMENT OF PUBLIC HEALTH, DIVISION OF ENVIRONMENTAL HEALTH
G. NAPA COUNTY DIVISION OF ENVIRONMENTAL HEALTH
H. NEVADA COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH Ask for Mic Cook
I. PLACER COUNTY DEPARTMENT OF HEALTH AND MEDICAL SERVICES
J. CITY AND COUNTY OF SAN FRANCISCO BUREAU OF ENVIRONMENTAL HEALTH SERVICES
K. SAN JOAQUIN COUNTY PUBLIC HEALTH SERVICES, ENVIRONMENTAL HEALTH DIVISION ~~Possible to~~ Be Considered at 7/29 Brd Meeting for full or trap.
7/29 L. CITY OF WEST COVINA WASTE MANAGEMENT ENFORCEMENT AGENCY

9. DISCUSSION OF JURISDICTIONS WHERE THE BOARD WILL ASSUME THE ROLE OF ENFORCEMENT AGENCY 122
Sue S to ask Sue P. if should be placed on 6/16 Brd, or P+E Rept at Brd.

Consent

10. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A NEW SOLID WASTE FACILITIES PERMIT FOR THE MORENO VALLEY SOLID WASTE RECYCLING AND TRANSFER FACILITY, RIVERSIDE COUNTY 138

Consent

11. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR THE LAMB CANYON SANITARY LANDFILL, RIVERSIDE COUNTY 167

12. ~~CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A NEW SOLID WASTE FACILITIES PERMIT FOR CALLAHAN ROAD TREATMENT SITE, TEHAMA COUNTY~~ Gen. Plan prob's. + CoSWMP prob's. pulled 204

13. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR THE ~~TRI-CITIES RECYCLING~~ AND DISPOSAL FACILITY, ALAMEDA COUNTY 221

14. ~~CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR THE COACHELLA LANDFILL, RIVERSIDE COUNTY~~ pulled

Page

15. ~~CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITIES PERMIT FOR THE SAN DIEGO RESOURCE RECOVERY TRANSFER STATION, SAN DIEGO COUNTY~~ pulled

16. 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 242

To be heard before permit items. If approved regs drafted doesn't need to go to Bd.

17. OPEN DISCUSSION

18. 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

Joanne Vorhies
(916) 255-2156

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
July 15, 1992

AGENDA ITEM 2

ITEM: Consideration of Time Frames for Composting Regulation Development

BACKGROUND: In December, 1991, the Permitting and Enforcement Committee (Committee) committed to completing composting regulations before the end of 1992. Towards this end the Board hired six new staff in the Standards Development Section of the Research and Technology Development Division. The Board conducted two public workshops on composting regulatory development in December, 1991, and in April, 1992. The Board also let a contract to assist staff in technical issues, compile other state's regulations, and enumerate existing composting facilities. Based on suggestions from the workshops, the Committee formed a Composting Regulatory Advisory Panel composed of composting experts in the fields of academia, green waste, sewage sludge, mixed solid waste, compost end users, and local government. The Advisory Panel met on June 22, 1992, to discuss Panel objectives and the scope of the proposed regulations. Several Panel members expressed confusion over the scope of the proposed regulations and the need for clarification of the Committee's compost regulation goals.

ANALYSIS: The Committee can approach the proposed regulations in two ways. First, the Committee could pursue regulations for green waste composting before the end of 1992 and deal specifically with sewage sludge and mixed solid waste composting shortly thereafter. This alternative will ensure that the majority of composting facilities will be covered and allow for tiered criteria based on relative risks, and still meet the Committee's objective of regulations being in place before the end of the year. Attachments 1 and 2 outline the time for these two simultaneous regulatory efforts may take.

Second, the committee could adopt regulations for all forms of composting before the end of the year. This option will give sewage sludge and mixed solid waste composters more specific criteria. The second option would follow the time frame shown on Attachment 1. The ability to conclude all composting regulations by the end of 1992 is uncertain because of other staff priorities and the timing of deliverables under the contract. Staff will discuss the impacts of this option.

STAFF COMMENTS: Each of these two options offer unique advantages and disadvantages. The option of staging the

regulations over time will allow the most regulatory development time toward those forms of composting that pose the greatest risk. The option of completing all composting regulations before the end of 1992 will give more certainty to jurisdictions that are anticipating the use of sewage sludge or mixed solid waste composting to meet waste diversion goals.

Prepared By: Michael O. Finch Phone: 255-2413

Reviewed By: Don Dier, Jr., P.E. 7/2 11:55 Phone: 255-2320

Legal review: Date/Time: 2

Attachment 1

GREEN WASTE COMPOSTING REGULATIONS TIMELINE
(Year 1992)

	July	August	September	October	November	December
In-House review (7/6-8/12)	<---------->					
Form 399 (7/15-9/1)		<---------->				
P&E Meeting (7/15)	-					
Informal Review (7/20-8/12)		<-------->				
Advisory Meeting (8/3)		-				
P&E Meeting for Reg Approval (8/12)		-				
Board Meeting for Reg Approval (8/27)			-			
Public Notice & 45-day Comment Period (8/31-10/14)			----------			
Form 399 to Finance Dept (9/1)			<------>			
Workshop in S. Ca & P&E Meeting (9/9)			<->			
Public Hearing (P&E meeting) (10/14)				-		
OAL Review (10/15-11/30)					----------	
OAL Response Due (11/30)						-
Re-notice and 15-day Comment Period (12/1-12/15)						<----->
Re-Submit Reg to OAL Review (12/16-12/23)						<----->
OAL Response Due (12/23)						<->

P&E Meeting - Permitting and Enforcement Committee Meeting

Attachment 2

SLUDGE AND MIXED SOLID WASTE COMPOSTING REGULATIONS TIMELINE
(1992 - 1993)

	Nov	Dec	Jan	Feb	March	April
In-House review (Nov-Dec)	<---------->					
Form 399 (Nov-Jan)	<---------->					
Informal Review (Nov-Dec)	<---------->					
P&E Meeting for Regulation Approval (Dec)		<->				
Board Meeting for Regulation Approval (Dec)		<->				
Public Notice & 45-day Comment Period (Dec-Feb)		<---------->				
Form 399 to Finance Dept (Jan)			<---------->			
Workshop in Southern California & P&E Meeting (Jan)			<->			
Public Hearing & P&E meeting) (Feb)				<->		
OAL Review (Feb-March)				<---------->		
OAL Response Due (March)					<->	
Re-Notice and 15-day Comment Period (March-April)					<---------->	
Re-Submit Reg to OAL Review (April)						<---------->
OAL Response Due (April)						<->

P&E Meeting - Permitting and Enforcement Committee Meeting

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

PERMITTING AND ENFORCEMENT COMMITTEE

July 15, 1992

Agenda Item #3

ITEM: Consideration of Federal Resource Conservation and Recovery Act (RCRA) Legislation on Programs Under the Committee's Jurisdiction

BACKGROUND:

Two federal bills, HR 3865 (Swift) and S 976 (Baucus), are the vehicles for the reauthorization of the Resource Conservation and Recovery Act (RCRA) this year. The RCRA reauthorization bills will impact virtually all of the California Integrated Waste Management Board's (CIWMB) programs and activities, as well as create some new solid waste management programs. Although it is not certain whether the full RCRA reauthorization package will ultimately advance this year, it appears likely that three key portions of the package under the Permitting and Enforcement Committee's jurisdiction -- Facility Permitting, Interstate Transport of Waste, and Scrap Tire Management -- may advance to the President's desk in a scaled down version of RCRA reauthorization or in separate legislation. Other subjects in the RCRA bills under the Permitting and Enforcement Committee's jurisdiction include Composting, Enforcement, Indian Lands, and Municipal Ash. However, since these issues are not considered likely to move this year, they will be given considerably less emphasis by legislative staff.

The Legislative Office has done a preliminary analysis of the March 27, 1992 Senate Environment and Public Works Committee draft version of S 976 to determine the bill's effect on the CIWMB. An S 976 "markup vehicle" was then amended on April 30, May 13 and May 20, 1992 by the committee. The Legislative Office is in the process of circulating a reprint of S 976, incorporating all three sets of markups, to the appropriate staff for comment. The bill goes next to the Senate Floor, where action is uncertain and further amendments may be offered.

Legislative staff has also done a preliminary analysis of the April 2, 1992 House Transportation and Hazardous Materials Subcommittee version of HR 3865. The House bill has since been reduced in scope and finished markups before the House Committee on Energy and Commerce on July 2. A 28-15 vote of the committee sent the bill to the House Floor, where action is equally uncertain and more amendments are expected.

As a result of the considerable federal activity this year, the Governor's Washington Office hired Bob Hurley to work exclusively on RCRA reauthorization legislation. Mr. Hurley was formerly with the Senate Environment and Public Works Committee. The Legislative Office has been working with the Governor's Washington Office, Cal/EPA, and other affected state agencies to develop coordinated comments on the two federal bills.

On June 8, staff representing all Board Divisions, and the Legislative, Legal, and Strategic Planning & Policy Development offices participated in a conference call with Bob Hurley, The Governor's Washington, D.C. office and Cal/EPA legislative staff to offer comments on key issues in HR 3865 prior to markups (see attachment #1 for summary of comments). Subjects covered in the call included State Planning Requirements, Scrap Tires, Permits, and Batteries.

Dorothy Fettig and Caren Trgovcich traveled to Washington, D.C. June 17-19, 1992 to meet with Senate and House staff and express California's concerns about the RCRA bills as outlined in the attached memo. Legislative staff are in the process of developing generic amendment language for Bob Hurley to lobby that will address some of the concerns outlined in the attached memo.

ANALYSIS:

As current language is available, the Legislative Office will present further analysis of the Scrap Tire Management, Interstate Transport of Waste, and Facility Permitting provisions in the RCRA bills. Operating under the same restraint and in accordance with the wishes of the committee, legislative staff will also present a general overview of the bills' provisions relating to Composting, Enforcement, Indian Lands, and Municipal Ash.

STAFF COMMENTS:

The Legislative Office will continue to work toward a more in-depth analysis of S 976 and HR 3865, with the assistance of staff. A more thorough fiscal assessment and responses to future amendments will be required as well.

The Legislative Office is also making presentations to the CIWMB's Market Development, IWM Planning, and Policy, Research & Technical Assistance Committees in July and August as current language becomes available. The goal is a coordinated comment

letter to be sent to the appropriate Congressional Committees and Members expressing the Board's concerns with both bills.

Even if RCRA bills are not acted upon by Congress before they adjourn this year (probably in October), the exercise of getting staff and Board Member input on RCRA issues will put the Board in a better position for taking prompt action next year.

ATTACHMENTS:

1) Staff comments on HR 3865.

2) Update on HR 3865.

Prepared by: Pat Chartrand and Michelle Fadelli **Phone:** 255-2209 255-2668

Reviewed by: Dorothy Fettig **Phone:** 255-2208

State of California

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

MEMORANDUM

To: Bob Hurley

Date: June 12, 1992

From: Dorothy

DOROTHY FETTIG
Director of Legislation
California Integrated Waste Management Board

Subject: **HR 3865 - RCRA REAUTHORIZATION:** Summary of Issues Discussed During June 8, 1992 Conference Call

STATE PLANNING

1. Grandfather Clause for California -

- California's Integrated Waste Management Act (IWMA) is one of the most comprehensive and progressive laws in the nation. It serves as model legislation for other states.

- CA integrated waste management laws should be allowed to operate in lieu of federal law.

- Although California's methods are different than those proposed by HR 3865, the waste diversion goals are much the same: 25% diversion by 1995 and 50% diversion by the year 2000.

- Costs for state planning requirements under current version of HR 3865 could require up to 10% (about $5 million) of the total CIWMB budget. In addition, local governments could face millions of dollars in new costs to meet proposed changes in planning requirements.

- California's integrated waste management laws were just enacted in 1989; at least $30 million has already been spent on planning (by local governments as well as the CIWMB).

- Local jurisdictions have allocated and spent tremendous sums for planning and implementation of diversion programs. If they are required to prepare new plans, there may not be sufficient funds available, if any, for implementation of recycling programs.

2. Alternative -

- As an alternative to a grandfather clause, if California (or any other state) currently meets statutorily specified criteria, it should be deemed to meet the requirements of the bill.

- Criteria for approval could include state law which contains the following programs or planning requirements:

  * waste diversion goals which are at least as stringent as HR 3865;
  * waste characterization study requirements;
  * permitting for solid waste, composting, and scrap tire facilities, as well as MRFs (Materials Recovery Facilities) and incinerators (transformation facilities);
  * minimum standards for solid waste facilities, including transfer and processing stations, disposal sites;
  * minimum standards and incentives for safe collection and recycling of used oil;
  * used tire management programs which limit the disposal of tires in landfills and encourage reuse and recycling; and
  * long range disposal capacity planning.

- CA could submit a report detailing how it meets the federal criteria, but should not be made subject to subsequent federal regulations (which would impose unknown mandates)

3. Last Resort -

- If the state planning requirements are unavoidable, CA needs an allowance to utilize information already submitted by local jurisdictions, rather than repeating the work that has been done. The repetition would be extremely expensive and inefficient.

- CA needs maximum flexibility for planning and program development.

4. Biennial Report -

- Instead of a full report every two years, states should submit a "status report" every five years. (Two years is too short a time period to track and report significant changes in waste disposal and diversion.)

- Status reports could include changes in landfill disposal capacity, market opportunities, waste generation based on changes in population and the economy, new environmental standards, and funding changes for the integrated waste management system.

5. Life Cycle Cost Analysis

- The concept of life cycle cost analysis (LCCA) is still in the research phase, and is not ready to be mandated.

- The intended purpose of the LCCA is unclear from the language of the bill.

- Very few states, if any, perform LCCAs.

- LCCAs are prepared mainly by industry for specific waste types.

- No methodology is proposed in HR 3865 for LCCA; a common methodology may not be possible.

- If unavoidable, LCCAs should only be required after regulations are written and a pilot study is performed by USEPA to test the effectiveness of the methodology and the value of the resulting data.

PERMITTING

1. Tires

- HR 3865 would allow landfill disposal of shredded tires. Tire shredding should not be encouraged in this manner; it discourages recycling and limits options for reuse and recycling of used tires.

- Tire piles need not be eliminated; CA has developed standards for the safe storage (bailing, tire separation, pile size) while encouraging reuse and recycling.

- Health and safety standards mainly address fire and mosquito problems. (Federal and CA law already mandate surveillance and minimum control standards for the mosquito Aedes albopictus.) CA enforcement of vector control is delegated to the local level to respond to climate and other variable conditions. CA uses Uniform Fire Code (UFC) standards rather than NFPA.

2. Permit Validity

- Approval of the state plan must not be linked to the validity of facility permits. This section should be deleted. This provision would be disastrous for public health and safety alone. (The threat of a fine could be an alternative.)

3. Waste Separation

- HR 3865 would require the separation of glass, metal and other materials as determined by the Administrator prior to municipal composting or incineration; composting and incineration are different processes and should be addressed separately. CA encourages waste separation for transformation facilities by both regulating ash, and requiring front end separation of recyclable materials.

4. Source Separation and MRFs (Materials Recovery Facilities)

- MRFs utilize mixed waste; the bias toward source separation in HR 3865 would be disastrous for MRFs by requiring the removal of the very materials needed for their operations. (Also a guaranteed flow of recyclable materials to the MRFs may be central to any bond financing and the availability of bank loans.)

5. Permit Term

- Permits must not automatically expire at the end of 10 (or any number of) years; resubmittal and approval of the environmental documents, including CEQA [(CA Environmental Quality Act) the CA version of NEPA (the National Environmental Policy Act)], would be an overwhelming and expensive task.

- Financing may be difficult or impossible for facilities with such short permit terms.

- CA facility permits have no expiration date once issued, but must be reviewed every five years, and revised or revoked if necessary. We would want federal law to reflect these same requirements.

6. Fees

- It is unclear who will collect and use the fees. The federal government, states or local governments?

- CA currently has a $.75 per ton tipping fee for the CIWMB, in addition to other local fees. Current law authorizes the Board to charge a full dollar; the possibility of a fee increase is highly controversial.

- Language in HR 3865 is unclear: is $2.00 a minimum with state flexibility to set the fee higher; OR, may a state charge up to $2.00, OR any reasonable fee?

- Large facilities (exceeding 50,000 tons) appear to be excluded from paying the fees in the bill and should not be.

7. California's Application for Subtitle D Program Approval

- CIWMB staff expects that USEPA will approve California's current program to permit and regulate solid waste landfills by making a finding that CA statutes and regulations are functionally equivalent with the current provisions of RCRA [40 CFR, Part 257-258 and the draft State and Tribal Implementation Rule (STIR)].

- Significant amendments to RCRA could invalidate this authorization.

- Reauthorization of RCRA would require CA to adopt new statutes and regulations for landfill permitting and regulations to conform with the federal law.

- The CA Department of Toxic Substances Control (DTSC) recently spent an estimated $15 million over five years related to Subtitle C authorization. The CIWMB estimates that a word-for-word match to new federal law would cost the CIWMB at least $15 million.

- CA seeks language which would allow states with programs authorized under current law to remain authorized for a period of five years. (Two years is

the minimum that would be needed for the enactment of state legislation.)

- USEPA should be prohibited from requiring "word-for-word" conformity with federal law as the criterion for authorization. (For DTSC, USEPA required that CA law match federal law word-for-word unless DTSC could prove that the nonconforming CA laws were more rigorous.)

BATTERIES

- The definitions of the various battery types are incomplete or inconsistent; staff recommends using the definition in S. 2579 (see attached)

- The exemption to the general ban on incinerating or transporting batteries to a composting facility due to batteries being "inadvertently received" may be an enormous loophole, allowing the disposal of batteries at an incinerator or composting facility merely by an operator's claim that the batteries were "inadvertently received." This section is totally contrary to CA plans for increased battery collection programs.

- The separation of glass and metal is mandatory, yet the disposal of batteries, which CA views as a household hazardous waste and a serious problem in landfills and incinerators, would be tolerated under HR 3865 under several exemptions.

- Facility operators should be required to separate batteries. If pulverized, their contents may leach into groundwater; if incinerated, their contents may contaminate ash and air emissions.

- Language in HR 3865 [Section 4407(c)] appears to give states flexibility related to labeling, but subsections (a) and (b) would require state laws to be identical to sections 4406 and 4409 (which has specific language which must be used).

UPDATE ON HR 3865 - HOUSE RCRA BILL

On July 2, 1992, the House Committee on Energy and Commerce voted 28-15 to approve HR 3865 and send it to the House floor. Nine Democrats and six Republicans opposed the bill; 18 Democrats and 10 Republicans supported it. California's four representatives on the 53-member committee voted as follows: Waxman (D-Los Angeles), Moorhead (R-Glendale), and Dannemeyer (R-Fullerton), no; Lehman (D-Fresno), aye.

Opposition to the bill came from both Democrats, who felt the bill was not strong enough (especially after dropping hazardous waste provisions), and Republicans, who contended that it would impose unnecessary regulatory burdens on Americans. Environmental opponents predict a floor battle to include controversial toxics use reduction language and other amendments. US-EPA also opposed the measure.

Support for the bill came from members of the committee who argued that attention should be focused on what the legislation <u>would</u> accomplish, particularly in the area of scrap tire management, minimum content standards for newsprint, battery disposal, interstate transport of waste, plastic recycling codes, environmental labeling, and diversion requirements for municipal waste.

Key Amendments Adopted During Markup Sessions June 18-July 2, 1992

1. **Environmental Protection Standard** (amendment offered by Rep. Don Ritter, R-PA)

   Original bill language stated that regulations promulgated under Subtitle D "shall provide for the protection of human health and the environment" and did not include language that allowed the US-EPA Administrator to consider "practical capability" of facilities when developing such regulations. The amendment adopted by the committee states that the Administrator also "may take into consideration the circumstances presented by the category of solid waste."

   <u>Pros</u>: Language provides needed flexibility to US-EPA in developing regulatory standards. Otherwise, Subtitle D wastes would be held to the same strict standard as hazardous wastes under Subtitle C.

2. **Recycling** (amendments offered by Rep. Al Swift, D-WA)

   Amendments adopted retain the multiple options strategy, which gives packagers various compliance options, but applies only to bottles, jars, and cans. Options and recovery rates were revised. Under the revised language, packagers would be required to meet at least one of the following requirements:

Industry-wide recovery rates -- Set at 65 percent for aluminum, 40 percent for glass, 40 percent for steel, and 25 percent for plastic.

Company-specific programs -- Under which a packager must recycle at the above recovery rate materials that are the same as the material from which their package is made. The materials must have been diverted or separated from a municipal landfill, incinerator, or composting unit.

Recycled content option -- Under which a package must be made of materials that contain at least 25 percent postconsumer material, or a higher percentage that may be established by the Environmental Protection Agency.

Refillability or reuse option -- Under which a package must be designed to be refilled or reused for its original purpose at least five times, and at least 50 percent of all such packages must be refilled or reused.

Source reduction option -- Under which a package must be reduced in volume or weight by at least 15 percent compared to a package used for the same purpose and made of the same material used one year earlier, or by 20 percent compared to a package used for the same purpose one year earlier but made of a different material.

The new language would also allow the US-EPA Administrator to establish higher recycled content rates or recovery rates. In establishing such standards, US-EPA would be required to consider technological feasibility, economic impact on packagers, solid waste management costs, protection of the environment, and energy conservation.

The bill would also require US-EPA to publish recovery rates achieved for each category of packaging. It would exempt packages that hold drugs, cosmetics, medical devices, biological products, and pesticides. It would also require state and local governments to consider food safety concerns and requirements of the Food, Drug, and Cosmetic Act when developing packaging laws and regulations.

Pros: Although provisions only apply to cans, bottles, and jars, new recovery rates are set above what industries are currently meeting.

Cons: Leaves unrestricted packaging such as paperboard and plastic wraps. Could encourage packagers to shift to packaging that doesn't have to meet the requirements. Possible adverse impact on small business.

3. **Minimum Content Standards for Newsprint** (amendment offered by Rep. John Dingell, D-MI)

Amendment would require newspapers with circulation of 200,000 or more to meet 35 percent recycled content standards by 1995 and 50 percent recycled content standards by 2002. Newspapers who failed to comply would be hit with a $25 per ton fee on the amount of newsprint not in compliance. In addition, a newspaper would be required to publish prominently on its front page a notice stating that the newsprint on which the paper is published does not meet the federal government's required percentage of recycled content.

Pros: Addresses a glut of recycled newsprint collected by localities who lack a market. Since newspapers account for 50-80 percent of curbside recycling programs, strong measures are needed to spur demand for the glut in supply.

Cons: Mandated standards could have adverse effects on voluntary goals set by industry in states that are on different schedules than that set by federal mandate. Runs counter to bill's multiple options approach.

4. **Other Amendments**

Amendments add new requirements for US-EPA, after consultation with the Federal Trade Commission, to promulgate regulations containing standards and criteria for **environmental marketing claims**. Standards set by US-EPA would be enforced by the FTC. Under the new language, the standards must include criteria for the following terms: source reduced, refillable, reusable, recyclable, recycled content, compostable, ozone neutral, non-toxic, photodegradable, biodegradable, degradable, and decomposable.

The committee also adopted broader language on recycling batteries, as well as revisions to language on plastics recycling codes.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee Meeting

July 15, 1992

AGENDA ITEM 4

ITEM: Consideration of Certification and Designation of the following Local Enforcement Agencies:

A. Contra Costa County Health Services Department, Division of Environmental Health
B. Inyo County Department of Environmental Health Services
C. Lake County Environmental Health
D. Monterey County Health Department, Division of Environmental Health
E. Sacramento County Environmental Management Department, Division of Environmental Health
F. San Diego County Department of Health Services
G. Santa Barbara County Environmental Health Services Department
H. Santa Clara County Health Department, Division of Environmental Health
I. Ventura County Resource Management Agency, Division of Environmental Health
J. Yolo County Health Department, Environmental Health

BACKGROUND:

The Public Resources Code (PRC) 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. 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 fulfilling 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 (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 reviewed the Designation Information Packages (DIP) from the local governing bodies requesting the approval of their designation of the following local agencies as the Enforcement Agency for the defined jurisdiction. Furthermore, Board staff has reviewed the Enforcement Program Plan (EPP) for each of the listed Enforcement Agencies:

A. Contra Costa County Health Services Department, Division of Environmental Health
B. Inyo County Department of Environmental Health Services
C. Lake County Environmental Health
D. Monterey County Health Department, Division of Environmental Health
E. Sacramento County Environmental Management Department, Division of Environmental Health
F. San Diego County Department of Health Services
G. Santa Barbara County Environmental Health Services Department

H. Santa Clara County Health Department, Division of Environmental Health
I. Ventura County Resource Management Agency, Division of Environmental Health
J. Yolo County Health Department, Environmental Health

The documentation provided in each DIP and EPP meet the general requirements of PRC 43200 - 43219 and Title 14 CCR 18010 - 18084. Board staff finds that the DIPs and EPPs are complete and acceptable for the Board to consider the approval of each EPP, issuance of the requested certifications, and approval of each designation of the above listed Enforcement Agencies.

In reviewing Sacramento County Environmental Management Department, Environmental Health Division's performance, Board staff has concerns regarding this agency's permitting and enforcement programs. A Facility Evaluation Report was brought before the Board in November 20, 1991 at which time the Board directed staff to perform a performance review of the LEA's enforcement and training programs. This performance review was conducted in combination with the LEA certification process. Some positive changes have been made in the LEA's program, however, issues of concern are still outstanding relating to the LEA's permitting and enforcement programs. Because of these concerns staff recommend that the Board direct staff to conduct quarterly performance reviews until this LEA satisfactorily implements their permitting and enforcement programs.

STAFF COMMENTS:

Staff recommend that the Board concur with the proposed EPPs, the issuance of the requested certifications and approval of the respective designations.

The Board has the following options:

1. Approve the EPPs, issue the requested certifications, and approve the designation for the jurisdictions.

2. Approve the EPPs, and issue temporary LEA certifications and/or designation approval for specific time periods.

3. Disapprove the EPPs and/or not issue the requested certifications and therefore, disapprove the designation and appoint the Board as the enforcement agency for the jurisdictions.

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. A Designation and Certifications Fact Sheet for each of the following enforcement agencies and designating local governing bodies:

   A. Contra Costa County Health Services Department, Division of Environmental Health
   B. Inyo County Department of Environmental Health Services
   C. Lake County Environmental Health
   D. Monterey County Health Department, Division of Environmental Health
   E. Sacramento County Environmental Management Department, Division of Environmental Health
   F. San Diego County Department of Health Services
   G. Santa Barbara County Environmental Health Services Department
   H. Santa Clara County Health Department, Division of Environmental Health
   I. Ventura County Resource Management Agency, Division of Environmental Health
   J. Yolo County Health Department, Environmental Health

2. A separate CIWMB resolution for each proposed Local Enforcement Agency.

Prepared by: Myron H. Amerine \ Mary T. Coyle MTC Phone 255-2408

Reviewed by: Martha Vazquez MV Phone 255-2431

Legal review: R Date/Time 3

DESIGNATION AND CERTIFICATION

FACT SHEET

Contra Costa County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s): Contra Costa County and the cities of Antioch, Brentwood, Clayton, Concord, Danville, ElCerrito, Hercules, Lafayette, Martinez, Orinda, Pinole, Plesant Hill, Richmond, San Pablo, San Ramon, and Walnut Creek (16 of its 18 cities - the missing cities are: Moraga and Pittsburg.)

Designated Jurisdiction:

Contra Costa County unincorporated area and the designating cities.

Designated Enforcement Agency:

Contra Costa County Health Services Department,
Division of Environmental Health

Facilities and Sites: Total count ---------- 52*

Vehicles: Total count ---------- 284*

Facility Types:

Landfill(s)---------- 5*
Transfer Station(s)---------- 1*
Composting Station(s)---------- 2*
Processing Station(s)---------- 1*
Proposed Facility(s)---------- 6*

Site Types:

"Closed" site(s)---------- 30*
"Illegal site(s)---------- 4*
Sludge Spreading (agricultural)------ 4*

Types of Certification requested:

"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

Budget Adequacy: (Total Annual Budget)----------$723,577.00*

Technical Expertise and Staff Adequacy:

- One Supervising Environmental Health Specialist
- Staff Analyst II
- Two (2) Senior Environmental Health Specialist
- Two (2) Staff Environmental Health Specialist (vacant)
- Two (2) Code Enforcement Specialist

Time task analysis shows 7.4 PY / 5.4 PY in place.*
The 2.0 PY positions are being filled by July 31, 1992

* as indicated in the Enforcement Program Plan

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 92-79

July 16, 1992

Resolution approving the Enforcement Program Plan, issuing the requested certifications and approving the designation of the Environmental Health Division of the Contra Costa County Health Services Department as the Local Enforcement Agency for the County of Contra Costa.

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 Contra Costa County; and

WHEREAS, the Enforcement Program Plan of the Environmental Health Division of the Contra Costa County Health Services 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 Contra Costa County Board of Supervisors and the designating City Councils have designated the above local agency and requested Board approval of their designation; and

WHEREAS, the Environmental Health Division of the Contra Costa County Health Services 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 Section 43200, et seq; and Title 14 California Code of Regulations Section 18010 et seq; and

WHEREAS, the Board finds that the above designated enforcement agency has also demonstrated via its Enforcement Program Plan that it has adequate staff and budget, technical expertise, and training;

NOW, THEREFORE, BE IT RESOLVED, based on the foregoing considerations, 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 Environmental Health Division of the Contra Costa County Health Services Department as the Local Enforcement Agency for Contra Costa County and all its designating 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 July 16, 1992.

Date:

Ralph E. Chandler
Executive Director

DESIGNATION AND CERTIFICATION

Inyo County **FACT SHEET**

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

"Inyo County and its City"

Designated Jurisdiction:

"Inyo County"

Designated Enforcement Agency:

"Inyo County Department of Environmental Health Services"

Facilities and Sites: Total count ----------"32"*

Vehicles: Total count ----------"11"*

Facility Types:

Landfill(s)----------"6"*
Transfer Station(s)----------"4"*

Site Types:

"Inactive" site(s)----------"7"*
"Closed" site(s)----------"8"*
"Exempt" site(s)----------"6"*
"Illegal site(s)----------"1"*

Types of Certification requested:

"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

Budget Adequacy: (Total Annual Budget)----------$72,269.00*

Technical Expertise and Staff Adequacy:

* One Registered Environmental Health Specialist (REHS) assisted by two REHS individuals part time, They are managed by the Supervisor of Environmental Health Services who is also an REHS.

* As indicated in the EPP

ATTACHMENT 2B

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 92-64

July 16, 1992

Resolution approving the Enforcement Program Plan, issuing the requested certifications and approving the designation of the Inyo County Division of Environmental Health Services as the Local Enforcement Agency for the County of Inyo.

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 Inyo County; and

WHEREAS, the Enforcement Program Plan of the Inyo County Division of Environmental Health Services 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 Inyo 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 Inyo County Division of Environmental Health Services 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 Section 43200, et seq; and Title 14 California Code of Regulations Section 18010 et seq; and

WHEREAS, the Board finds that the above designated enforcement agency has also demonstrated via its Enforcement Program Plan that it has adequate staff and budget, technical expertise, and training;

NOW, THEREFORE, BE IT RESOLVED, based on the foregoing considerations, 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 Inyo County Division of Environmental Health Services as the Local Enforcement Agency for Inyo 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 July 16, 1992.

Date:

Ralph E. Chandler
Executive Director

DESIGNATION AND CERTIFICATION

FACT SHEET

Lake County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Lake County and all its cities

Designated Jurisdiction:

Lake County

Designated Enforcement Agency:

Lake County Environmental Health

Facilities and Sites: Total count ---------- 22*

Vehicles: Total count ---------- 22*

Facility Types:

Landfill(s)	1*
Transfer Station(s)	1*
Composting Station(s)	0*
Processing Station(s)	0*
Materials Recovery Facility(s)	0*
Proposed Facility(s)	0*

Site Types:

"Inactive" site(s)	4*
"Closed" site(s)	11*
"Exempt" site(s)	1*
"Illegal site(s)	4*

Types of Certification requested:

"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

Budget Adequacy: (Total Annual Budget)----------$59,460.00*

Technical Expertise and Staff Adequacy:

- 1 Environmental Health Specialist
- Part Time Environmental Health Administrator
- Part Time Environmental Aide

* as indicated in the Enforcement Program Plan

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 92-78

July 16, 1992

Resolution approving the Enforcement Program Plan, issuing the requested certifications and approving the designation of the Lake County Environmental Health Division as the Local Enforcement Agency for the County of Lake.

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 Lake County; and

WHEREAS, the Enforcement Program Plan of the Lake County Environmental Health Division 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 Lake 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 Lake County Environmental Health Division 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 Section 43200, et seq; and Title 14 California Code of Regulations Section 18010 et seq; and

WHEREAS, the Board finds that the above designated enforcement agency has also demonstrated via its Enforcement Program Plan that it has adequate staff and budget, technical expertise, and training;

NOW, THEREFORE, BE IT RESOLVED, based on the foregoing considerations, 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 Lake County Environmental Health Division as the Local Enforcement Agency for Lake 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 July 16, 1992.

Date:

Ralph E. Chandler
Executive Director

DESIGNATION AND CERTIFICATION

Monterey County **FACT SHEET**

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

"Monterey County and all its Cities"

Designated Jurisdiction:

"Monterey County"

Designated Enforcement Agency:

"Monterey County Health Department, Division of Environmental Health"

Facilities and Sites: Total count ----------"30"*

Vehicles: Total count ----------"151"*

Facility Types:

Landfill(s)----------"6"*
Transfer Station(s)----------"7"*

Site Types:

"Inactive" site(s)----------"1"*
"Closed" site(s)----------"15"*
"Illegal site(s)----------"1"*

Types of Certification requested:

"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

Budget Adequacy: (Total Annual Budget)----------$233,760.00*

Technical Expertise and Staff Adequacy:

* One Registered Environmental Health Specialist (REHS) assisted by one Environmental Health Specialist in training, supervised by a Program Manager.

* As indicated in the EPP

ATTACHMENT 2D

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 92-65

July 16, 1992

Resolution approving the Enforcement Program Plan, issuing the requested certifications and approving the designation of the Monterey County Health Department, Division of Environmental Health as the Local Enforcement Agency for the County of Monterey.

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 Monterey County; and

WHEREAS, the Enforcement Program Plan of the Monterey County Health Department, Division of Environmental Health 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 Monterey 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 Monterey County Health Department, Division of Environmental Health 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 Section 43200, et seq; and Title 14 California Code of Regulations Section 18010 et seq; and

WHEREAS, the Board finds that the above designated enforcement agency has also demonstrated via its Enforcement Program Plan that it has adequate staff and budget, technical expertise, and training;

NOW, THEREFORE, BE IT RESOLVED, based on the foregoing considerations, 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 Monterey County Health Department, Division of Environmental Health as the Local Enforcement Agency for Monterey 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 July 16, 1992.

Date:

Ralph E. Chandler
Executive Director

DESIGNATION AND CERTIFICATION FACT SHEET

Sacramento County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Sacramento County and all its cities

Designated Jurisdiction:

Sacramento County

Designated Enforcement Agency:

Environmental Health Division of the Sacramento County Environmental Management Department

Facilities and Sites: Total count ---------- 38*

Vehicles: Total count ---------- 362*

Facility Types:

Landfill(s)---------- 5*
Transfer Station(s)---------- 3*
Composting Station(s)---------- 3*
Materials Recovery Facility---------- 2*

Site Types:

"Inactive" site(s)---------- 1*
"Closed" site(s)---------- 30*
"Exempt" site(s)---------- 2*
"Illegal site(s)----------10*

Types of Certification requested:

"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

Budget Adequacy: (Total Annual Budget)----------$427,630.00*

Technical Expertise and Staff Adequacy:*

- One half (1/2) Environmental Health Program Manager
- One (1) Senior Environmental Health Specialist
- Two (2) Registered Environmental Health Specialist II **
- One (1) two-thirds time Environmental Health Technician **
- One (1) Typist Clerk II

Consulting services as needed*

Existing 2.8 PY - proposed 4.0 PY -FY 92/93.*

* as indicated in the Enforcement Program Plan
** one (1) REHS and the EHT are to be in place by July 10, 1992

ATTACHMENT 2E

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 92-80

July 16, 1992

Resolution approving the Enforcement Program Plan, issuing the requested certifications and approving the designation of the Environmental Health Division of the Sacramento County Environmental Management Department as the Local Enforcement Agency for the County of Sacramento.

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 Sacramento County; and

WHEREAS, the Enforcement Program Plan of the Environmental Health Division of the Sacramento County Environmental Management 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 Sacramento 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 Sacramento County Environmental Management 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 Section 43200, et seq; and Title 14 California Code of Regulations Section 18010 et seq; and

WHEREAS, the Board finds that the above designated enforcement agency has also demonstrated via its Enforcement Program Plan that it has adequate staff and budget, technical expertise, and training; and

WHEREAS, in reviewing the Sacramento County Environmental Management Department, Environmental Health Division's performance, Board staff has concerns regarding their permit processing procedures and their taking appropriate enforcement actions where applicable; and

WHEREAS, The Sacramento County Environmental Management Department, Environmental Health Division needs to demonstrate their capability and experience in implementing their permitting and enforcement programs;

NOW, THEREFORE, BE IT RESOLVED, based on the foregoing considerations, 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 Environmental Health Division of the Sacramento County Environmental Management Department as the Local Enforcement Agency for Sacramento County and all its incorporated cities;

BE IT FURTHER RESOLVED, that the Board directs staff to conduct quarterly performance reviews until Sacramento County Environmental Management Department, Environmental Health Division satisfactorily implements their enforcement and permitting 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 held on July 16, 1992.

Date:

Ralph E. Chandler
Executive Director

DESIGNATION AND CERTIFICATION
FACT SHEET

San Diego County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

San Diego County and all its cities

Designated Jurisdiction:

San Diego County

Designated Enforcement Agency:

San Diego County Department of Health Services

Facilities and Sites: Total count ---------- 148*

Vehicles: Total count ---------- 659*

Facility Types:

Landfill(s)---------- 8*
Transfer Station(s)---------- 13*

Site Types:

"Inactive" site(s)---------- 16*
"Closed" site(s)---------- 25*
"Burn" site(s)---------- 20*
"Illegal" site(s)---------- 4*
"Unclassified" or other site(s)------- 22*

Types of Certification requested: "A","B","C", and "D"

Budget Adequacy: (Total Annual Budget) ---------- $706,640.00*

Technical Expertise and Staff Adequacy:*

- One (1) Hazardous Materials Specialist IV
- Three (3) Hazardous Materials Specialist III
- Four (4) Hazardous Materials Specialist II
- Two (2) Hazardous Materials Specialist II
- One (1) Hydrogeologist
- One (1) Secretary I
- One (1) Clerk

* as indicated in the EPP

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 92-81

July 16, 1992

Resolution approving the Enforcement Program Plan, issuing the requested certifications and approving the designation of the San Diego County Department of Health Services as the Local Enforcement Agency for the County of San Diego.

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 San Diego County; and

WHEREAS, the Enforcement Program Plan of the San Diego County Department of Health Services 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 San Diego 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 San Diego County Department of Health Services 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 Section 43200, et seq; and Title 14 California Code of Regulations Section 18010 et seq; and

WHEREAS, the Board finds that the above designated enforcement agency has also demonstrated via its Enforcement Program Plan that it has adequate staff and budget, technical expertise, and training;

NOW, THEREFORE, BE IT RESOLVED, based on the foregoing considerations, 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 San Diego County Department of Health Services as the Local Enforcement Agency for San Diego County and all its 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 July 16, 1992.

Date:

Ralph E. Chandler
Executive Director

DESIGNATION AND CERTIFICATION

Santa Barbara Co. **FACT SHEET**

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Santa Barbara County and all its Cities

Designated Jurisdiction:

Santa Barbara County

Designated Enforcement Agency:

Santa Barbara County Environmental Health Services Department

Facilities and Sites: Total count ----------63*

Vehicles: Total count ----------167*

Facility Types:

Landfill(s)----------7*
Transfer Station(s)----------1*

Site Types:

"Inactive" site(s)----------1*
"Closed" site(s)----------28*
"Illegal site(s) (active/inactive)--------17*
"Abandoned site(s)----------9*

Types of Certification requested:

"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

Budget Adequacy: (Total Annual Budget)----------$303,309.00*

Technical Expertise and Staff Adequacy:

* Two Registered Environmental Health Specialists (REHS) assisted part time by one REHS and a Hydrogeologist, managed by a Supervisory REHS and a Program Manager.

* As indicated in the EPP

ATTACHMENT 2G

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 92-66

July 16, 1992

Resolution approving the Enforcement Program Plan, issuing the requested certifications and approving the designation of the Santa Barbara County Environmental Health Services Department, as the Local Enforcement Agency for the County of Santa Barbara.

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 Santa Barbara County; and

WHEREAS, the Enforcement Program Plan of the Santa Barbara County Environmental Health Services 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 Santa Barbara 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 Santa Barbara County Environmental Health Services 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 Section 43200, et seq; and Title 14 California Code of Regulations Section 18010 et seq; and

WHEREAS, the Board finds that the above designated enforcement agency has also demonstrated via its Enforcement Program Plan that it has adequate staff and budget, technical expertise, and training;

NOW, THEREFORE, BE IT RESOLVED, based on the foregoing considerations, 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 Santa Barbara County Environmental Health Services Department, as the Local Enforcement Agency for Santa Barbara 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 July 16, 1992.

Date:

Ralph E. Chandler
Executive Director

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DESIGNATION AND CERTIFICATION

FACT SHEET

Santa Clara County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Santa Clara County and all its cities

Designated Jurisdiction:

Santa Clara County

Designated Enforcement Agency:

Santa Clara County Health Department
Division of Environmental Health

Facilities and Sites: Total count ---------- 19*

Vehicles: Total count ---------- 325*

Facility Types:

Landfill(s)	5*
Transfer Station(s)	2*
Composting Station(s)	0*
Processing Station(s)	0*
Materials Recovery Facility(s)	0*
Proposed Facility(s)	0*

Site Types:

"Inactive" site(s)	1*
"Closed" site(s)	11*
"Exempt" site(s)	0*
"Illegal site(s)	0*

Types of Certification requested:

- "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

Budget Adequacy: (Total Annual Budget)----------$355,483.00*

Technical Expertise and Staff Adequacy:

- Four Environmental Health Specialists

* as indicated in the Enforcement Program Plan

ATTACHMENT 2H

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 92-77

July 16, 1992

Resolution approving the Enforcement Program Plan, issuing the requested certifications and approving the designation of the Santa Clara County Health Department, Division of Environmental Health as the Local Enforcement Agency for the County of Santa Clara.

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 Santa Clara County; and

WHEREAS, the Enforcement Program Plan of the Santa Clara County Health Department, Division of Environmental Health 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 Santa Clara 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 Santa Clara County Health Department, Division of Environmental Health 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 Section 43200, et seq; and Title 14 California Code of Regulations Section 18010 et seq; and

WHEREAS, the Board finds that the above designated enforcement agency has also demonstrated via its Enforcement Program Plan that it has adequate staff and budget, technical expertise, and training;

NOW, THEREFORE, BE IT RESOLVED, based on the foregoing considerations, 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 Santa Clara County Health Department, Division of Environmental Health as the Local Enforcement Agency for Santa Clara 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 July 16, 1992.

Date:

Ralph E. Chandler
Executive Director

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DESIGNATION AND CERTIFICATION

FACT SHEET

Ventura County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Ventura County and all its cities

Designated Jurisdiction:

Ventura County

Designated Enforcement Agency:

Ventura County Environmental Health Division Resource Management Agency

Facilities and Sites: Total count ---------- 68*

Vehicles: Total count ---------- 256*

Facility Types:

Landfill(s)---------- 9*
Transfer Station/Processing Station(s)--- 3*

Site Types:

"Abandoned" site(s)---------- 14*
"Closed" site(s)---------- 40*
"Illegal site(s)---------- 2*

Types of Certification requested:

"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

Budget Adequacy: (Total Annual Budget)----------$622,300.00*

Technical Expertise and Staff Adequacy:

- One Director Environmental Health Division
- One Resource Management Agency Manager I
- One Senior Solid Waste Engineer
- Three Environmental Health Specialist IV
- One Environmental Health Specialist III
- Two Environmental Health Specialist II

* as indicated in the Enforcement Program Plan

ATTACHMENT 2I

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 92-76

July 16, 1992

Resolution approving the Enforcement Program Plan, issuing the requested certifications and approving the designation of the Ventura County Environmental Health Division Resource Management Agency as the Local Enforcement Agency for the County of Ventura.

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 Ventura County; and

WHEREAS, the Enforcement Program Plan of the Ventura County Environmental Health Division Resource Management Agency 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 Ventura 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 Ventura County Environmental Health Division Resource Management Agency 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 Section 43200, et seq; and Title 14 California Code of Regulations Section 18010 et seq; and

WHEREAS, the Board finds that the above designated enforcement agency has also demonstrated via its Enforcement Program Plan that it has adequate staff and budget, technical expertise, and training;

NOW, THEREFORE, BE IT RESOLVED, based on the foregoing considerations, 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 Ventura County Environmental Health Division Resource Management Agency as the Local Enforcement Agency for Ventura 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 July 16, 1992.

Date:

Ralph E. Chandler
Executive Director

DESIGNATION AND CERTIFICATION

Yolo County **FACT SHEET**

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Yolo County and all its Cities

Designated Jurisdiction:

Yolo County

Designated Enforcement Agency:

Yolo County Health Department, Environmental Health

Facilities and Sites: Total count ----------25*

Vehicles: Total count ----------76*

Facility Types:

Landfill(s)----------2*
Transfer Station(s)----------2*

Site Types:

"Inactive" site(s)----------2*
"Closed" site(s)----------8*
"Illegal site(s)----------1*
"Sites yet to defined----------10*

Types of Certification requested:

"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

Budget Adequacy: (Total Annual Budget)----------$141,857.00*

Technical Expertise and Staff Adequacy:

* One Environmental Health Specialist undergoing registration, a part time Supervising Registered Environmental Health Specialist (REHS), a part time Hazardous Materials Specialist, all managed by the Director of Environmental Health who is also an REHS.

* As indicated in the EPP

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 92-67

July 16, 1992

Resolution approving the Enforcement Program Plan, issuing the requested certifications and approving the designation of the Yolo County Health Department, Environmental Health as the Local Enforcement Agency for the County of Yolo.

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 Yolo County; and

WHEREAS, the Enforcement Program Plan of the Yolo County Health Department, Environmental Health 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 Yolo 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 Yolo County Health Department, Environmental Health 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 Section 43200, et seq; and Title 14 California Code of Regulations Section 18010 et seq; and

WHEREAS, the Board finds that the above designated enforcement agency has also demonstrated via its Enforcement Program Plan that it has adequate staff and budget, technical expertise, and training;

NOW, THEREFORE, BE IT RESOLVED, based on the foregoing considerations, 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 yolo County Health Department, Environmental Health, as the Local Enforcement Agency for Yolo 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 July 16, 1992.

Date:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee Meeting

July 15, 1992

AGENDA ITEM 5

ITEM: Consideration of Temporary Certifications and Designations of the following Local Enforcement Agencies:

A. Alpine County Health Department
B. Amador County Health Department
C. Glenn County Health Services Department
D. Lassen County Health Department
E. Mariposa County Health Department
F. Modoc County Health Department, Environmental Health Division
G. Mono County Health Department
H. Plumas County Department of Environmental Health
I. San Benito County Health Department Environmental Health Division
J. Sierra County Health Department
K. Trinity County Health Department

BACKGROUND:

The Public Resources Code (PRC) 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. 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 fulfilling 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 (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 then approve the designation of the Enforcement Agency pursuant to PRC 43204.

ANALYSIS:

Board staff has reviewed the Designation Information Packages (DIPs) from local governing bodies requesting the approval of their designation of the following local agencies as the enforcement agency for the defined jurisdiction:

A. Alpine County Health Department
B. Amador County Health Department
C. Glenn County Health Services Department
D. Lassen County Health Department
E. Mariposa County Health Department
F. Modoc County Health Department, Environmental Health Division
G. Mono County Health Department
H. Plumas County Department of Environmental Health
I. San Benito County Health Department Environmental Health Division
J. Sierra County Health Department
K. Trinity County Health Department

The documentation provided in each DIP does meet the general requirements of statute and regulations. Board staff find that the DIPs are complete and acceptable. The attached fact sheets provide detailed information concerning each jurisdiction.

The ten counties identified in this agenda item, with the exception of Plumas, are "contract counties". The Health and Safety Code requires that all counties perform public and environmental health duties. Rural counties under 40,000 population may perform these duties through a contract with the State Department of Health Services (State DHS). In this case state employees perform the public and environmental health services within the jurisdiction. In the past, the monies needed to perform the duties came from the State's General Fund.

Board staff received a letter from the State DHS (attached) notifying us of some significant circumstances involving contract counties which would affect their ability to seek LEA certification. The contract counties are requesting a temporary certification based on the following information:

* In July, 1991, a funding change occurred which moved this program from general funds to special funds. This program is now funded through the Department of Motor Vehicles and sales tax revenues which pass directly to the counties, and the counties in turn use these revenues to contract back with the State DHS for services. Ramifications of funding realignment have not been established. Specifics relative to actual budgets and staffing still need to be determined by the State and the counties.

* After a decision is made regarding funding and staffing, the counties will proceed with establishing the appropriate mechanisms to meet the certification requirements, i.e., JPAs will be formed where appropriate to gain an economy of scale relative to budgets and staffing. The jurisdictions should be identified by early Fall 1992.

* All the necessary paperwork supporting certification for the defined jurisdictions would be submitted by November, 1992.

Based on the above considerations, staff has determined that it would be premature, at this juncture, to require the contract counties to submit the complete documents to seek certification. Therefore, in mutual agreement with the contract county LEAs, the

EPPs have not yet been submitted for review and Board consideration. At Board staff's direction, they did, however, submit the necessary DIPs which support the designations of the local agencies by the appropriate local governing bodies.

Additionally, by letter dated June 23, 1992, (attached) Plumas County is requesting a temporary certification which coincides with the timeline granted the contract counties. Plumas County is desirous of forming a joint powers agreement (JPA) with adjoining contract counties, however, it cannot proceed with this plan until the uncertainties facing the contract counties are resolved.

Title 14 CCR, Section 18054 (3) allows the Board to issue temporary LEA certifications for specific time periods. The regulations do not identify any criteria to apply to the Board's issuance of a temporary certification, and leaves the timeframe and conditions up to the Board. Without considering the granting of temporary certifications to these 10 counties, the Board would be required to perform the duties beginning August 2, 1992 pursuant to statute.

STAFF COMMENTS:

Staff recommend the Board concur with the request to grant temporary certifications for the above stated jurisdictions until January, 1993. The January, 1993 date would support the time needed for packages to be submitted by the 11 counties in November, Board staff review, and Board consideration. These temporary certifications should be conditioned with specific timeline accomplishments for status reports and submittal of appropriate documents. The attached resolution reflects these conditions.

The Board has the following options:

1. Issue time-limited conditioned temporary certifications, and approve the designation for each jurisdiction. This option would enable the rural counties reasonable time to achieve a jurisdictional structure to reduce the impacts stemming from the LEA certification requirements. It would also provide temporary authority to continue serving as the LEA.

2. Disapprove the designations and appoint the Board as the enforcement agency for the 11 jurisdictions. If the Board becomes the enforcement agency in 11 jurisdictions with 1 full

time staff per jurisdiction, the cost would be $1.7 million per year based on the Board adopted hourly fee for service methodology bringing the FY 91/92 rate of $84/hour times 1840 staff hours per year.

3. 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. Letter from Tibor Banathy, State DHS dated February 25, 1992.

2. Letter from William Crigler, Plumas County Department of Environmental Health dated June 23, 1992.

3. Designation and Certification Fact Sheets for the following enforcement agencies and designating local governing bodies:

   A. Alpine County Health Department
   B. Amador County Health Department
   C. Glenn County Health Services Department
   D. Lassen County Health Department
   E. Mariposa County Health Department
   F. Modoc County Health Department, Environmental Health Division
   G. Mono County Health Department
   H. Plumas County Department of Environmental Health
   I. San Benito County Health Department Environmental Health Division
   J. Sierra County Health Department
   K. Trinity County Health Department

4. CIWMB resolution.

Prepared by: Mary T. Coyle Phone 255-2408

Reviewed by: Martha Vázquez Phone 255-2431

Legal review: Date/Time 3

ATTACHMENT 1

STATE OF CALIFORNIA — HEALTH AND WELFARE AGENCY

PETE WILSON, Governor

DEPARTMENT OF HEALTH SERVICES
RURAL AND COMMUNITY HEALTH DIVISION
LOCAL HEALTH SERVICES SECTION
P.O. BOX 493370 (331 HEMSTED DRIVE)
REDDING, CA 96049-3370

February 25, 1992

Ralph Chandler
Executive Officer
California Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, CA. 95826

Dear Mr. Chandler:

The Local Public Health Program Section (LPHPS), formerly Local Health Services Section, of the Department of Health Services is responsible for providing the environmental health programs and program personnel for those counties contracting with the State for a public health program under provisions of the Health and Safety Code, Section 1157.1. The Department is currently providing these services in 11 small rural counties (Alpine, Amador, Del Norte, Glenn, Lassen, Mariposa, Modoc, Mono, San Benito, Sierra and Trinity). In all these counties, with the exception of Alpine and Del Norte where the LEA designation process in underway, the local health department which we are staffing is acting as the LEA for solid waste.

The LPHPS program has undergone significant changes as a result of the July 1991 Realignment, which removed this program from the general fund. The program is now funded through DMV and sales tax revenues which pass directly to the counties, and the counties in turn use these revenues to contract back with the State for services. The full ramifications of realignment have as yet not been fully realized. Specifics relative to actual budgets and staffing still need clarification.

Due to these uncertainties, we are requesting that the CIWMB grant interim LEA status through August 1993 to the counties in this program. Resolution of most outstanding issues, as well as commitments by the counties to continue participation in the LPHPS program for FYI 92/93 should be available by May 1, 1992. At that time we will provide your staff with an update of the program, including proposed mechanisms to meet the LEA criteria It is anticipated that the most likely mechanism will be some form of "joint powers" agreement between counties.

5/n

In the interim, all LPHSP counties will individually submit Designation Information Packages (DIP's) in the event that any elect not to participate in the program for FY 92/93. This would allow for certification to continue on an independent basis.

We anticipate that we will have a formal proposal to present to your staff in November of 1992. This proposal will outline the specific measures which will be taken to meet the LEA certification and designation process for each of the counties. This proposal will be presented to your staff for review and approval.

Thank you for your consideration in this matter and we are looking forward to working with your staff to resolve these issues.

Sincerely,

Tibor Banathy

Tibor Banathy
Acting Section Chief
Local Public Health
Services Section

TB:rs

cc: Jesse Huff, Chairman
Permitting and Enforcement Committee
CIWMB

LPHSP County Health Departments

ATTACHMENT 2

DEPARTMENT OF ENVIRONMENTAL HEALTH

P.O. BOX 480, QUINCY, CA 95971 TELEPHONE (916) 283-6355

June 23, 1992

Mr. Marc Arico
California Integrated Waste Management Board
LEA Section
8800 Cal Center Drive
Sacramento, CA 95826

Dear Mr. Arico:

I am writing to inform you that we are continuing to work toward forming a Joint Powers Agreement (JPA) with another jurisdiction (or jurisdictions) to create a JPA-LEA, to express some of our concerns and to request temporary LEA certification until January, 1993.

One of our major concerns is the requirement in the Public Resources Code (PRC) that all LEA's be certified by the California Integrated Waste Management Board (CIWMB) by August 1, 1992 in order to continue our jurisdictional solid waste enforcement authority. We are very much aware that statute also requires that in the absence of such certification, the CIWMB would perform these duties at the local level. If the JPA-LEA has not been formed in time to receive certification in advance of the August 1, 1992 date, it will put Plumas County in a most diffident position.

As you know, small rural counties are agonizing over the problems of delivering a satisfactory level of services in a time of escalating costs and diminishing resources. The Plumas County Board of Supervisors has directed department heads to submit budgets for FY 1992-93 reflecting reductions of 5% and 10%. The result of these budget reductions could very well translate into reductions in personnel. The uncertainties resulting from funding realignment will undoubtedly result in issues which require local decisions relative to the use of resources and could dramatically impact LEA programs in small rural jurisdictions. Should it become necessary for CIWMB staff to perform LEA duties in Plumas County, please remember that it is uncertain as to whether the County has the ability to reimburse the CIWMB for the cost of these services.

Based upon the finaicial uncertainties and our efforts to form a JPA-LEA, we are requesting that the Board grant temporary LEA certification for Plumas County until January, 1993. It is our intent to continue with our jurisdictional solid waste enforcement authority in a manner which is intrinsically more effective (financially and from an enforcement standpoint) and which satisfies the provisions of the law.

If you have any questions, or if I may provide additional information in support of our request, please feel free to contact me at (916) 283-6355.

Sincerely,

William F. Crigler, REHS
Environmental Health Director

WFC/dr
CC Board of Supervisors

CONDITIONAL DESIGNATION AND CERTIFICATION

FACT SHEET

Alpine County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Alpine County

Designated Jurisdiction:

Alpine County

Designated Enforcement Agency:

Alpine County Health Department

Facilities and Sites:	Total count ----------	5*
Facility Types:	Landfill(s)----------	0*
	Transfer Station(s)----------	0*
Site Types:	"Closed Site(s)"----------	4*
	"Inactive Site(s)"----------	1*

DIP: Complete and accepted on 6/26/92.

EPP: Not yet received; therefore, budget and staff adequacy and technical expertise has not been analyzed.

* as indicated in the Designation Information Package

CONDITIONAL DESIGNATION AND CERTIFICATION

FACT SHEET

Amador County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Amador County and all its cities

Designated Jurisdiction:

Amador County

Designated Enforcement Agency:

Amador County Health Department

Facilities and Sites:	Total count ----------	26*
Facility Types:	Landfill(s)----------	2*
	Transfer Station(s)----------	1*
Site Types:	"Closed Site(s)"----------	18*
	"Illegal Site(s)"----------	5*

DIP: Complete and accepted on 6/19/92 with the condition that the hearing panel be in place by 9/10/92.

EPP: Not yet received; therefore, budget and staff adequacy and technical expertise has not been analyzed.

* as indicated in the Designation Information Package

ATTACHMENT 3C

CONDITIONAL DESIGNATION AND CERTIFICATION

FACT SHEET

Glenn County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) from the local governing body(s):

Designating Local Governing Body(s):

Glenn County and all its cities

Designated Jurisdiction:

Glenn County

Designated Enforcement Agency:

Glenn County Health Department

The following information is not available in that an Enforcement Program Plan (EPP) has not been submitted to the Board to Date.

Facilities and Sites: Total count ---------- 25*

Vehicles: Total count ----------"unknown"

Facility Types:

Landfill(s)---------- 1*

Site Types:

"Closed" site(s)---------- 1*

"Exempt" site(s)---------- 10*
"Old Burn Dump"---------- 6*
"Other Facilities/Sites" (undefined)- 7*

DIP: Complete and Accepted.

EPP: Not yet submitted, therefore budget and staff adquacy and technical expertise has not been analyzed.

* as indicated in the DIP

CONDITIONAL DESIGNATION AND CERTIFICATION
FACT SHEET

Lassen County

The following is an abstract of the designation information compiled from the Designation Information Package (DIP) from the local governing body(s). The Enforcement Program Plan (EPP) will be submitted at a later date.

Designating Local Governing Body(s):

Lassen County and its city

Designated Jurisdiction:

Lassen County

Designated Enforcement Agency:

Lassen County Health Department

Facilities and Sites: Total count ----------23*

Vehicles: Total Count ----------21*

Facility Types:

Landfill(s)----------11*
Transfer Station(s)----------1*

Site Types:

"Inactive" site(s)----------1*
"Closed" site(s)----------10*

DIP: Complete and accepted

EPP: Not yet submitted; therefore, budget and staff adequacy and technical expertise has not been analyzed.

*as indicated in the Designation Information Package

CONDITIONAL DESIGNATION AND CERTIFICATION

FACT SHEET

Mariposa County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Mariposa County

Designated Jurisdiction:

Mariposa County

Designated Enforcement Agency:

Mapriposa County Health Department

Facilities and Sites: Total count ---------- 23*

Facility Types: Landfill(s)---------- 1*
Transfer Station(s)---------- 4*

Site Types: "Closed Site(s)"---------- 10*
"Unknown Site(s)" LEA Has No Record-- 8*

DIP: Complete and accepted with the exception of the hearing panel.

EPP: Not yet received; therefore, budget and staff adequacy and technical expertise has not been analyzed.

* as indicated in the Designation Information Package

CONDITIONAL DESIGNATION AND CERTIFICATION
FACT SHEET

Modoc County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Modoc County Board of Supervisors and City of Alturas

Designated Jurisdiction:

Modoc County

Designated Enforcement Agency:

Modoc County Environmental Health Division, Health Department

Facilities and Sites: Total count ----------23*

Vehicles: Total count ----------5*

Facility Types:

Landfill(s)----------6*
Transfer Station(s)----------7*

Site Types:

"Closed" site(s)----------6*
"Unknown" site(s)----------4*

DIP: Complete and accepted

EPP: Has not been submitted; therefore, budget and staff adequacy and technical expertise has not been analyzed.

* as indicated in the Designation Information Package (DIP)

CONDITIONAL DESIGNATION AND CERTIFICATION

FACT SHEET

Mono County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Mono County and its city

Designated Jurisdiction:

Mono County

Designated Enforcement Agency:

Mono County Health Department

Facilities and Sites:	Total count ----------	54*
Facility Types:	Landfill(s)----------	25*
	Transfer Station(s)----------	2*
Site Types:	"Closed Site(s)"----------	19*
	"Illegal Site(s)"----------	1

DIP: Complete and accepted on 6/23/92 with the condition that the hearing panel be in place by 7/7/92. ok

EPP: Not yet received; therefore, budget and staff adequacy and technical expertise has not been analyzed.

* as indicated in the Designation Information Package

CONDITIONAL DESIGNATION AND CERTIFICATION FACT SHEET

Plumas County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Plumas County and all its cities

Designated Jurisdiction:

Plumas County

Designated Enforcement Agency:

Plumas County Environmental Health Department

Facilities and Sites: Total count ----------29*

Facility Types:

Landfill(s)---------- 3*
Transfer Station(s)---------- 6*

Site Types:

"Inactive" site(s)---------- 0*
"Closed" site(s)----------15*
"Illegal" site(s)---------- 0*
"Abandoned" site(s)---------- 0*
"Undetermined" site(s)---------- 5*

DIP: Complete and accepted.

EPP: Not yet received; therefore, budget and staff adequacy and technical expertise has not been analyzed.

*as indicated in the Designation Information Package

CONDITIONAL DESIGNATION AND CERTIFICATION
FACT SHEET

San Benito County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

San Benito County and all its cities

Designated Jurisdiction:

San Benito County

Designated Enforcement Agency:

San Benito County
Health Department
Environmental Health Division

Facilities and Sites: Total count ----------39*

Facility Types:
Landfill(s)---------- 4*

Site Types:
"Inactive" site(s)---------- 1*
"Closed/Illegal/Abandoned" site(s)----33*
"Exempt" site(s)---------- 1*

DIP: Complete and accepted.

EPP: Not yet received; therefore, budget and staff adequacy and technical expertise has not been analyzed.

*as indicated in the Designation Information Package

CONDITIONAL DESIGNATION AND CERTIFICATION
FACT SHEET

Sierra County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Sierra County and all its cities

Designated Jurisdiction:

Sierra County

Designated Enforcement Agency:

Sierra County Health Department

Facilities and Sites: Total count ----------22*

Facility Types:

Landfill(s)---------- 1*
Transfer Station(s)---------- 4*

Site Types:

"Inactive" site(s)---------- 0*
"Closed" site(s)----------13*
"Illegal" site(s)---------- 0*
"Abandoned" site(s)---------- 0*
"Undetermined" site(s)---------- 4*

DIP: Complete and accepted.

EPP: Not yet received; therefore, budget and staff adequacy and technical expertise has not been analyzed.

*as indicated in the Designation Information Package

CONDITIONAL DESIGNATION AND CERTIFICATION FACT SHEET

Trinity County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Trinity County

Designated Jurisdiction:

Trinity County

Designated Enforcement Agency:

Trinity County Health Department

Facilities and Sites: Total count ----------32*

Facility Types:

Landfill(s)---------- 1*
Transfer Station(s)---------- 8*

Site Types:

"Inactive" site(s)---------- 0*
"Closed" site(s)----------16*
"Illegal" site(s)---------- 0*
"Abandoned" site(s)---------- 0*
"Proposed" site(s)---------- 3*
"Undetermined" site(s)---------- 4

DIP: Complete and accepted on 5/30/92 with the condition that the hearing panel be in place by 7/27/92.

EPP: Not yet received; therefore, budget and staff adequacy and technical expertise has not been analyzed.

*as indicated in the Designation Information Package

ATTACHMENT 4

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 92-83

July 16, 1992

Resolution granting temporary certification and designation for the following Local Enforcement Agencies:

A. Alpine County Health Department
B. Amador County Health Department
C. Glenn County Health Services Department
D. Lassen County Health Department
E. Mariposa County Health Department
F. Modoc County Health Department, Environmental Health Division
G. Mono County Health Department
H. Plumas County Department of Environmental Health
I. San Benito County Health Department Environmental Health Division
J. Sierra County Health Department
K. Trinity County Health Department

WHEREAS, the California Integrated Waste Management Act of 1989 (Act) requires local governing bodies to designate an enforcement agency to carry out solid waste permitting, inspection, and enforcement duties in their jurisdiction; and

WHEREAS, the Act requires that enforcement agencies be certified by the California Integrated Waste Management Board (Board) by August 1, 1992 so as to maintain their authority; and

WHEREAS, the Act requires that the Board perform the enforcement agency duties commencing August 2, 1992 in jurisdictions where there is no certified enforcement agency; and

WHEREAS, the Board has reviewed the Designation Information Packages from local governing bodies in Alpine, Amador, Glenn, Lassen, Mariposa, Modoc, Mono, Plumas, San Benito, Sierra, and Trinity; and

WHEREAS, the designated enforcement agency for each jurisdiction is as follows:

A. Alpine County Health Department
B. Amador County Health Department
C. Glenn County Health Services Department
D. Lassen County Health Department
E. Mariposa County Health Department
F. Modoc County Health Department, Environmental Health Division

G. Mono County Health Department
H. Plumas County Department of Environmental Health
I. San Benito County Health Department Environmental Health Division
J. Sierra County Health Department
K. Trinity County Health Department; and

WHEREAS, all of the above agencies, with the exception of Plumas, are staffed by state employees from the State Department of Health Services, Local Public Health Program Section (LPHPS); and

WHEREAS, in July 1991 a funding change occurred which removed this program from general funds to special funds funded through the Department of Motor Vehicles and sales tax revenues for which full ramifications have not been established, and specifics are needed as to actual budgets and staffing; and

WHEREAS, Plumas County is desirous of combining with neighboring jurisdictions for performance of LEA duties, and the neighboring jurisdictions are those identified in this item; and

WHEREAS, Title 14 California Code of Regulations Section 18054 (3) allows for special circumstances where the Board could grant time-limited, conditional certifications and designations when warranted;

NOW, THEREFORE, BE IT RESOLVED, based on the foregoing consideration, the Board issues temporary certification types "A", "B", "C", and "D" and approves the designation for the above Local Enforcement Agencies for their defined jurisdictions.

BE IT FURTHER RESOLVED that these temporary certifications are effective until January 31, 1993 and are based on the following conditions:

1. The State Department of Health Services, LPHPS shall provide an update by September 1, 1992 on the outstanding realignment issues and which counties are continuing participation with LPHPS. This update shall include proposed mechanisms to meet the LEA criteria, i.e., formation of joint powers agreements.

2. Enforcement Program Plans will be submitted to the Board by November 1, 1992, reflecting the structure of the above LEA jurisdictions.

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 July 16, 1992.

Date:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee Meeting

July 15, 1992

AGENDA ITEM 6

ITEM: Consideration of Temporary Certification and Designation of the following Local Enforcement Agencies:

A. Humboldt County Health Department, Environmental Health Division;
B. City of Los Angeles Environmental Affairs Department

BACKGROUND:

The Public Resources Code (PRC) 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. 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 fulfilling 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 (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 then approve the designation of the Enforcement Agency pursuant to PRC 43204.

ANALYSIS:

Board staff has reviewed the Designation Information Packages (DIPs) from the local governing bodies for Humboldt County and the City of Los Angeles requesting the approval of their designation of Humboldt County Health Department, Environmental Health Division and the City of Los Angeles Environmental Affairs Department as the enforcement agency for their defined jurisdictions.

The documentation provided in each DIP does meet the general requirements of statute and regulation. Board staff find that the Humboldt County DIP will be deemed complete and accepted once the required hearing panel is appointed which is anticipated to occur in August. The City of Los Angeles DIP is complete and acceptable. The attached fact sheets provide detailed information concerning each jurisdiction.

The two jurisdictions identified in this item have undergone unexpected workloads stemming from local catastrophes. The City of Los Angeles experienced civil disturbances on April 29, 1992. Humboldt County experienced earthquakes which caused damage on April 25, 1992. Board staff received letters from both jurisdictions (attached) requesting an extension of time to prepare and submit their Enforcement Program Plans (EPPs) because of their current unexpected workloads. Therefore, EPPs have not

yet been submitted for review and Board consideration. At Board staff's direction, they did, however, submit the necessary DIPs which support the designations of the local agencies by the appropriate local governing bodies.

Currently, the Humboldt County Health Department is the designated LEA for the County. The Los Angeles City Department of Public Works Bureau of Sanitation and the Los Angeles County Department of Health Services are the existing designated agencies making up the LEA for the City of Los Angeles. The City Bureau of Sanitation can no longer serve as the LEA as they also operate facilities, and, therefore, have a conflict of interest which is now prohibited. Consequently, the city has changed their designation to the City of Los Angeles Environmental Affairs Department.

Regulations were codified to provide the Board sufficient flexibility in dealing with unique and unforseen conditions/ situations. Title 14 CCR, Section 18054 (3) allows for special circumstances where the Board could grant time-limited, conditional certifications and designation approval when warranted. The regulation does not identify any criteria to apply to the Board's issuance of a temporary certification, and leaves the timeframe and conditions up to the Board.

STAFF COMMENTS:

Staff recommend that the Board concur with the request to grant temporary certifications for the above two jurisdictions until January 31, 1993. The January 31, 1993 date would support the time needed for EPPs to be submitted, Board staff review, and Board consideration. The attached resolution reflects timeline requirements for submission of the EPPs. The resolution also reflects the temporary certification of the City Environmental Affairs Department and the Los Angeles County Department of Health Services as the LEA for the City. This arrangement will allow the City Environmental Affairs Department to begin functioning as an LEA in combination with the County who has been performing this task and is experienced in its requirements.

The Board has the following options:

1. Issue time-limited conditioned temporary certifications, and approve the designation for each jurisdiction. This option would allow the jurisdictions reasonable time to complete and submit their EPPs, Board staff review, and Board

consideration. It would also grant temporary authority to the City of Los Angeles Environmental Affairs Department and Humboldt County Health Department to continue serving as the LEA.

2. Disapprove the designations and appoint the Board as the enforcement agency for the jurisdictions. If the Board becomes the enforcement agency in the jurisdictions with 1 full time staff per jurisdiction, the cost to each would be $154,560 per year based on the Board adopted hourly fee for service methodology bringing the FY 91/92 rate of $84/hour times 1840 staff hours per year.

3. 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. Letter from Jeffrey Arnold, Humboldt County Environmental Health dated June 9, 1992.

2. Letter from Mayor Tom Bradley, City of Los Angeles dated June 9, 1992.

3. Conditional Designation and Certification Fact Sheets for a) Humboldt County Health Department, Environmental Health Division, and b) City of Los Angeles Environmental Affairs Department.

4. CIWMB resolution.

Prepared by: Mary T. Coyle Phone 255-2408

Reviewed by: Martha Vazquez Phone 255-2431

Legal review: Date/Time 3

ATTACHMENT 1

HUMBOLDT COUNTY
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF ENVIRONMENTAL HEALTH
100 H STREET · SUITE 100 EUREKA, CALIFORNIA 95501 (707) 445-6215

June 9, 1992

Mr. Gabe Aboushanab
LEA Section
Permitting and Compliance Division
8800 Cal Center Drive
Sacramento, CA 95826

Dear Mr. Aboushanab:

I am responding to your May 14, 1992 letter concerning the Designation Information Package naming the Humboldt County Health Department Environmental Health Division as the solid waste enforcement agency. The following responds to the issues in your letter:

1. Hearing Panel
   We will request that the Board of Supervisors appoint an Independent Hearing Panel. I expect this process will take about two months.
2. Enumeration of Solid Waste Facilities
   All known information concerning solid waste facilities was provided on the enumeration submitted. The foundation for the enumeration was information provided to us by the CIWMB, Closure and Remediation Division. Our staff has added information to the foundation provided to us by the CIWMB. To add information we have reviewed information in our office, interviewed long time employees, interviewed past employees, interviewed our public works department staff and interviewed staff of the Regional Water Quality Control Board. Any further information we are able to uncover will not be easily obtained. I do not think we can give a date certain that all information will be provided because I do not think it is realistic to expect that all information will ever be found. We have provided all information that is readily available. Obtaining further information to complete the enumeration will be an objective of our EPP.
3. Fortuna Certified Resolution
   A copy of the City of Fortuna's certified resolution is attached. I have also attached certified resolutions from the City of Trinidad and City of Rio Dell and a revised city approval tabulation.

Mr. Gabe Aboushanab
June 9, 1992
Page 2

As noted in your letter the April 25, 26 earthquakes have had a severe impact on our ability to carry-out routine activities. One area that has suffered particularly is preparation of our Enforcement Program Plan (EPP). The following is my plan for completion of the DIP and EPP:

Activity	Date
Submission of Completed DIP (Hearing Fund)	August 10, 1992
Submission of Completed EPP	November 23, 1992

This letter is a request for Temporary Certification as a LEA until the CIWMB can review and approve the EPP submitted prior to November 23, 1992.

Should there be any questions in this matter please contact the undersigned at (707) 445-6215.

Sincerely,

Lan Sing Wu, M.D., M.P.H.
Health Officer

Jeffrey W. Arnold

Jeffrey W. Arnold, R.E.H.S.
Director of Environmental Health

JWA/se

Attachments

cc: Diane Gereke

ATTACHMENT 2

City of Los Angeles

CITY HALL
LOS ANGELES, CALIFORNIA 90012
(213) 485-3311

OFFICE OF THE MAYOR

TOM BRADLEY
MAYOR

June 9, 1992

Mary T. Coyle
Supervisor, LEA Section
California Integrated Waste
Management Board
8800 Cal Center Drive
Sacramento, CA 95826

Dear Ms. Coyle:

RE: TIME EXTENSION FOR EPP SUBMITTAL

The City of Los Angeles is requesting a 60 day time extension for submittal of the Enforcement Program Plan (EPP). This request is due to the unexpected workload affecting the Environmental Affairs Department which resulted from its involvement in the clean up of building debris due to the civil disturbance which began in Los Angeles on April 29, 1992. Barring further unforeseen circumstances, we intend to submit the City's EPP for your review by October 1, 1992.

We appreciate the consideration already shown by the California Integrated Waste Management Board staff, and thank you for your assistance in this matter. If you have any questions, feel free to contact Lillian Kawasaki of the Environmental Affairs Department at (213) 237-0352.

Sincerely,

Tom Bradley

TOM BRADLEY
Mayor

RECEIVED
JUN 19 1992
LEA SECTION

cc: Honorable John Ferraro, President, Los Angeles City Council
Felicia Marcus, President, Board of Public Works
R. Hanson, Los Angeles County LEA
Lillian Kawasaki

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CONDITIONAL DESIGNATION AND CERTIFICATION
FACT SHEET

Humboldt County

The following is an abstract of the designation information compiled from the Designation Information Package (DIP) from the local governing body(s).

Designating Local Governing Body(s):

Humboldt County and all its cities

Designated Jurisdiction:

Humboldt County

Designated Enforcement Agency:

Humboldt County Health Department
Environmental Health Division

Facilities and Sites: Total count ----------79*

Vehicles: Total Count ----------**

Facility Types:

Landfill(s)----------5*
Transfer Station(s)----------15*
Proposed Facility(s)----------2*

Site Types:

"Inactive" site(s)----------2*
"Closed" site(s)----------50*
"Illegal" site(s)----------5*

DIP: Lacking independent hearing panel.

EPP: *Not yet submitted; therefore, budget and staff adequacy and technical expertise has not been analyzed.*

*as indicated in the Designation Information Package

CONDITIONAL DESIGNATION AND CERTIFICATION

FACT SHEET

City of Los Angeles

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

City of Los Angeles

Designated Jurisdiction:

City of Los Angeles

Designated Enforcement Agency:

City of Los Angeles Environmental Affairs Department

Facilities and Sites: Total count ---------- 183*

Vehicles: Total count ---------- 1,575*

Facility Types: Landfill(s)---------- 7*
Transfer Station(s)---------- 30*

Site Types: "Closed/Illegal/Abandoned Site(s)"--------- 146*

DIP: Complete and accepted.

EPP: *Not yet submitted; therefore, budget and staff adequacy and technical expertise has not been analyzed.*

*as indicated in the Designation Information Package

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 92-82

July 16, 1992

Resolution granting temporary certification and designation of Humboldt County Health Department, Environmental Health Division and City of Los Angeles Environmental Affairs Department as the Local Enforcement Agency for their designated jurisdictions.

WHEREAS, the California Integrated Waste Management Act of 1989 (Act) requires local governing bodies to designate an enforcement agency to carry out solid waste permitting, inspection, and enforcement duties in their jurisdiction; and

WHEREAS, the Act requires that enforcement agencies be certified by the California Integrated Waste Management Board (Board) by August 1, 1992 so as to maintain their authority; and

WHEREAS, the Act requires that the Board perform the enforcement agency duties commencing August 2, 1992 in jurisdictions where there is no certified enforcement agency; and

WHEREAS, the Board has reviewed the Designation Information Package from Humboldt County and all their cities designating Humboldt County Health Department, Environmental Health Division as their enforcement agency; and

WHEREAS, the Board has received the Designation Information Package from the City of Los Angeles designating Los Angeles Environmental Affairs Department as their enforcement agency; and

WHEREAS, Humboldt County is undergoing unexpected workloads stemming from earthquakes and has requested an extension of time to prepare and submit their Enforcement Program Plan; and

WHEREAS, the City of Los Angeles is undergoing unexpected workloads stemming from civil disturbances and has requested an extension of time to prepare and submit their Enforcement Program Plan; and

WHEREAS, Humboldt County Health Department has been performing enforcement agency duties since 1977, and, therefore, is familiar with the duties and responsibilities; and

WHEREAS, Los Angeles City Environmental Affairs Department is a newly designated enforcement agency who has not yet supplied information as to the program staffing, budget, technical expertise, and training; and

WHEREAS, Los Angeles County Department of Health Services is a certified Local Enforcement Agency and has volunteered to share enforcement responsibilities for the City of Los Angeles; and

WHEREAS, Title 14 California Code of Regulations Section 18054 (3) allows for special circumstances where the Board could grant time-limited, conditional certifications and designations when warranted;

NOW, THEREFORE, BE IT RESOLVED, based on the foregoing consideration, the Board issues temporary certification types "A", "B", "C", and "D" and approves the designation for Humboldt County Health Department, Environmental Health Division, and the City of Los Angeles Environmental Affairs Department as the Local Enforcement Agency for their designated jurisdictions.

BE IT FURTHER RESOLVED that these temporary certifications are effective until January 31, 1993, by which time the designated enforcement agencies must have a complete and accepted Enforcement Program Plan, and the Board shall have issued full certification.

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 July 16, 1992.

Date:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee Meeting

July 15, 1992

AGENDA ITEM 7

ITEM: Consideration of Temporary Certifications and Designations of the following Local Enforcement Agencies:

A. Butte County Health Department
B. Kings County Health Department
C. Marin County Environmental Health Services
D. San Luis Obispo County Health Department Division of Environmental Health
E. San Mateo County Environmental Health Services Division
F. Siskiyou County Public Health Department
G. Solano County Department of Environmental Management
H. Tehama County Department of Environmental Health
I. Tulare County Department of Health Services Division of Environmental Health
J. Yuba County Environmental Health

BACKGROUND:

The Public Resources Code (PRC) 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. 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 fulfilling 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 (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 then approve the designation of the Enforcement Agency pursuant to PRC 43204.

ANALYSIS:

Board staff has reviewed the Designation Information Packages (DIPs) of the local governing bodies designating the following enforcement agencies:

A. Butte County Health Department
B. Kings County Health Department
C. Marin County Environmental Health Services
D. San Luis Obispo County Health Department Division of Environmental Health
E. San Mateo County Environmental Health Services Division
F. Siskiyou County Public Health Department
G. Solano County Department of Environmental Management
H. Tehama County Department of Environmental Health
I. Tulare County Department of Health Services Division of Environmental Health
J. Yuba County Environmental Health

The documentation provided in each DIP does meet the general requirements of statute and regulations. The only missing element is the appointment of a hearing panel for permit and enforcement appeals. All of the jurisdictions are in the process of appointing these panels. Without the appointment of the hearing panel, the DIP cannot be deemed complete. Each of the above jurisdictions have varying degrees of Enforcement Program Plans (EPPs) ranging from none to completed (with the exception of the hearing panel). Board staff will work with the jurisdictions during the temporary certification period to bring the EPPs into an acceptable product. The attached fact sheets include specific information concerning the deficiencies in each jurisdiction's EPP.

Title 14 CCR, Section 18054 (3) allows the Board to issue temporary LEA certifications for specific time periods. The regulations do not identify any criteria to apply to the Board's issuance of a temporary certification, and leaves the timeframe and conditions up to the Board. Without considering the granting of temporary certifications to these 10 counties, the Board would be required to perform the duties beginning August 2, 1992 pursuant to statute.

STAFF COMMENTS:

Staff recommend that the Board concur in granting temporary certifications for the subject jurisdictions. Staff proposes the temporary certifications expire on the dates included in the following timetable. The timeframes are based on estimated dates of hearing panel appointment by the jurisdictions and the jurisdiction's population, i.e. urban, suburban, or rural. The urban jurisdictions are due earlier so as to provide for a fully certified LEA as expediently as possible.

Jurisdiction	Temp. Cert. Expiration Date	
Butte County	December 1, 1992	Hiest
Kings County	December 1, 1992	Pop First
Marin County	December 1, 1992	
San Luis Obispo County	December 1, 1992	
San Mateo County	December 1, 1992	
Siskiyou County	January 1, 1993	
Solano County	December 1, 1992	
Tehama County	January 1, 1993	
Tulare County	December 1, 1992	
Yuba/Sutter Counties	January 1, 1993	

The Board has the following options:

1. Issue time-limited conditioned temporary certifications, and approve the designation for each jurisdiction. This option would enable the counties reasonable time to appoint a hearing panel needed pursuant to statutes and regulations. It would also temporarily give them authority to continue serving as the LEA.

2. Disapprove the designations and appoint the Board as the enforcement agency for the 10 jurisdictions. If the Board becomes the enforcement agency in 10 jurisdictions with 1 full time staff per jurisdiction, the cost would be $1.5 million per year based on the Board adopted hourly fee for service methodology bringing the FY 91/92 rate of $84/hour times 1840 staff hours per year.

3. 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. Designation and Certification Fact Sheets for the following enforcement agencies and designating local governing bodies:

   A. Butte County Health Department
   B. Kings County Health Department
   C. Marin County Environmental Health Services
   D. San Luis Obispo County Health Department Division of Environmental Health
   E. San Mateo County Environmental Health Services Division
   F. Siskiyou County Public Health Department
   G. Solano County Department of Environmental Management
   H. Tehama County Department of Environmental Health
   I. Tulare County Department of Health Services Division of Environmental Health
   J. Yuba County Environmental Health

2. CIWMB resolution.

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

Reviewed by: Martha Vazquez Phone 255-2431

Legal review: Date/Time

CONDITIONAL DESIGNATION AND CERTIFICATION
FACT SHEET

Butte County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Butte County and all its cities

Designated Jurisdiction:

Butte County

Designated Enforcement Agency:

Butte County
Health Department

Facilities and Sites: Total count ---------- 17*

Facility Types:

Landfill(s)---------- 2*
Transfer Station(s)---------- 2*
Composting Station(s)---------- 1*

Site Types:

"Closed" site(s)---------- 9*
"Illegal" site(s)---------- 3*

DIP: Complete and accepted on 6/26/92 with the condition that the hearing panel be in place by 10/1/92.

EPP: *Not yet received; therefore, budget and staff adequacy and technical expertise has not been analyzed.*

*as indicated in the Designation Information Package

CONDITIONAL DESIGNATION AND CERTIFICATION
FACT SHEET

Kings County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Kings County and all its cities

Designated Jurisdiction:

Kings County

Designated Enforcement Agency:

Kings County Health Department

Facilities and Sites: Total count ---------- 25*

Vehicles: Total count ---------- 36*

Facility Types:

Landfill(s) ---------- 3*
Transfer Station(s) ---------- 1*

Site Types:

"Inactive" site(s) ---------- 3*
"Closed" site(s) ---------- 3*
"Exempt" site(s) ---------- 1*
"Abandoned" site(s) ---------- 4*
Solid Waste Removed site(s) ---------- 5*
Other facility(s) ---------- 5*

Types of Certification requested: "A", "B", "C", & "D"*

DIP: The DIP was found to be complete and was accepted on June 18, 1992 with the condition that the hearing panel will be in place by October 16, 1992.

EPP: *The following components are incomplete:*

Budget Adequacy
Technical Expertise
Staff Adequacy

*as indicated in the Enforcement Program Plan

ATTACHMENT 1C

CONDITIONAL DESIGNATION AND CERTIFICATION
FACT SHEET

Marin County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Marin County and all its cities

Designated Jurisdiction:

Marin County

Designated Enforcement Agency:

Marin County Environmental Health Services

Facilities and Sites: Total count ----------37*

Facility Types:

Landfill(s)---------- 2*
Transfer Station(s)---------- 1*

Site Types:

"Inactive" site(s)---------- 1*
"Closed" site(s)----------29*
"Illegal" site(s)---------- 4*
"Abandoned" site(s)----------0*

Types of Certification requested: "A", "B", "C", & "D"*

DIP: Incomplete, however all missing information, with the exception of the Hearing Panel, will be to the Board by 7/21/92.

EPP: *Received 6/19/92. Not yet reviewed; therefore, budget and staff adequacy and technical expertise has not been analyzed.*

*as indicated in the Designation Information Package

CONDITIONAL DESIGNATION AND CERTIFICATION
FACT SHEET

San Luis Obispo County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

San Luis Obispo County and all its cities

Designated Jurisdiction:

San Luis Obispo County

Designated Enforcement Agency:

San Luis Obispo County Health Department
Division of Environmental Health

Facilities and Sites: Total count ---------- 34*

Vehicles: Total count ----------270*

Facility Types:
Landfill(s)---------- 7*

Site Types:
"Closed" site(s)---------- 26*
"Illegal site(s)---------- 1*

Types of Certification requested: "A", "C", & "D"*

Budget Adequacy: (Annual Budget)----------$99,446.00*
(proposed 92/93 -FY @ $167,223.00)

Technical Expertise and Staff Adequacy:

- One Environmental Health Director (part-time)
- One (1) Supervising Environmental Health Specialist
- One (1) Senior Environmental Health Specialist
- One (1) Environmental Health Specialist II

(existing 2.03 PY / proposed 92/93 -FY @ 3.1 PY)*

DIP: Complete and accepted, except for missing hearing panel information.

EPP: *Complete and accepted once the hearing panel information is supplied.*

* as indicated in the Enforcement Program Plan

CONDITIONAL DESIGNATION AND CERTIFICATION
FACT SHEET

San Mateo County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

San Mateo County and all its cities

Designated Jurisdiction:

San Mateo County

Designated Enforcement Agency:

San Mateo County Department of Health
Environmental Health Services Division

Facilities and Sites: Total count ---------- 32*

Vehicles: Total count ----------210*

Facility Types:

Landfill(s)---------- 27*
Transfer Station(s)---------- 5*

Site Types:

"Active" site(s)---------- 8*
"Closed" site(s)---------- 14*
"Closure Pending" ---------- 1*
"Unknown" site(s)---------- 9*

Types of Certification requested: "A", "B", "C", "D"*

Budget Adequacy: (Total Annual Budget)----------$420,039.00*

Technical Expertise and Staff Adequacy:*

- One (1) Solid Waste Program Manager
- Two (2) Environmental Health Specialist IV
- One (1) Hazardous Materials Specialist III
- Two (2) Staff Aide (part time)

DIP: Was incomplete and was not accepted because the hearing panel information is missing. Due Oct. 30, 1992.*

EPP: *Will be complete and accepted with the submittal of the independent hearing panel information.**

*as indicated in the Enforcement Program Plan

CONDITIONAL DESIGNATION AND CERTIFICATION
FACT SHEET

Siskiyou County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Siskiyou County and all its cities

Designated Jurisdiction:

Siskiyou County

Designated Enforcement Agency:

Siskiyou County
Public Health Department

Facilities and Sites: Total count ----------43*

Facility Types:
Landfill(s)----------14*

Site Types:
"Inactive" site(s)---------- 1*
"Closed/Illegal/Abandoned" site(s)----28*

DIP: Complete and accepted on 5/8/92 with the condition that the hearing panel be in place by 9/1/92.

EPP: *Not yet received; therefore, budget and staff adequacy and technical expertise has not been analyzed.*

*as indicated in the Designation Information Package

ATTACHMENT 1G

CONDITIONAL DESIGNATION AND CERTIFICATION
FACT SHEET

Solano County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Solano County and all its cities

Designated Jurisdiction:

Solano County

Designated Enforcement Agency:

Solano County Department of Environmental Management

Facilities and Sites: Total count ---------- 14*

Vehicles: Total count ---------- 94*

Facility Types:

Landfill(s) ---------- 4*

Site Types:

"Inactive" site(s) ---------- 5*
"Closed" site(s) ---------- 2*
"Unknown" site(s) ---------- 2*
Rescinded Transfer Station ---------- 1*

Types of Certification requested: "A", "B", "C", & "D"*

DIP: The DIP was found to be complete and was accepted on June 16, 1992 with the condition that the independent hearing panel will be in place by November 1, 1992.

EPP: *The following components are incomplete:*

Budget Adequacy
Technical Expertise
Staff Adequacy

*as indicated in the Enforcement Program Plan

ATTACHMENT 1H

CONDITIONAL DESIGNATION AND CERTIFICATION

FACT SHEET

Tehama County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Tehama County

Designated Jurisdiction:

Tehama County

Designated Enforcement Agency:

Tehama County Department of Environmental Health

Facilities and Sites: Total count ---------- 18*

Facility Types:	Landfill(s)----------	2*
	Transfer Station(s)----------	3*
	Material Recovery Facility(s)-------	1*
Site Types:	"Abandoned Site(s)"----------	4*
	"Closed Site(s)"----------	4*
	"Illegal Site(s)"----------	1*
	"Inactive Site(s)----------	2*
	"Unknown" LEA has no record----------	1*

DIP: Complete and accepted on 7/1/92 with the condition that the hearing panel be in place by 9/16/92.

EPP: *Not yet received; therefore, budget and staff adequacy and technical expertise has not been analyzed.*

* as indicated in the Designation Information Package

CONDITIONAL DESIGNATION AND CERTIFICATION
FACT SHEET

Tulare County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Tulare County and all its cities

Designated Jurisdiction:

Tulare County

Designated Enforcement Agency:

Tulare County Department of Health Services,
Division of Environmental Health

Facilities and Sites: Total count ---------- 45*

Vehicles: Total count ---------- 78*

Facility Types:

Landfill(s)	4*
Transfer Station(s)	4*
Proposed Facility(s)	3*
Tire Facility(s)	1*

Site Types:

"Inactive" site(s)	3*
"Closed" site(s)	22*
"Illegal" site(s)	5*
Unknown status site(s)	5*

Types of Certification requested: "A", "B", "C", & "D"*

DIP: The DIP was found to be complete and was accepted on June 11, 1992 with the condition that the Independent hearing will be in place by October 15, 1992.

EPP: *Received on May 15, 1992 and not yet reviewed as DIP was just accepted.*

*as indicated in the Designation Information Package

CONDITIONAL DESIGNATION AND CERTIFICATION
FACT SHEET

Yuba/Sutter County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Yuba and Sutter Counties and all their cities

Designated Jurisdiction:

Yuba and Sutter Counties

Designated Enforcement Agency:

Yuba County Environmental Health

Facilities and Sites: Total count ----------29*

Facility Types:

Landfill(s)---------- 4*
Transfer Station(s)---------- 1*

Site Types:

"Inactive" site(s)---------- 1*
"Closed" site(s)----------17*
"Illegal" site(s)---------- 4*
"Exempt" site(s)----------2*

Types of Certification requested: "A", " B", "C", & "D"*

DIP: Complete and accepted conditional upon submittal of the Hearing Panel members.

EPP: *Received 6/24/92. Not yet reviewed; therefore, budget and staff adequacy and technical expertise has not been analyzed.*

*as indicated in the Designation Information Package

ATTACHMENT 2

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 92-84

July 16, 1992

Resolution granting temporary certification and designation for the following Local Enforcement Agencies:

A. Butte County Health Department
B. Kings County Health Department
C. Marin County Environmental Health Services
D. San Luis Obispo County Health Department Division of Environmental Health
E. San Mateo County Environmental Health Services Division
F. Siskiyou County Public Health Department
G. Solano County Department of Environmental Management
H. Tehama County Department of Environmental Health
I. Tulare County Department of Health Services Division of Environmental Health
J. Yuba County Environmental Health

WHEREAS, the California Integrated Waste Management Act of 1989 (Act) requires local governing bodies to designate an enforcement agency to carry out solid waste permitting, inspection, and enforcement duties in their jurisdiction; and

WHEREAS, the Act requires that enforcement agencies be certified by the California Integrated Waste Management Board (Board) by August 1, 1992 so as to maintain their authority; and

WHEREAS, the Act requires that the Board perform the enforcement agency duties commencing August 2, 1992 in jurisdictions where there is no certified enforcement agency; and

WHEREAS, the Board has reviewed the Designation Information Packages from local governing bodies in Butte, Kings, Marin, San Luis Obispo, San Mateo, Siskiyou, Solano, Tehama, Tulare, and Yuba/Sutter; and

WHEREAS, the designated enforcement agency for each jurisdiction is as follows:

A. Butte County Health Department
B. Kings County Health Department
C. Marin County Environmental Health Services
D. San Luis Obispo County Health Department Division of Environmental Health

E. San Mateo County Environmental Health Services Division
F. Siskiyou County Public Health Department
G. Solano County Department of Environmental Management
H. Tehama County Department of Environmental Health
I. Tulare County Department of Health Services Division of Environmental Health
J. Yuba County Environmental Health; and

WHEREAS, all of the above jurisdictions have submitted Designation Information Packages which are complete and acceptable with the exception of the appointment of the required hearing panel; and

WHEREAS, all the above departments have been performing enforcement agency duties since the late 1970's, and, therefore, are familiar with the duties and responsibilities; and

WHEREAS, Title 14 California Code of Regulations Section 18054 (3) allows for special circumstances where the Board could grant time-limited, conditional certifications and designations when warranted; and

WHEREAS, in Board staff's opinion; based on experience, observations, and analysis of SWIS reports; the stated departments are able to perform the duties and responsibilities during the limited time period;

NOW, THEREFORE, BE IT RESOLVED, based on the foregoing consideration, the Board issues temporary certification types "A", "B", "C", and "D" and approves the designations for the above Local Enforcement Agency for their defined jurisdictions.

BE IT FURTHER RESOLVED that these temporary certifications are effective for the timeframes listed below by which time hearing panels must be appointed, the designated enforcement agencies must have a complete and accepted Enforcement Program Plan, and the Board shall have issued full certification.

Jurisdiction	Temp. Cert. Expiration Date
Butte County	December 1, 1992
Kings County	December 1, 1992
Marin County	December 1, 1992
San Luis Obispo County	December 1, 1992
San Mateo County	December 1, 1992
Siskiyou County	January 1, 1993
Solano County	December 1, 1992
Tehama County	January 1, 1993
Tulare County	December 1, 1992
Yuba/Sutter Counties	January 1, 1993

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 July 16, 1992.

Date:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee Meeting

July 15, 1992

AGENDA ITEM 8

ITEM: Consideration of Temporary Certifications and Designations of the following Local Enforcement Agencies:

A. Calaveras County Health Department
B. Colusa County Health Department Environmental Health Division
C. El Dorado County Building Department
D. Madera County Environmental Health Department
E. Mendocino County Public Health Department Division of Environmental Health
F. Merced County Department of Public Health Division of Environmental Health
G. Napa County Division of Environmental Health
H. Nevada County Department of Environmental Health
I. Placer County Department of Health & Medical Services
J. City & County of San Francisco Bureau of Environmental Health Services
K. San Joaquin County Public Health Services Environmental Health Division
L. City of West Covina Waste Management Enforcement Agency

BACKGROUND:

The Public Resources Code (PRC) 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. 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 fulfilling 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 (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 then approve the designation of the Enforcement Agency pursuant to PRC 43204.

ANALYSIS:

Board staff has reviewed the Designation Information Packages (DIPs) from local governing bodies requesting the approval of their designation of the following local agencies as the enforcement agency for the defined jurisdiction:

A. Calaveras County Health Department
B. Colusa County Health Department Environmental Health Division
C. El Dorado County Building Department
D. Madera County Environmental Health Department
E. Mendocino County Public Health Department Division of Environmental Health

F. Merced County Department of Public Health Division of Environmental Health
G. Napa County Division of Environmental Health
H. Nevada County Department of Environmental Health
I. Placer County Department of Health & Medical Services
J. City & County of San Francisco Bureau of Environmental Health Services
K. San Joaquin County Public Health Services Environmental Health Division
L. City of West Covina Waste Management Enforcement Agency

The documentation provided in each DIP does meet the general requirements of statute and regulations.

The EPPs are not yet acceptable based on a variety of reasons. The attached fact sheets contain specific information concerning the deficiencies in each jurisdiction's EPP. These reasons range from Board staff not yet receiving the package, not having enough time to review the package, the package not being complete, and budgets and/or staff not yet in place.

Title 14 CCR, Section 18054 (3) allows the Board to issue temporary LEA certifications for specific time periods. The regulations do not identify any criteria to apply to the Board's issuance of a temporary certification, and leaves the timeframe and conditions up to the Board. Without considering the granting of temporary certifications to these 12 jurisdictions, the Board would be required to perform the duties beginning August 2, 1992 pursuant to statute.

STAFF COMMENTS:

Staff recommend that the Board concur in granting temporary certifications for the subject jurisdictions. Staff propose that the temporary certifications expire on the dates included in the following timetable. The timeframes are based on the population of the jurisdiction, i.e. urban, suburban, or rural. The urban jurisdictions are due earlier so as to provide a fully certified LEA as expediently as possible. Board staff will work with the jurisdictions during the temporary timeframe to bring the EPPs into an acceptable product.

Jurisdiction	Temp. Cert. Expiration Date
Calaveras County	January 1, 1993
Colusa County	January 1, 1993
El Dorado County	December 1, 1992

Madera County	January 1, 1993
Mendocino County	January 1, 1993
Merced County	December 1, 1992
Napa County	December 1, 1992
Nevada County	January 1, 1993
Placer County	December 1, 1992
San Francisco City/Co.	November 1, 1992
San Joaquin County	December 1, 1992
City of West Covina	November 1, 1992

The Board has the following options:

1. Issue time-limited conditioned temporary certifications, and approve the designation for each jurisdiction. This option would enable the jurisdictions reasonable time bring their EPP up to an acceptable level pursuant to statutes and regulations. It would also temporarily give them authority to continue serving as the LEA.

2. Disapprove the designations and appoint the Board as the enforcement agency for the 12 jurisdictions. If the Board becomes the enforcement agency in 12 jurisdictions with 1 full time staff per jurisdiction, the cost would be $1.8 million per year based on the Board adopted hourly fee for service methodology bringing the FY 91/92 rate of $84/hour times 1840 staff hours per year.

3. 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. Designation and Certification Fact Sheets for the following enforcement agencies and their designating local governing bodies:

   A. Calaveras County Health Department
   B. Colusa County Health Department Environmental Health Division
   C. El Dorado County Building Department
   D. Madera County Environmental Health Department
   E. Mendocino County Public Health Department Division of Environmental Health

F. Merced County Department of Public Health Division of Environmental Health
G. Napa County Division of Environmental Health
H. Nevada County Department of Environmental Health
I. Placer County Department of Health & Medical Services
J. City & County of San Francisco Bureau of Environmental Health Services
K. San Joaquin County Public Health Services Environmental Health Division
L. City of West Covina Waste Management Enforcement Agency

2. CIWMB resolution.

Prepared by: Mary T. Coyle Phone 255-2408

Reviewed by: Martha Vazquez Phone 255-2431

Legal review: Date/Time

CONDITIONAL DESIGNATION AND CERTIFICATION
FACT SHEET

Calaveras County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Calaveras County and all its cities

Designated Jurisdiction:

Calaveras County

Designated Enforcement Agency:

Calaveras County Health Department

Facilities and Sites: (Total count)----------44*

Vehicles: Total count----------15*

Facility Types:
Landfill(s)---------- 1*
Transfer Station(s)---------- 6*

Site Types:
"Closed site(s)---------- 3*
"Exempt" site(s)---------- 3*
"Inactive" sites----------23*
"OLD Burn dumps---------- 8*

Types of Certification requested: "A", "C", & "D"*

DIP: Complete and accepted.

EPP: *The following components are missing or incomplete:*

Technical Expertise
Staff Adequacy
Budget Adequacy

*as indicated in the Enforcement Program Plan

CONDITIONAL DESIGNATION AND CERTIFICATION
FACT SHEET

Colusa County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Colusa County and all its cities

Designated Jurisdiction:

Colusa County

Designated Enforcement Agency:

Colusa County
Health Department
Environmental Health Division

Facilities and Sites: Total count ---------- 16*

Facility Types:

Landfill(s)---------- 3*
Transfer Station(s)---------- 2*

Site Types:

"Closed/Illegal/Inactive/
Abandoned" site(s)----------11*

DIP: Complete and accepted.

EPP: *Not yet received; therefore, budget and staff adequacy and technical expertise has not been analyzed.*

*as indicated in the Designation Information Package

CONDITIONAL DESIGNATION AND CERTIFICATION
FACT SHEET

El Dorado County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

El Dorado County and all its cities

Designated Jurisdiction:

El Dorado County

Designated Enforcement Agency:

El Dorado County Building Department

Facilities and Sites: Total count ----------28*

Facility Types:

Landfill(s)---------- 1*
Transfer Station(s)---------- 1*

Site Types:

"Inactive" site(s)---------- 0*
"Closed" site(s)---------- 0*
"Illegal" site(s)---------- 0*
"Abandoned" site(s)----------26*

Types of Certification requested: "A", "C", & "D"*

DIP: Complete and accepted.

EPP: *Received 6/18/92. Not yet reviewed; therefore, budget and staff adequacy and technical expertise has not been analyzed.*

*as indicated in the Designation Information Package

CONDITIONAL DESIGNATION AND CERTIFICATION
FACT SHEET

Madera County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Madera County and all its cities

Designated Jurisdiction:

Madera County

Designated Enforcement Agency:

Madera County Environmental Health Department

Facilities and Sites: Total count ---------- 17*

Vehicles: Total count ---------- 34*

Facility Types:

Landfill(s) ---------- 1*
Transfer Station(s) ---------- 2*

Site Types:

"Inactive" site(s) ---------- 1*
"Closed" site(s) ---------- 12*
"Illegal" site(s) ---------- 1*

Types of Certification requested: "A"," B", "C", and "D"*

DIP: Complete and Accepted.

EPP: *The following components are incomplete:*

Budget Adequacy
Technical Expertise
Staff Adequacy

* as indicated in the Enforcement Program Plan

CONDITIONAL DESIGNATION AND CERTIFICATION
FACT SHEET

Mendocino County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement indicated below:

Designating Local Governing Body(s):

Mendocino County and all its cities

Designated Jurisdiction:

Mendocino County

Designated Enforcement Agency:

Mendocino County Public Health Department
Division of Environmental Health

Facilities and Sites: Total count ----------47*

Vehicles: Total Count ----------40*

Facility Types:

Landfill(s)----------10*
Transfer Station(s)----------4*
Composting Station(s)----------1*

Site Types:

"Closed" site(s)----------28*
"Illegal site(s)----------4*

Types of Certification requested: "A", "B", "C", & "D"*

Budget Adequacy: (Total Annual Budget)----------$100,858.00

Technical Expertise and Staff Adequacy:

One Registered Environmental Health Specialist (REHS) managed by a supervisor who is also a REHS. Local Enforcement Agency to hire one additional REHS to fulfill adequacy of staff requirement by 10/1/92.

DIP: Complete and accepted.

EPP: *One additional staff to be hired.*

* as indicated in the EPP

CONDITIONAL DESIGNATION AND CERTIFICATION
FACT SHEET

Merced County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Merced County and all its cities

Designated Jurisdiction:

Merced County

Designated Enforcement Agency:

Merced County Department of Public Health
Division of Environmental Health

Facilities and Sites: Total count ---------- 26*

Vehicles: Total count ---------- 233*

Facility Types:
Landfill(s) ---------- 2*

Site Types:
"Closed" site(s) ---------- 22*
"Exempt" site(s) ---------- 2*

Types of Certification requested: "A", "B", "C", & "D"*

DIP: Complete and accepted.

EPP: *The following components are incomplete:*

Budget Adequacy
Technical Expertise
Staff Adequacy

* as indicated in the Enforcement Program Plan

CONDITIONAL DESIGNATION AND CERTIFICATION
FACT SHEET

Napa County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Napa County and all its cities

Designated Jurisdiction:

Napa County

Designated Enforcement Agency:

Napa County Division of Environmental Health

Facilities and Sites: Total count ---------- 14*

Vehicles: Total count ---------- 48*

Facility Types:

Landfill(s) ---------- 3*
Proposed Facility(s) ---------- 1*

Site Types:

"Closed" site(s) ---------- 1*
"Unpermitted" site(s) ---------- 9*

Types of Certification requested: "A", "B", "C", & "D"*

DIP: Complete and accepted.

EPP: *Received on May 19, 1992 and not yet reviewed as DIP was just accepted.*

* as indicated in the Designation Information Package

CONDITIONAL DESIGNATION AND CERTIFICATION
FACT SHEET

Nevada County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Nevada County and all its cities

Designated Jurisdiction:

Nevada County

Designated Enforcement Agency:

Nevada County
Department of Environmental Health

Facilities and Sites: Total count ----------20*

Facility Types:

Landfill(s)---------- 1*
Transfer Station(s)---------- 4*

Site Types:

"Inactive" site(s)---------- 6*
"Closed" site(s)---------- 3*
"Illegal" site(s)---------- 5*
"Abandoned" site(s)---------- 1*

Types of Certification requested: "A", "B", "C", & "D"*

DIP: Complete and accepted.

EPP: *Received 6/10/92. Not yet reviewed; therefore, budget and staff adequacy and technical expertise has not been analyzed.*

*as indicated in the Designation Information Package

CONDITIONAL DESIGNATION AND CERTIFICATION
FACT SHEET

Placer County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

Placer County and all its cities

Designated Jurisdiction:

Placer County

Designated Enforcement Agency:

Placer County
Department of Health & Medical Services

Facilities and Sites: Total count ---------- 19*

Vehicles: Total count ----------118*

Facility Types:

Landfill(s)---------- 2*
Transfer Station(s)---------- 5*

Site Types:

"Inactive" site(s)---------- 9*
"Closed" site(s)---------- 2*
"Illegal" site(s)---------- 1*

Types of Certification requested: "A", "B", "C", & "D"*

DIP: Complete and accepted.

EPP: *The following components are missing or incomplete:*

Budget Adequacy
Staff Adequacy

*as indicated in the Enforcement Program Plan

ATTACHMENT 1J

CONDITIONAL DESIGNATION AND CERTIFICATION
FACT SHEET

City & County of San Francisco

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

City & County of San Francisco

Designated Jurisdiction:

City & County of San Francisco

Designated Enforcement Agency:

City & County of San Francisco
Bureau of Environmental Health Services

Facilities and Sites: Total count ---------- 17*

Vehicles: Total count ----------147*

Facility Types:
Transfer Station(s)---------- 1*

Site Types:
"Closed/Abandoned" site(s)----------13*
"Illegal" site(s)---------- 3*

DIP: Complete and accepted.

EPP: *Received 6/8/92. Not yet reviewed; therefore, budget and staff adequacy and technical expertise has not been analyzed.*

*as indicated in the Designation Information Package

CONDITIONAL DESIGNATION AND CERTIFICATION
FACT SHEET

San Joaquin County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

San Joaquin County and all its cities

Designated Jurisdiction:

San Joaquin County

Designated Enforcement Agency:

San Joaquin County, Public Health Services,
Environmental Health Division

Facilities and Sites: Total count ---------- 46*

Vehicles: Total count ---------- 206*

Facility Types:

Landfill(s)---------- 6*
Transfer Station---------- 6*
Proposed Facility(s)---------- 2*

Site Types:

"Inactive" site(s)---------- 1*
"Closed" site(s)---------- 24*
"Exempt" site(s)---------- 6*
"Abandoned" site(s)---------- 3*
"Illegal" site(s)---------- 1*

Budget Adequacy: (Total Annual Budget)---------- $410,375.00*

Types of Certification requested: "A", "B", "C", and "D"*

DIP: Complete and accepted.

EPP: *The following components are incomplete:*

Staff Adequacy
Technical Expertise

* as indicated in the Enforcement Program Plan

CONDITIONAL DESIGNATION AND CERTIFICATION

FACT SHEET

City of West Covina

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

City of West Covina

Designated Jurisdiction:

City of West Covina

Designated Enforcement Agency:

City of West Covina Waste Management Enforcement Agency

Facilities and Sites: Total count ---------- 4*

Vehicles: Total count ---------- 18*

Facility Types: Landfill(s)---------- 1*

Site Types: "Abandoned" site(s)---------- 3*

Types of Certification requested: "A", "C", & "D"*

Budget Adequacy: (Total Annual Budget)----------$238,610.00*

DIP: Complete and accepted.

EPP: *The following components are missing or incomplete:*

Technical Expertise
Staff Adequacy

* as indicated in the Enforcement Program Plan

ATTACHMENT 2

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 92-85

July 16, 1992

Resolution granting temporary certification and designation of the following Local Enforcement Agencies:

A. Calaveras County Health Department
B. Colusa County Health Department Environmental Health Division
C. El Dorado County Building Department
D. Madera County Environmental Health Department
E. Mendocino County Public Health Department Division of Environmental Health
F. Merced County Department of Public Health Division of Environmental Health
G. Napa County Division of Environmental Health
H. Nevada County Department of Environmental Health
I. Placer County Department of Health & Medical Services
J. City & County of San Francisco Bureau of Environmental Health Services
K. San Joaquin County Public Health Services Environmental Health Division
L. City of West Covina Waste Management Enforcement Agency

WHEREAS, the California Integrated Waste Management Act of 1989 (Act) requires local governing bodies to designate an enforcement agency to carry out solid waste permitting, inspection, and enforcement duties in their jurisdiction; and

WHEREAS, the Act requires that enforcement agencies be certified by the California Integrated Waste Management Board (Board) by August 1, 1992 so as to maintain their authority; and

WHEREAS, the Act requires that the Board perform the enforcement agency duties commencing August 2, 1992 in jurisdictions where there is no certified enforcement agency; and

WHEREAS, the Board has reviewed the Designation Information Packages from local governing bodies in Calaveras, Colusa, El Dorado, Madera, Mendocino, Merced, Napa, Nevada, Placer, San Francisco, and San Joaquin, and the City of West Covina; and

WHEREAS, the designated enforcement agency for each jurisdiction is as follows:

A. Calaveras County Health Department
B. Colusa County Health Department Environmental Health Division
C. El Dorado County Building Department
D. Madera County Environmental Health Department
E. Mendocino County Public Health Department Division of Environmental Health
F. Merced County Department of Public Health Division of Environmental Health
G. Napa County Division of Environmental Health
H. Nevada County Department of Environmental Health
I. Placer County Department of Health & Medical Services
J. City & County of San Francisco Bureau of Environmental Health Services
K. San Joaquin County Public Health Services Environmental Health Division
L. City of West Covina Waste Management Enforcement Agency; and

WHEREAS, all of the above jurisdictions have submitted Designation Information Packages which are complete and acceptable; and

WHEREAS, Enforcement Program Plans for the above jurisdictions have not yet been approved; and

WHEREAS, all the stated departments have been performing enforcement agency duties since the late 1970's, and, therefore, are familiar with the duties and responsibilities; and

WHEREAS, Title 14 California Code of Regulations Section 18054 (3) allows for special circumstances where the Board could grant time-limited, conditional certifications and designations when warranted; and

WHEREAS, in Board staffs' opinion; based on experience, observations, and analysis of SWIS reports; the stated departments are able to perform the LEA duties and responsibilities during the limited time period;

NOW, THEREFORE, BE IT RESOLVED, based on the foregoing consideration, the Board issues temporary certification types "A", "B", "C", and "D" to the Local Enforcement Agency in Calaveras, Colusa, El Dorado, Madera, Mendocino, Merced, Napa, Placer and San Francisco Counties; and issues temporary certification type "C" to the Local Enforcement Agency in Nevada County; and approves the designations for the above Local Enforcement Agency for the defined jurisdictions.

BE IT FURTHER RESOLVED that these temporary certifications are effective for the timeframes listed below by which time the designated enforcement agencies must have a complete and accepted Enforcement Program Plan, and the Board shall have issued full certification.

Jurisdiction	Temp. Cert. Expiration Date
Calaveras	January 1, 1993
Colusa	January 1, 1993
El Dorado	December 1, 1992
Madera	January 1, 1993
Mendocino	January 1, 1993
Merced	December 1, 1992
Napa	December 1, 1992
Nevada	January 1, 1993
Placer	December 1, 1992
San Francisco	November 1, 1992
San Joaquin	December 1, 1992
City of West Covina	November 1, 1992

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 July 16, 1992.

Date:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee Meeting

July 15, 1992

AGENDA ITEM 9

ITEM: Discussion of Jurisdictions Where the Board Will Assume the Role of Enforcement Agency

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. Statute requires that all enforcement agencies be certified by August 1, 1992 in order to maintain authority over solid waste inspection, permitting, and enforcement. In the absence of a certified Local Enforcement Agency (LEA) the Board must perform the duties in the jurisdiction. Statute allows the Board to charge reasonable fees to the jurisdiction to regain the costs where the Board acts as the enforcement agency.

The Board, to date, will be certifying, either fully or temporarily, LEAs for 56 jurisdictions of the 60 defined jurisdictions in the State. In the remaining four (4) jurisdictions, the Board will be assuming, or continuing, the role of the enforcement agency.

New Board Duties as the Enforcement Agency:

The local governing bodies of Santa Cruz County and Stanislaus County have not designated a local agency for their respective jurisdiction. By letter dated June 5, 1992, Santa Cruz County Board of Supervisors notified the Board of its intent to relinquish LEA responsibility, which would, therefore, turn the responsibility over to the Board effective August 2, 1992. Stanislaus County also did not designate a local agency to seek LEA certification. The existing LEA, the County Department of Human Services Division of Health, is defined as an operator as it oversees a operational contract for the Stanislaus Resource Recovery Facility, the county's municipal waste incinerator. Instead of restructuring within county government to provide a place for the LEA responsibilities, the county desires to let the Board perform the LEA duties effective August 2, 1992.

Existing Board Duties as the Enforcement Agency:

The Board is currently serving as the enforcement agency for the jurisdictions of Del Norte County since November, 1990, and

McCourtney Road Landfill in Nevada County since April 1991. The counties of Del Norte and Nevada are pursuing LEA certification. The Board will be granting temporary certification to Nevada until January 1, 1993 for completion of their Enforcement Program Plan (EPP) and full certification. This temporary certification was for Nevada County to continue as LEA with responsibility over transfer/processing stations. The Board continues to perform the LEA duties for Nevada County's McCourtney Road Landfill.

The Board is also continuing to perform the LEA duties in Del Norte County until LEA packages are complete and accepted and certification(s) are issued by the Board. Del Norte County is considering joining with a neighboring county(s) for performance of LEA duties; however, this decision has not yet been made and would not occur until January, 1993.

When the Board becomes the Enforcement Agency, infrastructure requirements for the Board to be the Enforcement Agency for the above jurisdictions include, but are not limited to the following:

1. Hearing Panels

   Regulations and statute require that the County's local governing body appoint an independent hearing panel for permit and enforcement appeal purposes when the Board acts as the enforcement agency. Until this panel is appointed, regulations allow the County's local governing body to serve as the hearing panel. The appointment of these panels will be pursued in Del Norte, Santa Cruz, and Stanislaus Counties. Nevada has already appointed an independent hearing panel. The existing "LEAs" and their exiting hearing panels will be replaced after August 1, 1992 with a certified LEA or the Board as the Enforcement Agency and the required hearing panel for each jurisdiction.

2. Contracts with Jurisdictions

   Board staff have discussed the possibility of the Board entering into a contract with Stanislaus and Santa Cruz Counties. To date the negotiations have not been completed and there is no signed contract with either jurisdiction. The scope of work of the contract includes a workload analysis identifying all the duties which the Board will perform in the jurisdiction, identifying professional staff classifications which will perform the duties, and the jurisdiction's reimbursement responsibilities.

3. Fees for Service

Fees for work performed in the four jurisdictions, i.e., Del Norte, Nevada, Santa Cruz, and Stanislaus Counties will be billed based on the Board's adopted hourly fee rate methodology, legal documents, contracts and the work load analysis for each jurisdiction (Attachment 1). The 1991/92 fiscal year hourly fee rate was $84.00.

4. Board Staffing needs as the Enforcement Agency

The LEA certification regulations require that each local enforcement agency maintain a minimum staffing level of one full time person. Additional staffing may be necessary based on the jurisdiction workload analysis. When the Board performs the enforcement agency duties, the Board will also provide the same staffing level of at least one full time person. Based on the need to provide a minimum of one full time staff, the yearly expense to each jurisdiction will be based on the $84/hour billable rate multiplied by the number of hours needed per year.

The Board's Permitting and Compliance Division has received approval through the BCP process to augment staff by four full time Waste Management Specialists/Associate Waste Management Specialists to perform enforcement agency duties. The most significant impact to the Division's workload is in the Compliance Branch because of the requirement that solid waste facilities be inspected monthly (or weekly for landfills on the performance standards). The Board will also be responsible for preparing all Solid Waste Facility Permits (SWFP) for assumed local jurisdictional responsibilities. The Division is preparing to assume the enforcement agency duties in the additional two jurisdictions. This preparation will be completed for a smooth transition on August 2, 1992.

5. Available Grant Monies for the Board as the Enforcement Agency

Del Norte, Nevada, Santa Cruz, and Stanislaus Counties are eligible to receive Enforcement Assistance Grants as they have landfills within their jurisdictions. The grants are available to assist in the landfill permitting and inspection programs and are funded through the Solid Waste Cleanup and Maintenance Account. The monies available to these jurisdictions, based on the Board's adopted procedures, are as follows:

County	Grant Amount Available
Del Norte	$16,050.00
Nevada	$16,589.00
Santa Cruz	$20,188.00
Stanislaus	$22,316.00

The monies owed the Board for performance of enforcement agency duties by the four jurisdictions will be reduced by the amount of the grant.

6. Other Fees when the Board act as the Enforcement Agency

Board staff discussed the concept of charging a filing fee for SWFP applications, closure/postclosure maintenance plans, and financial assurance reviews to assist in recovering the costs associated with performance of enforcement agency duties. The statute allows the enforcement agency to charge these fees; however, the amount of the fee must be set by the Board/local governing body. Board staff felt that establishing an application/review fee would be redundant in that the Board already has an approved methodology for charging an hourly fee for service rendered. This issue will be revisited in the future to assess whether or not the hourly fee rate is recovering all of the Board's costs. Information compiled over the next few months will be used in making this determination.

STAFF COMMENTS:

This item is presented to the Committee for information only.

ATTACHMENTS:

1. CIWMB Billable Hourly Rate Calculations.
2. Santa Cruz County Workload.
3. Stanislaus County Workload.
4. Fact Sheets

Prepared by: Myron Amerine/ Mary T. Coyle Phone 255-2408

Reviewed by: Martha Vazquez Phone 255-2431

Legal Review: Date/Time 7-7-92

ATTACHMENT 1

DRAFT

CIWMB Billable Hourly Rate Calculations
Assumption: 100% Fee For Service Recovery

Basic Information Derivations:

1. Cost amounts are derived from "budgeted" cost per division less travel, contracts, and grant expenditures. All other costs (i.e. supplies, overhead/indirect costs, etc.) are included in the cost amount identified.

2. The number of field staff (89) is derived from the 1/24/92 organization chart as WMS, AWMS, WME, AWME, and AEG within the Permitting & Compliance Divisions.

3. The number of "Billable Hours" is calculated from SAM available employee hours as 1779 hours less 3 weeks training per year. (1779 - 120 = 1659 billable hours)

4. Mileage, transportation, per diem and overtime are "add on" costs to the base fee rate on an "as incurred" basis.

5. "Base fee" development for the recovery of state costs, when performing LEA enforcement duties, incorporates Permitting & Compliance Division costs, and the supporting division costs of Board Members, Executive Office, Legal Office, and Administration & Finance Division staff on a percentage basis as shown below:

DIVISION	1991/92 Budgeted Cost
Permitting & Compliance Div	10,253,088
Board Mem & Exec Ofc (37% of $2,569,352)	950,660
Legal Office (37% of $481,307)	178,084
Admin & Finance Division (37% of $2,910,197)	1,076,773
Grand Total Cost	$12,458,605

BILLABLE RATE CALCULATIONS

Total Billable Hours Available = 147,651 hours

(# field staff (89) X billable hours (1659) = Total Billable

BILLABLE RATE (Base Hourly Fee Rate)

Grand Total Cost divided by Total Billable Hours Available

$12,458,605 / 147,651 hrs = $84.38 per hour

SANTA CRUZ COUNTY

FACILITY AND SITE WORKLOAD

Facility Facts

Name:	Santa Cruz City Sanitary Landfill Facility No. 44-AA-0001
Facility Type:	Landfill
Location:	Dimeo Lane Santa Cruz, CA
Operational Status:	Active Landfill, permitted to accept 250 TPD
Operator:	Public Works Director City of Santa Cruz Contact-Larry Erwin

Name:	Watsonville City Solid Waste Disposal Site Facility No. 44-AA-0002
Facility Type:	Landfill
Location:	San Andreas Road Watsonville, CA
Operational Status:	Active Landfill, permitted to accept 148 TPD
Operator:	Public Works Director City of Watsonville Contact-John Cooper

SANTA CRUZ COUNTY

FACILITY AND SITE WORKLOAD

Facility Facts

Name:	Ben Lomond Solid Waste Disposal Site Facility No. 44-AA-0003
Facility Type:	Landfill
Operational Status:	Inactive Landfill
Operator:	Public Works Director Santa Cruz County Contact-Don Porath

Name:	Buena Vista Disposal Site Facility No. 44-AA-0004
Facility Type:	Landfill
Location:	Roundtree Lane Watsonville, CA
Operational Status:	Active Landfill, permitted to accept 360 TPD
Operator:	Public Works Director Santa Cruz County Contact-J.A. Fantham

SANTA CRUZ COUNTY

FACILITY AND SITE WORKLOAD

Facility Facts

Name:	Ben Lomond Transfer Station Facility No. 44-AA-0005
Facility Type:	Transfer Station
Location:	Newell Creek Road Ben Lomond, CA
Operational Status:	Active Transfer Station, permitted to accept 77 TPD
Operator:	Public Works Director County of Santa Cruz Contact-John Fantham

ATTACHMENT 3A

STANISLAUS COUNTY

FACILITY AND SITE WORKLOAD

Facility Facts

Name:	Fink Road Landfill Facility No. 50-AA-0001
Facility Type:	Landfill
Location:	Fink Road Crows Landing, CA
Operational Status:	Active Landfill, permitted to accept 1400 TPD
Operator:	Public Works Director Stanislaus County Contact-Harold Callahan

Name:	Geer Road Sanitary Landfill Facility No. 50-AA-0002
Facility Type:	Landfill
Location:	Geer Road Modesto, CA
Operational Status:	Closed Landfill
Owner:	Stanislaus County

STANISLAUS COUNTY

FACILITY AND SITE WORKLOAD

Facility Facts

Name:	Bonzi Sanitary Landfill Facility No. 50-AA-0003
Facility Type:	Landfill
Location:	West Hatch Road Modesto, CA
Operational Status:	Active Landfill, permitted to accept 130 TPD
Operator:	Bonzi Sanitary Landfill, Inc. Contact-Steve Bonzi

Name:	Turlock Scavenger Company Transfer Station Facility No. 50-AA-0004
Facility Type:	Transfer Station
Location:	South Walnut Turlock, CA
Operational Status:	Active Transfer Station, permitted to accept 1872 TPD
Operator:	Turlock Transfer Inc. Contact-Alan C. Marchant, et al

STANISLAUS COUNTY

FACILITY AND SITE WORKLOAD

Facility Facts

Name:	Modesto Garbage Company Transfer Station Facility No. 50-AA-0005
Facility Type:	Transfer Station
Location:	West Hatch Road Modesto, CA
Operational Status:	Active Transfer Station, permitted to accept 336 TPD
Operator:	Modesto Disposal Service Contact-Ron C. DeLong

Name:	Filbin Ranch Disposal Site Facility No. 50-AA-0007
Facility Type:	Landfill
Location:	Ingram Creek Road Westley, CA
Operational Status:	Closed Landfill
Owner:	Filbin Land and Cattle Company

STANISLAUS COUNTY

FACILITY AND SITE WORKLOAD

Facility Facts

Name:	Stanislaus Waste-to-Energy Facility Facility No. 50-AA-0009
Facility Type:	Transformation Facility
Location:	Fink Road Crows Landing, CA
Operational Status:	Active Transformation Facility, permitted to accept 800 TPD
Operator:	Stanislaus Waste-to-Energy Company Contact-Fred Englehardt

Name:	Geer Road Temporary Transfer Station Facility No. 50-AA-0011
Facility Type:	Transfer Station
Location:	Geer Road Modesto, CA
Operational Status:	Inactive Transfer Station
Operator:	Stanislaus County Public Works Department Contact-Jerry Irons

STANISLAUS COUNTY

FACILITY AND SITE WORKLOAD

Facility Facts

Name:	Gilton Resource Recovery/Transfer Facility Facility No. 50-AA-0012
Facility Type:	Transfer Station
Location:	McClure Road Modesto, CA
Operational Status:	Active Transfer Station, permitted to accept 450 TPD
Operator:	Gilton Rentals, Inc. Contact-Eugene Gilton

Name:	Bertolotti Transfer & Recycling Center Facility No. 50-AA-0013
Facility Type:	Transfer Station
Location:	Flamingo Drive Modesto, CA
Operational Status:	Active Transfer Station, permitted to accept 250 TPD
Operator:	Bertolotti Transfer & Recycling Contact-Bert Bertolotti

STANISLAUS COUNTY

FACILITY AND SITE WORKLOAD

Facility Facts

Name:	Grover Environmental Products Facility No. 50-AA-0015
Facility Type:	Composting Facility
Location:	Ladd Road Modesto, CA
Operational Status:	Permit Pending
Owner:	C.J. Rumble & Sons, Inc.

Name:	Gilton Resource Recovery Composting Facility Facility No. 50-AA-0016
Facility Type:	Composting Facility
Location:	South McClure Modesto, CA
Operational Status:	Permit Pending
Owner:	Gilton Brothers Rentals

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
AS ENFORCEMENT AGENCY
FACT SHEET

Santa Cruz County

Local Governing Body(s) of Santa Cruz County have not designated an enforcement agency for Santa Cruz County.

Jurisdiction: Santa Cruz County

Facilities and Sites: Total count ---------- 17*

Vehicles: Total count ---------- Unknown

Facility Types: Landfill(s) ---------- 3*
Transfer Station(s) ---------- 1*

Site Types: "Inactive" site(s) ---------- 1*
Unknown site(s) ---------- 12*

DIP: Not submitted.

EPP: Not Submitted.

*as indicated in the CIWMB SWIS, CIWMB Archive Files, and State Water Resources Control Board SWAT program list (June 22, 1989).

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
AS ENFORCEMENT AGENCY
FACT SHEET

Stanislaus County

Local Governing Body(s) of Stanislaus County have not designated an enforcement agency for Stanislaus County.

Jurisdiction: Stanislaus County

Facilities and Sites: Total count ---------- 22*

Vehicles: Total count ---------- Unknown

Facility Types:
Landfill(s)---------- 2*
Transfer Station(s)---------- 4*
Transformation Facility(s)---------- 1*
Proposed Composting Facility(s)--------- 2*

Site Types:
"Inactive" site(s)---------- 1*
"Closed" site(s)---------- 12*

DIP: Not submitted.

EPP: Not Submitted.

*as indicated in the CIWMB SWIS, CIWMB Archive Files, and State Water Resources Control Board SWAT program list (June 22, 1989).

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
July 15, 1992

AGENDA ITEM 10

ITEM: Consideration of Concurrence in the Issuance of a New Solid Waste Facilities Permit for the Moreno Valley Solid Waste Recycling and Transfer Facility, Riverside County

BACKGROUND:

Facility Facts

Name:	Moreno Valley Solid Waste Recycling and Transfer Facility, Facility No. 33-AA-0234
Facility Type:	Transfer/Processing Station
Location:	600 feet south of Nandina Avenue, on the east side of Indian Street, Moreno Valley
Area:	19.89 acres
Setting:	Surrounding land use includes agricultural, rural residential, and vacant lots
Operational Status:	New facility, not yet built
Owner/Operator:	Waste Management of the Inland Valley Dean A. Ruffridge, General Manager
LEA:	Riverside County Health Services Agency

Proposed Project

The Moreno Valley Solid Waste Recycling and Transfer Facility (MVSWRTF) is a proposed recycling and transfer station. The proposed solid waste facilities permit contains a maximum limit of **2000 tons per day** and estimates an initial average of **800 tons per day**. The site is located near March Air Force Base in the City of Moreno Valley within the Oleander Industrial Complex. The facility will serve the City of Moreno Valley and surrounding unincorporated areas. It is estimated that a 21% materials recovery rate will be achieved. Based on this estimate, the facility could be termed a "materials recovery facility" (MRF).

SUMMARY:

Site History The facility has not yet been constructed. The owner/operator, Waste Management of the Inland Valley (WMI), currently collects some 600 tons per day of solid waste from the Moreno Valley area and hauls it to one of three permitted landfills. WMI proposes this MRF as an alternative to the direct disposal of this waste stream.

Moreno Valley anticipates that this project will assist the city in meeting the waste reduction goals of AB939.

Facility Description The site will contain two enclosed tipping areas, a public "buy-back" center, scale house, offices, and truck service areas. The tipping floors will be served by loading docks. Disposal vehicles will enter via a depressed ramp to collect the unrecoverable refuse from the transfer area. On-site equipment will include a baler, two sorting lines, forklift, bulldozer, loaders, crane, and sweeper.

Waste hauling vehicles are directed to either the transfer tipping floor or the recycling tipping floor depending on the nature of the waste stream. Both are enclosed areas. The transfer tipping floor will receive loads of high recyclable content, such as curbside and commercial collected recyclables. Two sort lines will operate adjacent to the recycling tipping floor. Materials such as different grades of paper, different types of plastic, metals, and glass will be recovered and sorted. Baleable materials will be baled and stacked in a designated area. Other recovered materials will be stored in roll-off bins. The storage areas are located near the loading dock for ease of transfer to trucks which will haul the material to market.

Other loads will be sent to the transfer tipping floor. There, sorters will separate out such recoverable materials as white goods, green waste, wood waste, and inerts. These will be diverted to storage areas near the transfer tipping floor.

Residual material from both tipping floors will be loaded into transfer trailers to be hauled to local landfills.

The MVSWRTF will also contain parking areas for WMI's trucks and empty trailers and containers. WMI also plans to relocate its administration offices and truck maintenance operations, currently located in the City of Perris, to this site.

Environmental Controls As the tipping floors and conveyor belts are located indoors, it is not anticipated that any problems associated with litter, leachate generation, dust, odor, and

noise will impact the surrounding area. In addition, regular sweeping and the paved roads should minimize any dust generation. Within the building, a water mist system for dust control will be employed when necessary. Unrecovered waste is removed at least every 48 hours, reducing odor and vector concerns. Noise in the area is dominated by operations at the nearby March Air Force Base.

A Hazardous Waste Exclusion Plan will be implemented to discourage the illegal disposal of waste. Signs will be posted which clearly state the types of wastes which are not accepted. Drivers will asked as to the nature of their load. Vehicles identified as hauling unacceptable wastes will be turned away. If it is suspected that a vehicle contains a questionable material, the vehicle will be stopped and subject to a detailed visual inspection. Site personnel are to be trained in hazardous material recognition and response. If hazardous materials are identified within the station, they will be isolated. If necessary, they will be stored temporarily (not to exceed 90 days) in a designated area prioir to removal by a licensed hauler. After the site is constructed, the operator will obtain an EPA Generator Identification Number.

Operations at the truck wash/maintenance area are designed to decrease the potential threat to water quality. As the area is not yet served by a sewer or stormwater system, no discharge of water off-site will take place. A septic tank and leach field will treat the waste water resulting from the site's sanitary facilities. Wash water from the truck wash area will be collected through a floor drain and enter a clarifier to remove contaminants. The water is then reused. A waste oil tank will also be located at the site to store used oil from truck maintenance operations. Rainwater runoff will be directed around the facility through concrete channels and gutters. In addition, the building pad is elevated, further protecting the facility against storm water intrusion. Santa Ana Regional Water Quality Control Board staff have reviewed the proposed project and determined that no permits are required from their agency.

Resource Recovery Programs In addition to the operations detailed in the "Facility Description" above, the site will also operate a public "buy-back" center. In total, the operator estimates that a 21% materials recovery rate will be obtained.

ANALYSIS:

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to PRC Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a solid waste

facilities permit. Since the permit was received on June 11, 1992, the last day the Board could act is August 10, 1992.

The 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 this determination the following items were considered:

1. Conformance with County Plan

   The LEA has determined that the Moreno Valley Solid Waste Recycling and Transfer Facility is consistent with the Riverside County Solid Waste Management Plan as indicated by the unanimous endorsement of the project by the Riverside County Solid Waste Advisory Council (acting as the Local Task Force) at their May 18, 1990 meeting. Board staff agree with said finding.

2. Consistency with General Plan

   The LEA has determined that the facility is in conformance with the City of Moreno Valley's General Plan and is compatible with surrounding land uses. Board staff agree 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 County of Riverside from achieving its waste diversion goals. The analysis used in making this determination is included as Attachment 6.

4. California Environmental Quality Act (CEQA)

   State law requires the preparation and certification of an environmental document. The County of Riverside has prepared an Environmental Impact Report (EIR) for the proposed project. The EIR (SCH #90020002) indicated that there are significant environmental impacts associated with this project. However, a Statement of Overriding Considerations (Attachment 5) was prepared and the Notice of Determination was approved on November 27, 1990. Mitigation

measures designed to eliminate or lessen the project's impacts are included in Attachment 4.

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 permit.

5. Conformance with State Minimum Standards

The LEA has determined that the facility's proposed design and operation are in compliance with the State Minimum Standards for Solid Waste Handling and Disposal based on a review of the Report of Station Information and supporting documentation. Board staff agrees with said determination.

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- concurring in the issuance of Solid Waste Facilities Permit No. 33-AA-0234.

ATTACHMENTS:

1. Location Map
2. Facility Map
3. Proposed Permit No. 33-AA-0234
4. Statement of Overriding Considerations
5. Mitigation Monitoring and Implementation Schedule
6. Planning and Local Assistance Division Analysis
7. Permit Decision No. 92-

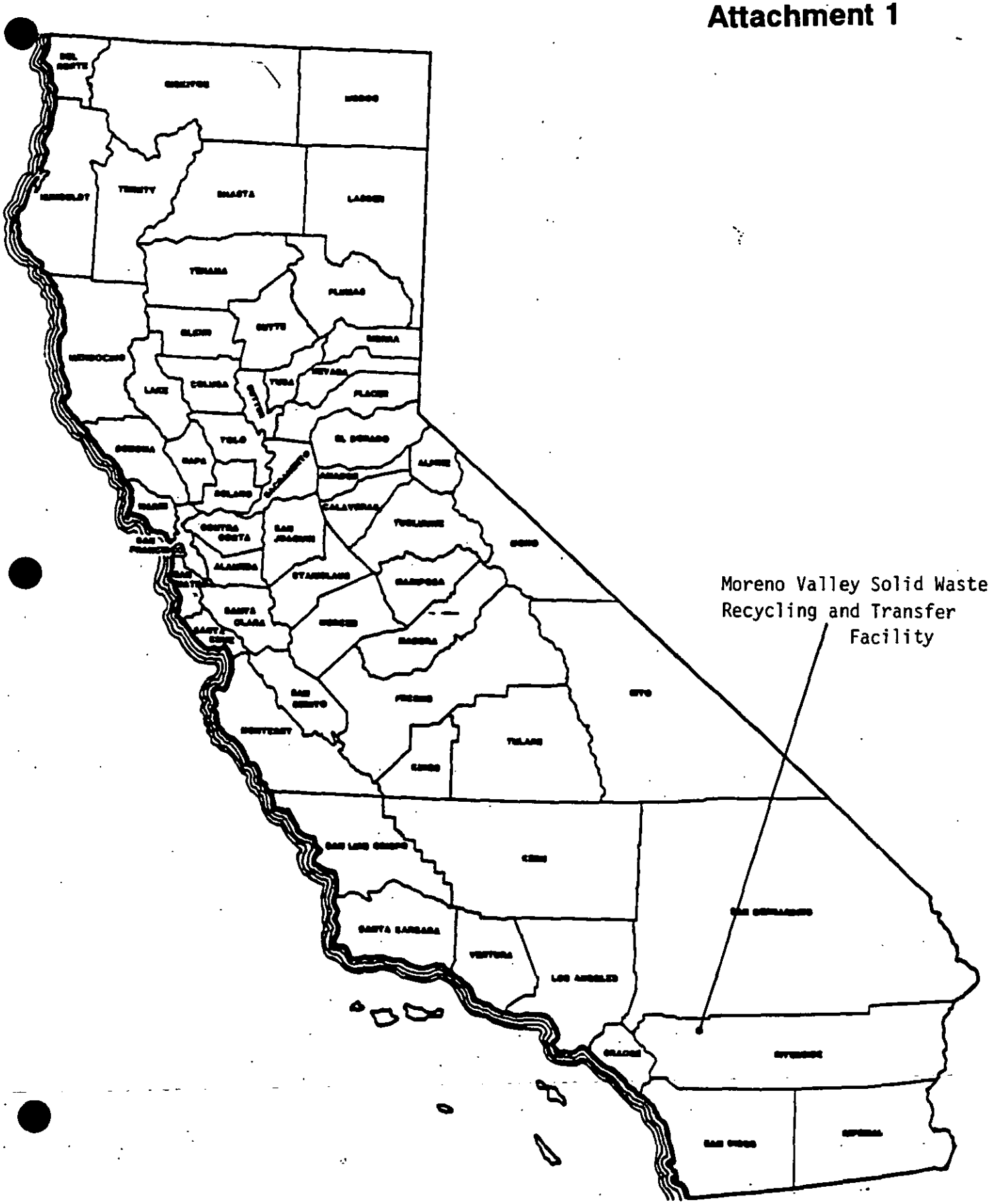
Prepared By: David Otsubo DO 6/26/92 Phone: 255-2433

Approved By: Phillip J. Moralez/Martha Vazquez Phone: 255-2619

Legal Review: Date/Time

dto:\misc\mvcai.622

Attachment 1



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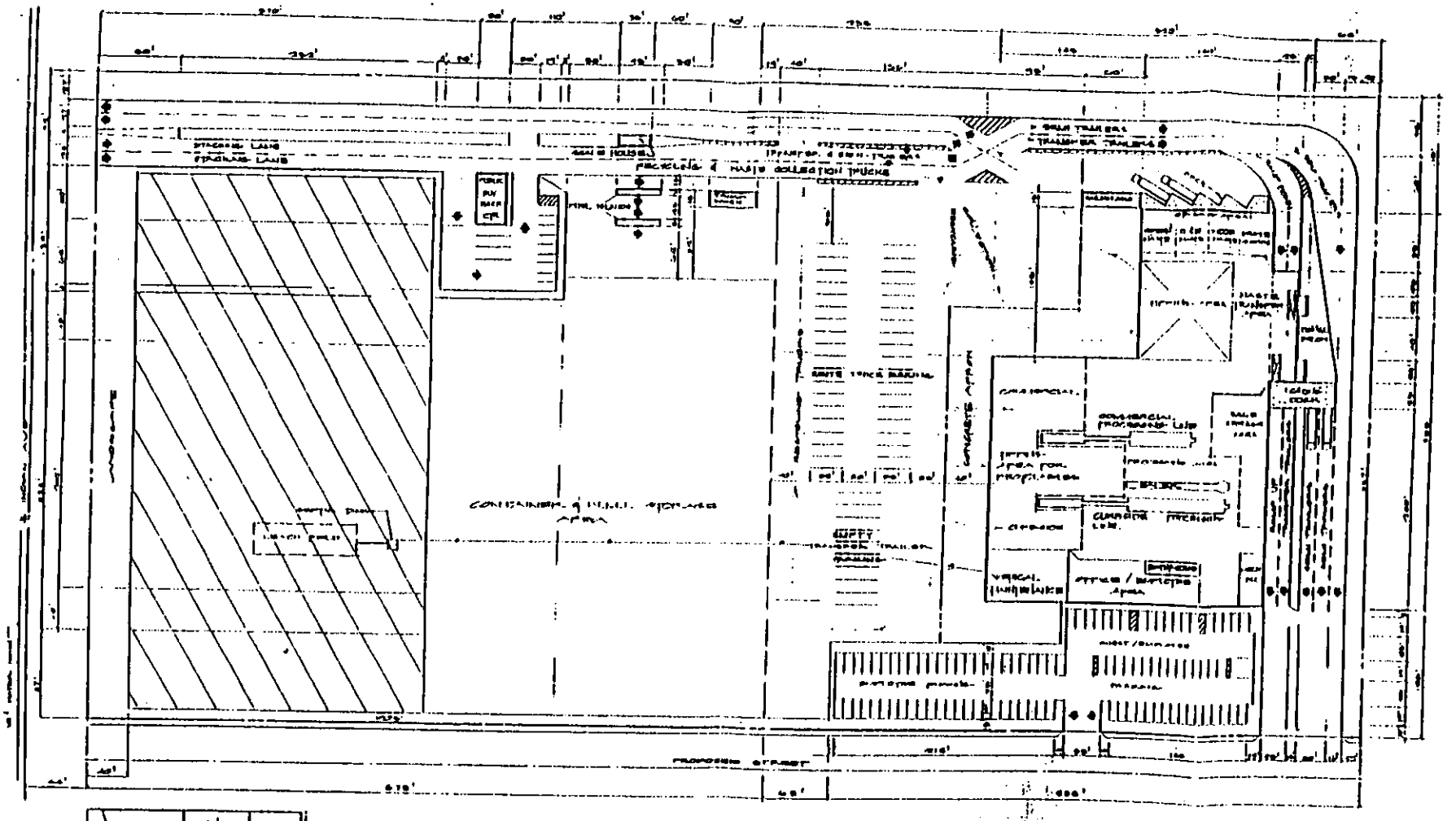

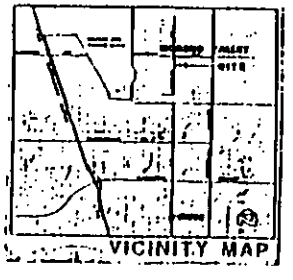

SITE PLAN

AREA IN USE = 471,070 S.F. = 84% OF TOTAL SITE.

SCALE: 1" = 50'

AUG 20 1991

BUILDINGS SHOWN INCLUDE:

TRANSFER / RECYCLING BUILDING:	92,000 S.F.
PUBLIC BUY BACK BUILDING:	1,500 S.F.
SCALE HOUSE:	350 S.F.
TRUCK WASH BUILDING:	750 S.F.
HAZARDOUS MATERIALS STORAGE BLDG:	900 S.F.

MORENO VALLEY FACILITY

1/4

Attachment 3

OPERATING PERMIT FOR FACILITIES RECEIVING SOLID WASTE	TYPE OF FACILITY: Transfer/Processing Station	FACILITY/PERMIT NUMBER: 33-AA-0234
NAME AND STREET ADDRESS OF FACILITY: Moreno Valley Solid Waste Recycling and Transfer Facility East side of Indian Street approximately 660' South of Nandina Avenue, City of Moreno Valley SE Sec. 31, T3S, R3W, SBBM	NAME AND MAILING ADDRESS OF OPERATOR: Waste Management of the Inland Valley 26500 Scaramella Circle Hemet, CA 92343	
PERMITTING ENFORCEMENT AGENCY: Local Solid Waste Management Enforcement Agency for the County of Riverside	CITY/COUNTY: Riverside County	

PERMIT

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

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

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

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

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

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

APPROVED:	AGENCY ADDRESS: Riverside County Health Services Agency Department of Environmental Health 1737 Atlanta Avenue, Building H Riverside, CA 92507	
APPROVING OFFICER NAME/TITLE: John M. Fanning, Director Department of Environmental Health		
SEAL	AGENCY USE/COMMENTS: Property Owner: Waste Management of the Inland Valley	
	PERMIT RECEIVED BY CWMB: JUN 11 1992	CWMB CONCURRANCE DATE:
	PERMIT REVIEW DUE DATE:	PERMIT ISSUED DATE:

COUNTY OF RIVERSIDE • HEALTH SERVICES AGENCY • DEPARTMENT OF ENVIRONMENTAL HEALTH
LOCAL SOLID WASTE MANAGEMENT ENFORCEMENT AGENCY

MORENO VALLEY SOLID WASTE RECYCLING AND TRANSFER FACILITY

SOLID WASTE FACILITIES PERMIT

FINDINGS:

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

A. The owner and operator of the facility is:

Waste Management of the Inland Valley
26500 Scaramella Circle
Hemet, California 92343

B. The facility is located in the southwestern portion of the City of Moreno Valley within the southeast Section 31, Township 3 South, Range 3 West, SBBM. The site is situated on a 19.89 acre parcel on Indian Avenue bounded by Nandina Avenue to the North, Perris Boulevard to the East and Oleander to the South (Report of Station Information [RSI], page 1). Figures 2 and 3 of the RSI show the site location and Figure 6 details the site plan.

C. The physical plant consists of paved driveways, parking and operating areas. Buildings include a "Buy Back" center, scale house, truck wash and fuel islands. There are enclosed transfer and recycling tipping areas which also house vehicle maintenance and office facilities. Both tipping areas have storage and loading docks for shipping recyclables. Stationary equipment includes two sorting conveyors and a baler.

The maximum permitted capacity of the site is 2,000 tons per operating day (tpd). The facility is designed to receive and process 2700 tpd.

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printed on recycled paper

D. The facility will receive non-hazardous solid wastes which consist of mixed municipal, construction and demolition wastes. No special wastes will be received at this facility (RSI, page 10).

E. The daily average quantity of waste received at start-up is expected to be 800 tpd with peak loads of 2,000 tpd. The facility is engineered to receive and process 2700 tpd. (RSI, pages 24 & 25).

F. The public may enter the "Buy Back" center to drop off recyclables without crossing the facility scales. Waste hauling and recycling vehicles entering the site will be weighed at the scale house and directed to their respective tipping floors. Waste haulers will empty their loads on the transfer tipping floor where the recyclables, such as green wastes, construction and demolition wastes, wood wastes and white goods are separated. Recyclables are stored adjacent to loading docks for transport to recyclers. Non-recyclable wastes will be pushed through openings in the tipping floor to transfer vehicles in the tunnel below and transported to a Class III landfill which has been issued a solid waste facilities permit .

Source separated commercial and curbside recyclable loads will be directed to designated conveyors in the recycling tipping area for manual sorting. Recyclables, separated by type, will be baled or loaded into bins before being transported to market (RSI, page 9).

G. The facility is designed to sort and recover recyclable materials , and the process is described above in part F.

The receipt of hazardous waste is prohibited at this site. In the event that materials such as batteries, used oil and paint are discovered in the tipping area the items will be separated from the waste stream and handled according to the Hazardous Waste Storage/Exclusion Plan and the "Protocol for Handling of Improperly Disposed of Hazardous Waste at Class III County Solid Waste Facilities" as it applies to the situation (RSI, Appendix A).

H. Signs will be posted near the entrance to the facility describing unacceptable wastes, including hazardous materials. Attempts will be made to prevent vehicles that may be hauling such wastes from entering the site. Personnel will be trained to spot suspicious incoming loads and prevent them from being dumped. Improperly dumped materials will be isolated, safely removed and properly disposed of in a manner safe to human health and the environment as described in procedures found in appendix A of the RSI. All hazardous waste events shall be reported to the Department of Environmental Health, Hazardous Materials Management Program at (714) 358-5055.

I. There are no anticipated changes in design or operation proposed within the next five (5) years.

J. The typical hours of operation for the various components of the operation are as follows:

Administrative Offices
8:00 a.m. - 5:00 p.m.
Monday through Friday

Waste Reduction/Recycling Center
7:30 a.m. - 5:00 p.m.
Monday through Saturday

Waste Transfer Operations
7:00 a.m. - 6:00 p.m.
Monday through Saturday

(RSI, Page 14)

2. The following agencies, permits, and documents condition the operation and use of this permit:

A. Report of Station Information, dated August 14, 1991;

B. Conditional Use Permit 3060, City of Moreno Valley, approved and adopted October 25, 1990;

C. Final Environmental Impact Report, adopted and approved by the City of Moreno Valley, dated October 25, 1991.

3. The following findings are required pursuant to Public Resources 44001 and 50000:

   A. The permit is consistent with the County Solid Waste Management Plan as determined on October 31, 1991.

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

   C. The Planning Commission for the City of Moreno Valley has determined that this project is consistent with the Comprehensive General Plan as stated in Resolution No. PC-84-90, adopted and approved October 25, 1990.

4. The facility's design and proposed operations are in compliance with State Minimum Standards.

5. On November 28, 1990, the Notice of Determination was filed with the State Clearinghouse (Number 90020002). The Environmental Impact Report was prepared by the Chambers Group for the City of Moreno Valley.

CONDITIONS:

Requirements:

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

2. This facility must comply with all federal, state and local requirements and enactments as well as the Mitigation Monitoring Program given in the Environmental Impact Report for this project.

3. Additional information, shall be provided as required by the LEA.

4. This facility shall not commence operation until an EPA generator number has been obtained and reported to the LEA.

5. Wastes shall be removed from the site after 48 hours and transported to a permitted Class III solid waste disposal site

6. Stored recyclables shall not interfere with station operations nor cause a public health hazard or nuisance.

Prohibitions:

1. No liquid, hazardous or medical waste or sludge shall be accepted at this facility.

2. Burning of waste and scavenging are not approved at this facility.

Specifications:

1. 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.

2. This facility has a permitted capacity of 2000 tpd and shall not receive more than this amount without first obtaining a revision of the permit.

3. A change in the operator of this facility would require a new permit.

Provisions:

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

Self-Monitoring:

1. Number of vehicles utilizing the site each day shall be reported to the LEA on a monthly basis.

2. Quantities and types of wastes received each day shall be reported to the LEA on a monthly basis.

3. Quantities and types of goods recycled and/or salvaged each day shall be reported to the LEA on a monthly basis.

4. A log of special occurrences, i.e., fires, explosions, accidents, hazardous waste incidents, etc., shall be maintained on a daily basis. A report of any special occurrences shall be submitted to the LEA monthly.

5. The daily logs from the hazardous waste screening program shall be reported to the LEA on a monthly basis.

MITIGATION MONITORING PROGRAM FOR

SOLID WASTE COLLECTION AND RECYCLING FACILITY

Recently adopted California statutory legislation (AB3180, CORTESE) requires responsible agencies to adopt monitoring programs to ensure that mitigation measures contained in Environmental Impact Report (EIR) are effectively implemented. This document is designed to ensure that mitigation measures contained in the Solid Waste Collection and Recycling Facility EIR (State Clearinghouse Number 90020002) are properly monitored to ensure that effective implementation occurs.

This program (consisting of this narrative text and the following chart) has been designed so that the mitigation measures contained in the EIR are all listed sequentially as they occur in the EIR. For each mitigation measure, the program specifies a qualified individual or department which will be responsible for monitoring a particular mitigation measure. The program provides the time or times that each mitigation measure will be monitored, along with the criteria which will be utilized to determine if the mitigation measure has been satisfactorily implemented. The last column provides an opportunity for the person or department listed as responsible for monitoring the implementation of a mitigation measure to indicate whether the measure has been implemented satisfactorily or to report non-compliance and to provide the date of the assessment, along with a signature to indicate that implementation has or has not been accomplished.

Where repeated monitoring is required and/or the space provided on the chart is not adequate for documentation of compliance or non-compliance, a sheet or sheets shall be attached to the chart immediately following the page with inadequate space. This sheet can then be used to document the date, whether compliance has occurred and for the preparer's signature.

If there is any question as to the correct interpretation of a mitigation measure, the EIR should be consulted to see whether the text contains information on how to correctly interpret that mitigation measure. Should the EIR not provide the required clarification, the City's Planning Director shall be the final authority on how the mitigation measure is to be interpreted. Decisions made by the Planning Director may be appealed through the usual course of administrative appeals.

Should the person or persons responsible for monitoring the implementation of a mitigation measure find that satisfactory performance of the mitigation measure has not occurred, this is to be documented as a finding and signed by the responsible individual(s) in the column titled "Finding, Checked by, and Date." A copy of the completed page of the mitigation monitoring program which contains the mitigation measure which has not been satisfactorily implemented must be transmitted to the Planning Director within five (5) working days for action by the Planning Director. In no case shall an approval be granted

which is contingent upon implementation of a mitigation measure without written indication from the person or persons responsible for monitoring the mitigation measure that the mitigation measure has been satisfactorily implemented. A copy of the page of the monitoring program which contains the mitigation measure in question, completed and signed by the responsible person(s) and indicating effective implementation, shall constitute written indication.

A copy of this mitigation monitoring program is to be provided to each person or department listed as responsible for monitoring a mitigation measure. A person in a department is responsible for ensuring the monitoring of mitigation measures. Where two or more persons or departments are listed as responsible for monitoring, all of their findings of satisfactory implementation of mitigation measures are required before approvals contingent on implementation of mitigation measures are granted.

A Planning Department staff member shall hold a Planning Department meeting to evaluate the efficiency of the mitigation monitoring program. Those responsible for ensuring that mitigation measures are implemented will submit a brief report to the Planning Department outlining how effective the implementation measures provided are. A Planning Department meeting is required to be scheduled prior to issuance of a certificate of occupancy for the office/service building.

The findings from the Planning Department's meeting on the mitigation monitoring program shall be submitted to the Planning Commission which shall in turn report on the effectiveness of the mitigation monitoring program to the City Council with recommendations to rectify difficulties raised.

MITIGTION MONITORING PROGRAM
SOLID WASTE COLLECTION AND RECYCLING FACILITY

MITIGATION MEASURES	RESPONSIBLE FOR MONITORING	TIMING	CRITERIA	FINDING CHECKED BY DATE
GEOLOGY, SOILS AND SEISMICITY				
Soils				
1. All grading will be performed in accordance with the City of Moreno Valley Grading Policies.	Land Development Division of Public Works	During grading.	Uniform Building Code and City regulations.	
2. Prior to issuance of grading permits, appropriate dust control measures shall be developed and appropriate permits for construction in the dust control area shall be obtained from the City of Moreno Valley and the Agricultural Commissioner's Office.	Land Development Division of Public Works	Prior to issuance of grading permits.	SCAQMD Rules 402 and 403.	
3. Prior to issuance of grading permits, the applicant's engineer shall certify that the grading plan is in conformance with the rules and regulations of the South Coast Air Quality Management District (specifically, Rules 402 and 403 relative to nuisance and fugitive dust).	Land Development Division of Public Works	Prior to issuance of grading permits.	SCAQMD Rules 402 and 403.	
4. Prior to issuance of grading permits, a conceptual grading plan shall be submitted for review by the Engineering Department. The grading plan shall comply with Uniform Building Code, Chapter 70, as amended by Ordinance No. 45, and the Interim Development Guidelines, and will incorporate the recommendations of the site specific preliminary soils investigations (see Appendix D of the Technical Appendices). The plans shall be drawn on 24" x 36" mylar and signed by a Registered Civil Engineer.	Land Development Division of Public Works	Prior to issuance of grading permits.	Uniform Building Code and City regulations.	
5. The conceptual grading plan for the project shall include the following: a. Preliminary quantity estimates for grading. b. Areas of temporary borrowing or depositing of material. c. Techniques which will be utilized to prevent erosion and sedimentation during and after the grading process. d. Approximate time frames for grading including identification of areas which may be graded during the higher probability rain months of October through April. e. Preliminary pad and roadway elevations. f. Preliminary hydrology and hydraulic information and mitigation measures.	Land Development Division of Public Works	Prior to issuance of grading permits.	Uniform Building Code and City regulations.	

MITIGTION MONITORING PROGRAM
SOLID WASTE COLLECTION AND RECYCLING FACILITY

MITIGATION MEASURES	RESPONSIBLE FOR MONITORING	TIMING	CRITERIA	FINDING CHECKED BY DATE
6. Project design, including septic system design, shall be accomplished in accordance with engineering specifications and recommendations contained in the soils investigations contained in Appendix D of the Technical Appendices.	Land Development Division of Public Works	Prior to issuance of building permits.	Uniform Building Code and City regulations. Appendix D, Technical Appendices.	
7. Prior to issuance of building permits, the proposed septic system shall be reviewed and approved by the Riverside County Department of Health as well as the City Engineer. Additional conditions of approval, design or discharge limitations may be established during review by these entities.	Building and Safety	Prior to issuance of building permits.	Uniform Building Code and City regulations. CAC Title 22.	
Seismicity				
8. All buildings shall conform with the design standards of the Uniform Building Code and with the requirements of the Building and Safety Department.	Plan Check Division of Building and Safety	Prior to issuance of building permits.	Uniform Building Code and City regulations.	
HYDROLOGY AND DRAINAGE				
Flooding				
9. The project site falls within a Flood Zone A as defined by the Federal Emergency Management Agency (FEMA), as part of the National Flood Insurance Program. Prior to issuance of grading and building permits, all development within the flood plain shall be designed per the City of Moreno Valley Ordinance No. 137 and based on the approved flood elevations.	Land Development Division of Public Works	Prior to issuance of grading and building permits.	City ordinance 137.	
10. The base flood elevations affecting the Oleander Industrial Complex are presently under study by the Public Works Department. Finished floor elevations of habitable structures on the project site shall be located at or above the base flood elevation to be established through these studies.	Land Development Division of Public Works	Prior to issuance of grading permit.	City standards.	
11. Prior to issuance of grading permits, development within the Oleander Specific Plan area shall be in compliance with the requirements of the City Engineer based on recommendations of the Riverside County Flood Control District (RCFC). The Interim Flood Control Swale/Berm System of the Oleander Specific Plan is to undergo refinement by the Director of Public Works and alternatives devised to fully determine the actual need and timing for installation. Such considerations may result in additional drainage requirements to be established as a condition of approval during final design review of the project by the City Engineer.	Public Works - Land Development City Engineer	Prior to issuance of grading permit.	City standards.	

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MITIGATION MEASURES	RESPONSIBLE FOR MONITORING	TIMING	CRITERIA	VERIFICATION CHECKED BY DATE
12. The applicant proposes to handle drainage on-site through provision of easements and drainage structures. The proposed plan incorporates the following measures which contribute to mitigation of flooding impacts:				
a. Prior to issuance of a certificate of occupancy, the northern property boundary will be fenced with chain link fencing so that flood flows may pass through the site in accordance with Riverside County Flood Control District requirements.	Land Development Division of Public Works	Prior to Certificate of Occupancy.	Riverside County Flood Control District Standards.	
b. Prior to issuance of building permits, an on-site channel shall be constructed along the north and east property boundary to intercept and divert unconfined sheet flow flooding.	Land Development Division of Public Works	Prior to issuance of building permits.	City standards.	
c. Prior to issuance of building permits, a three-foot high landscaped berm shall be placed along the property frontage on Indian Street in conformance with Interim Drainage Plan strategies.	Land Development Division of Public Works	Prior to issuance of building permits.	City standards.	
d. A portion of the site will drain to the southern property boundary and over drains which will discharge to the proposed street. Prior to issuance of grading permits, the applicant will provide calculations during final design to show that adequate capacity exists in the street to handle the anticipated flows.	Land Development Division of Public Works	Prior to issuance of grading permits.	City standards. Rational method.	
e. Prior to issuance of grading permits, a drainage easement will be obtained from property owners to the south of the property to allow discharge and conveyance of intercepted sheet flow drainage. A plan for conveyance of diverted flows from the southeast corner of the project site to the appropriate drainage facility and evidence of such drainage easement shall be provided for review by the City Engineer during final design.	City Engineer	Prior to issuance of grading permits.	City standards.	
LAND USE COMPATIBILITY AND GENERAL PLAN CONSISTENCY				
13. The proposed industrial use will comply with the design guidelines and land use policies of the Oleander Specific Plan, and provide adequate screening of on-site operations and storage from adjacent properties.	Planning Department	Prior to Plot Plan approval.	Oleander Specific Plan.	
14. The applicant shall incorporate all feasible measures to reduce potential impacts of March AFB. Where necessary, these measures shall include minimizing airborne substances and light or glare that may impair visibility in the March AFB flight paths, and providing design and features to avoid electromagnetic radiation that may affect aircraft or ground electronic instrumentation.	Planning Department	Prior to Plot Plan approval.	Oleander Specific Plan. FAA Guidelines.	

MITIGATION MONITORING PROGRAM
SOLID WASTE COLLECTION AND RECYCLING FACILITY

MITIGATION MEASURES	RESPONSIBLE FOR MONITORING	TIMING	CRITERIA	FINDING CHECKED, BY DATE
15. Measures to mitigate short-term impacts on adjacent residential uses will be implemented by the applicant as required by the City and will include:				
a. Limiting the hours of construction to the hours between 7:00 a.m. to 7:00 p.m.	Public Works and Building and Safety	During construction.	As specified in mitigation.	
b. Limiting the hours of operation to the hours between 5:00 a.m. to 11:30 p.m. The hours of operation may be adjusted as needed at the discretion of the Planning Director.	Building and Safety	During operations.	As specified in mitigation.	
c. The use of designated truck routes for ingress and egress to the site if deemed necessary by the City Traffic Engineer.	Traffic Engineering Division of Public Works	During operations.	As specified in mitigation.	
16. Building exteriors, block walls and landscaping will be used along Indian Street to screen the vehicles and operations within the facility.	Planning Department	Prior to Plot Plan approval.	Oleander Specific Plan.	
TRANSPORTATION/CIRCULATION				
Short-Term Mitigations				
17. Prior to issuance of a certificate of occupancy, at the intersection of Perris Boulevard and Nandina Avenue, provide signalization with separate control for left turn movements.	Transportation Engineering Division of Public Works	Prior to issuance of Certificate of Occupancy.	LOS C rating for impacted roadways.	
18. Prior to issuance of a certificate of occupancy, at the intersection of Perris Boulevard and Nandina Avenue, provide a left turn lane on Perris Boulevard for northbound and southbound traffic and a left turn lane on Nandina Avenue for eastbound traffic.	Public Works/Land Development	Prior to issuance of Certificate of Occupancy.	LOS C rating for impacted roadways.	
19. Prior to issuance of a certificate of occupancy and as directed by the City Engineer, reconstruct and/or remove and replace portions of Nandina Avenue between Perris Boulevard and Indian Street that are found to be of insufficient design or condition to handle the project's heavy truck traffic. Also provide road improvements to Indian Street from the site north to Nandina Avenue that is of sufficient design to handle the project's heavy truck traffic.	Public Works Department	Prior to issuance of Certificate of Occupancy.	City standards.	
20. A secondary access to the site shall be required as approved by the Fire Chief and City Engineer and in place prior to issuance of building permits.	Public Works/Land Development	Prior to issuance of Building Permits.	Emergency ingress and egress to site.	

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MITIGATION MONITORING PROGRAM
SOLID WASTE COLLECTION AND RECYCLING FACILITY

MITIGATION MEASURES	RESPONSIBLE FOR MONITORING	TIMING	CRITERIA	FINDING CHECKED BY DATE
Long-Term Mitigations				
21. Designation of truck routes shall be in accordance with mitigation measure 15 o.	Public Works Department	During operations.	Traffic safety.	
22. Prior to issuance of a certificate of occupancy for the recycling facility, provide left turn pockets for northbound, southbound and westbound traffic at the intersection of Indian Street and Nandina Avenue. A study shall be conducted to determine the need for signalization. If warranted, applicant shall provide signalization.	Public Works/Land Development	Prior to issuance of Certificate of Occupancy.	LOS C rating for impacted roadways.	
NOISE				
23. Construction activities will be limited to 7 a.m. to 7 p.m. daily.	Building and Safety	During construction.	As specified in mitigation.	
24. All construction equipment will have properly working mufflers.	Building and Safety	During construction.	CNEL at residential receptors.	
25. Construction activity centers (i.e., water tanks, office, worker parking, etc.) will be placed on the eastern portion of the site to mitigate impacts on residential uses to the west.	Building and Safety	During construction.	CNEL at residential receptors.	
AIR QUALITY				
26. Prior to issuance of building permits, the developer shall provide written verification to the Planning Department that permits have been secured from the SCAQMD to construct and operate the necessary facilities. Conditions of the SCAQMD permits shall be included as conditions of project approval.	Planning Department	Prior to issuance of building permits.	SCAQMD authority to construct and operate.	
27. The project shall be in compliance with SCAQMD rules and regulations. These rules include:				
a. Rule 403 which prohibits the creation of any dust nuisance during construction.	Public Works/Land Development SCAQMD	During construction.	SCAQMD Rule 403.	
b. Rule 461 which establishes requirements for vapor control from the fuel island.	Building and Safety	During operations.	SCAQMD Rule 461.	
c. Rule 402 which prohibits the formation of an odor nuisance.		During operations.	SCAQMD Rule 402.	

MITIGATION MONITORING PROGRAM
SOLID WASTE COLLECTION AND RECYCLING FACILITY

MITIGATION MEASURES	RESPONSIBLE FOR MONITORING	TIMING	CRITERIA	FINDINGS CHECKED BY DATE
28. Prior to the issuance of a certificate of occupancy, the developer shall submit written verification to the Planning Department that a mobile source emissions reduction plan has been developed as required by SCAQMD Regulation XV. The plan shall outline the incentives the company will offer for carpools, vanpools, transit utilization and other non-single passenger transportation mode utilization.	Planning Department	Prior to issuance of Certificate of Occupancy.	SCAQMD Regulation XV.	
PUBLIC SERVICES				
Police				
29. Prior to conditional approval of the project, site plan security measures as recommended by the Police Department shall be incorporated into site design to the extent feasible including: a. Adequate emergency access and circulation throughout and around the project. b. Adequate lighting to enhance crime prevention and law enforcement efforts. c. Proper address signs for easy identification of locations during emergencies. d. Landscape feature standards reduce potential concealment for criminal activity around buildings and in parking areas.	Planning Department	Prior to conditional approval.	City standards.	
Fire				
30. Prior to occupancy of the waste reduction/recycling facility, an executed copy of the Solid Waste Facility Permit issued by Riverside County shall be submitted to the Planning Department. The permit shall include the Fire Control Plan given in Appendix B of the Technical Appendices or an equivalent plan as approved by the Riverside County Health Department.	Planning Department	Prior to issuance of Certificate of Occupancy for waste reduction facilities.	Appendix B or Riverside County Health Department equivalent Fire Control Plans.	
31. The Oleander Specific Plan is being designed to provide a fire water delivery capability of 6,000 gallons per minute for 2 hours at 20 pounds per square inch of pressure. The on-site fire water system shall be designed accordingly.	City Fire Prevention Bureau	Prior to issuance of building permit.	City of Moreno Valley Fire protection standards.	

MITIGTION MONITORING PROGRAM
SOLID WASTE COLLECTION AND RECYCLING FACILITY

MITIGATION MEASURES	RESPONSIBLE FOR MONITORING	TIMING	CRITERIA	FINDING CHECKED BY DATE
32. The use of a fire sprinkler system within the waste reduction building is required, since the building will contain more than 2,000 square feet. Provide a hose reel inside the waste reduction building.	City Fire Prevention Bureau	Prior to issuance of building permit.	Uniform Building Code and City building codes. City of Moreno Valley Fire Protection Standards.	
33. Prior to occupancy of the waste reduction/recycling facility, an executed copy of the Solid Waste Facility Permit issued by Riverside County shall be submitted to the Planning Department. The permit shall include the Hazardous Waste Exclusion Plan and Hazardous Waste Storage Plan, or equivalent plans as approved by the Riverside County Health Department.	Planning Department	Prior to issuance of Certificate of Occupancy for waste reduction facilities.	Appendix B or Riverside County Health Department equivalent plans.	
PUBLIC UTILITIES				
Water				
34. Water facilities shall be installed in accordance with requirements and specifications of the City of Moreno Valley and EMWD, according to the following schedule:				
a. Plans and specifications for the water infrastructure for any proposed unit of development shall be reviewed and approved by the Public Works Department and EMWD for that unit of development.	Land Development Division of Public Works	Prior to issuance of building permits for specific phase.	City standards. EMWD standards.	
b. The water service shall be required to be installed and accepted by the City and EMWD prior to issuance of a certificate of occupancy for any unit of development.	Land Development Division of Public Works	Prior to issuance of Certificate of Occupancy.	City standards. EMWD standards.	
35. Conditions of approval of the Oleander Specific Plan relating to the implementation of mandatory water conservation measures required by state law as well as implementation of other voluntary measures should be incorporated in project plans to the maximum extent feasible.	Planning Department	Prior to conditional approval.	Oleander Specific Plan. California Administrative Code (CAC).	
36. Prior to issuance of a certificate of occupancy, reclaimed water lines will be installed.	Land Development Division of Public Works	Prior to issuance of Certificate of Occupancy.	County Health Department-Health and Safety Code. EMWD standards. CAC Title 22.	

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MITIGATION MONITORING PROGRAM
SOLID WASTE COLLECTION AND RECYCLING FACILITY

MITIGATION MEASURES	RESPONSIBLE FOR MONITORING	TIMING	CRITERIA	FINDING CHECKED BY DATE
37. The truck wash facility shall incorporate water recycling capability.	Building and Safety	Prior to issuance of building permits.	As specified in mitigation.	
Sewer and Wastewater				
38. Sewer facilities shall be installed in accordance with requirements and specifications of the City of Moreno Valley and EMWD, according to the following schedule:				
a. Plans and specifications for the sewer infrastructure for any proposed unit of development shall be reviewed and approved by the Public Works Department and EMWD prior to the issuance of the first building permit for that unit of development.	Land Development Division of Public Works	Prior to issuance of building permits for specific development unit.	Uniform Building Code and City building standards. EMWD Standards.	
b. Prior to issuance of a certificate of occupancy for the waste reduction/recycling facility, sewer service shall be installed by the developer and accepted by the City and EMWD.	Land Development Division of Public Works	Prior to issuance of Certificate of Occupancy.	Uniform Building Code and City building standards. EMWD Standards.	
39. The project shall annex to the appropriate sewer improvement district when available. The provision of service to the proposed project also assumes completion of all necessary financial arrangements for construction of improvements. This may include temporary or interim improvements as well as master planned improvements.	Land Development Division of Public Works	Upon formation of sewer assessment district.	City standards. EMWD standards.	
40. Prior to issuance of building permits, the design of the interim septic system shall be approved by the Riverside County Health Department and the Regional Water Quality Control Board.	Building and Safety	Prior to issuance of building permits.	County Health Department. CAC Title 22.	
HUMAN HEALTH				
41. Prior to issuance of a grading permit, the developer shall provide an access easement to March Air Force Base to locate a well for groundwater testing or remediation of contaminated water or obtain a written waiver of such an easement.	Planning Department	Prior to issuance of grading permit.	Legal as per USAF standard.	

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MITIGTION MONITORING PROGRAM
SOLID WASTE COLLECTION AND RECYCLING FACILITY

MITIGATION MEASURES	RESPONSIBLE FOR MONITORING	TIMING	CRITERIA	FINDING CHECKED BY DATE
42. Prior to issuance of a certificate of occupancy for the waste reduction/recycling facility, an executed copy of the Solid Waste Facility Permit issued by the County Department of Health shall be submitted to the Planning Department. The permit shall include the Vector Control Plan, the Fire Control Plan and the Hazardous Waste Storage Plan given in Appendix B of the Technical Appendices or equivalent plans as approved by the Riverside County Department of Health. March AFB personnel shall be given site access to monitor effectiveness of the Vector Control Plan.	Planning Department	Prior to issuance of Certificate of Occupancy.	Appendix B of EIR or equivalent plan required by Riverside County Health Department.	
43. All outdoor surfaced areas will be cleaned at least quarterly to reduce the oils and fluids which will accumulate on-site.	Building and Safety	During operations.	As specified in mitigation.	
44. Before operation of the Waste Reduction/Recycling Facility begins, the operator shall prepare and have approved by the City Emergency Services Coordinator, an evacuation plan for the facility and surrounding areas in case a special waste spill dictates an evacuation.	City Emergency Services Coordinator	Prior to issuance of Certificate of Occupancy.		
45. All special wastes stored on-site shall be handled in accordance with State and local regulations and as provided in the Hazardous Waste Storage Plan given in Appendix B of the Technical Appendices.	City Emergency Services Coordinator	During operations.	Appendix B in EIR.	
46. All facilities shall have automatic fire sprinklers as specified by the City Fire Prevention Bureau.	City Fire Prevention Bureau	Prior to issuance of Certificate of Occupancy.	City and County fire standards.	
47. The applicant shall not discharge into the septic system any wastes known to contain agents or chemicals (such as TCE) which are the subject of present groundwater remediation and cleanup efforts in the area of March AFB.	Building and Safety Regional Water Quality Control Board	During operations.	As specified in mitigation.	
OTHER ISSUES				
Aesthetics				
48. All on-site exterior lighting shall be oriented and screened so as to minimize light glare at the property boundary.	Building and Safety	Prior to issuance of Certificate of Occupancy.	Standard City conditions.	
49. Prior to issuance of a certificate of occupancy for the Waste Reduction/Recycling Facility, an executed copy of the Solid Waste Facility Permit issued by the Riverside County Health Department shall be submitted to the Planning Department. The permit shall include a litter control plan.	Planning Department	Prior to issuance of Certificate of Occupancy.	Appendix B in Technical Appendices or equivalent plan required by Riverside County Health Department.	

MITIGATION MONITORING PROGRAM
SOLID WASTE COLLECTION AND RECYCLING FACILITY

MITIGATION MEASURES	RESPONSIBLE FOR MONITORING	TIMING	CRITERIA	FINDING CHECKED BY DATE
50. Provide interim screening for all outdoor storage areas prior to construction of the waste reduction and recycling facility. No storage of trucks, trash bins or site services equipment (portable toilets, etc.) shall occur until a Certificate of Occupancy is issued for the office/service buildings.	Planning Department	Prior to construction of the waste reduction facility, and prior to occupancy of office/service buildings.	City standards.	

D. STATEMENT OF OVERRIDING CONSIDERATIONS

The City of Moreno Planning Commission, in accordance with Section 15093 of the CEQA Guidelines, has balanced the benefits of the proposed project against its unavoidable adverse environmental effects on land uses, cumulative transportation/circulations, noise and cumulative air quality and has determined that the following benefits outweigh and render those effects acceptable:

1. The proposed facility will provide for the recycling of waste materials, thereby significantly helping the City of Moreno Valley in meeting the solid waste reduction mandates in AB 939.

2. The proposed facilities serve a region that includes the City of Moreno Valley, the City of Perris and surrounding areas. The proposed location provides a central location within this region that promotes economical operation, reduced trip milage and easy public access.

3. The project will have a positive impact on regional transportation by aggregating wastes from smaller collection trucks into larger transfer vehicles for transport to regional landfills.

4. The project will have a positive impact on regional air quality by reducing the number of truck miles traveled in transporting wastes to regional landfills.

5. The project will have a positive impact on reducing the waste flow to landfills, and thereby extend the life of existing facilities.

State of California

California Environmental Protection Agency

M e m o r a n d u m

To: Dave Otsubo
Associate Waste Management Specialist
Permitting and Compliance Division

Date: June 30, 1992

From: John S. Brooks
Local Assistance Branch, South Section
Planning and Assistance Division

Subject: Moreno Valley Solid Waste Recycling and Transfer Station Proposed Solid Waste Facilities Permit No. 33-AA-0234 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.

FINDINGS OF CONSISTENCY WITH WASTE DIVERSION GOALS (PRC Section 44009):

Approval of the proposed permit for the Recycling and Transfer Station would not prevent nor impair achievement of the waste diversion requirements.

Source Reduction and Recycling Elements:

The facility was identified in the County unincorporated SRRE on page 8-12. The SRRE from the City of Perris and the City of Moreno Valley have both identified the MRF as a necessary component of their integrated waste management systems. The County and Cities in Riverside are committed to diverting materials before they reach the landfill. This is planned through a system of regional MRFs, green waste facilities and public education and information. In addition, each jurisdiction is actively implementing programs specific to their city to divert materials.

Local Task Force:

Board staff have contacted LTF staff (County Staff) to find out how this facility fits in with the County's Integrated Waste Management plans. The LTF has reviewed the proposed project and finds the facility is consistent with the County's system of regional diversion facilities.

Facility Information:

The Recycling and Transfer Station receives waste primarily from the Cities of Perris and Moreno Valley and the unincorporated area of the County. The facility is designed to recover 21% of the incoming waste stream.

Summary:

Approval of the permit would not prevent nor substantially impair the achievement of the waste diversion goals for those jurisdictions that use the Recycling and Transfer Station.

CONFORMANCE WITH THE CoSWMP (PRC Section 50000):

This facility has been approved (October 31, 1991) by the Riverside County LTF as conforming to the County CoSWMP as required by PRC Section 50000(4).

CONFORMANCE WITH THE GENERAL PLAN (PRC Section 50000.5):

This facility is in conformance with the City of Moreno Valleys' General Plan, according to Resolution number PC-84-90 dated October 25, 1990.

Attachment 7

California Integrated Waste Management Board

Permit Decision No. 92-86

July 16, 1992

WHEREAS, the County of Riverside Department of Health, 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 Moreno Valley Solid Waste 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. 33-AA-0234.

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 July 16, 1992.

Dated:

Ralph E. Chandler
Executive Director

///.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
July 15, 1992

AGENDA ITEM 11

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

BACKGROUND:

Facility Facts

Name:	Lamb Canyon Landfill, Facility No. 33-AA-0007
Facility Type:	Class III Landfill
Location:	16411 Lamb Canyon Road Beaumont, California
Area:	788 acres total, 127.7 acres available for disposal, of which 65 acres remain to be filled
Setting:	Surrounding land includes mountains, open space, and light manufacturing areas
Operational Status:	Operating under Stipulated Order of Compliance (SOC) No. 91-01 issued by the LEA on October 24, 1991. The SOC limits the facility to a peak daily tonnage of 955 tons per day.
Volumetric Capacity:	Approximately 18.5 million cubic yards total with about 15.2 million cubic yards still to be filled
Owner/Operator:	County of Riverside Department of Waste Management Robert A. Nelson, Director
LEA:	County of Riverside Department of Health

Proposed Project

The Riverside County Department of Waste Management has applied for a permit revision to increase the peak daily tonnage to 1900 tons per day. In addition, since the issuance of the governing permit in 1979, the permitted area of the site has increased from

280 acres to 788 acres. The estimated closure date has been revised from 2019 to 2005. A revision in site hours is also requested. The permitted hours were 7:30 a.m. to 4:30 p.m., Monday through Saturday. The proposed permit states the new hours would be initially 8:00 a.m. to 4:30 p.m., seven days a week, but also gives the operator the option to increase these hours to 6:00 a.m. to 8:00 p.m. with the condition that the site would be open only during daylight hours.

SUMMARY:

Site History The Lamb Canyon Landfill has been in operation since 1970. The governing Solid Waste Facilities Permit was issued in 1979. That permit stated that the site accepted an average of 170 tons per day. The 1979 permit indicated that the site size was 280 acres. In 1983 and 1985, the Department of Waste Management purchased additional land, bringing the total facility area up to 788 acres. In 1989, the LEA conducted a review of the 1979 permit. As a result of significant changes which were identified, the LEA determined that a revised permit was required. The significant changes included an increase in tonnage accepted at the site and an increase in acreage.

Compliance History In order to allow the site to continue operating outside the terms and conditions of the 1979 permit, the LEA and operator agreed upon conditions which were incorporated into a Stipulated Order of Compliance (SOC) which became effective on October 24, 1991. The terms of the SOC limited the site to a maximum daily tonnage of 955 tons per day and an average daily tonnage of 498 tons per day. The operator was also directed to complete an application for permit revision by April 1, 1992 and obtain a revised permit by August 1, 1992, or return to operating the facility in a manner consistent with the 1979 permit.

In addition, the site, which is operating under Waste Discharge Requirements (WDRs) issued in 1981, was issued a Cleanup and Abatement Order (C&AO) in 1989 by the Santa Ana Regional Water Quality Control Board (RWQCB). The C&A was necessary, according to RWQCB, because of "a repeated history of ponding and erosion." RWQCB staff had noted that over the previous ten years (from 1989) the operator, or "discharger", had failed to prevent the following:

1. Off-site drainage from flowing onto the landfill
2. Erosion of soil covering refuse
3. Creation of leachate and/or gas production resulting from ponding and infiltrating rainwater
4. Contamination of the surface water or groundwater

The C&AO also noted that the groundwater pollution consisted of elevated amounts of pollutants "typically associated with landfills" but did not elaborate. In a phone conversation with RWQCB staff on June 25, 1992 Board staff determined that the pollution consisted of elevated amounts of aluminum, chromium, and volatile halocarbons and that it was suspected that the landfill (and not the site's ponds) was a source. It was also stated that the background well samples also showed elevated levels of aluminum and chromium, though not as high as the downgradient well samples. RWQCB staff indicated that no corrective action is required of the operator at this time.

Under the C&AO, the discharger was required to submit preliminary plans for construction which would address the infiltration of water into the landfill. After the plans were accepted by the RWQCB's Executive Officer, the construction was to be completed by November 29, 1991. In a letter dated February 6, 1992 to Mr. Robert Nelson of the Riverside County Waste Management District, RWQCB staff detailed the results of two January, 1992 inspections of the facility. RWQCB staff found that although "considerable improvement" had been made, additional work was required and had to be completed by March 9, 1992. On June 16, 1992 RWQCB staff again visited the site and confirmed that the operator was in full compliance with the C&A.

Facility Description The Lamb Canyon Landfill serves the communities of San Jacinto, Cherry Valley, Cabazon, and receives waste from the Idyllwild Collection Station. An average of 510 tons per day of solid waste is accepted at the site. Signs direct users to the working face. The operator uses the area fill method of landfilling. Waste cells are compacted and covered daily. Adjacent cells are combined into lifts. Liquid wastes consisting of septic tank, chemical toilet, and grease trap wastes are also accepted and placed into ponds where they are allowed to evaporate. The facility has seven unlined evaporation ponds, six used for disposal of grease trap wastes and the seventh for disposal of septic and chemical toilet wastes. Disposal is rotated among the ponds to increase evaporation and to allow some ponds to dry out. The sediment is then cleaned out and placed in the landfill. In 1991, over 500,000 gallons of liquid waste were disposed of at the site.

Environmental Controls A hazardous waste exclusion program discourages the illegal disposal of such wastes at the facility. Site personnel are trained in hazardous material recognition and response. A sign at the site entrance indicates that no hazardous waste is accepted. Incoming loads are visually inspected by the scale attendant. Equipment operators and spotters also may detect prohibited materials as they are being unloaded. If hazardous materials are identified, they are

isolated. The County Hazardous Waste Response Team is available, if required.

As the site is isolated, no problems associated with noise, odors, and traffic have been encountered or are anticipated. In addition, the application of daily cover at the landfill and the rotation of liquid waste disposal in the ponds help to minimize odor problems. Daily cover, in addition to compaction of waste, also decreases the possibility of problems relating to vectors.

A litter fence is installed around the work area to contain litter within area. A water truck is assigned to the site for dust control.

Freeboard at the site's ponds is maintained at a two foot minimum to prevent them from being overfilled. The site is protected from run-on water by preventative grading, interceptor berms, and downdrains.

No leachate control system is proposed or in place. Three groundwater monitoring wells have been constructed at the site. Quarterly monitoring is required by the RWQCB. As indicated previously, the RWQCB has indicated that the site is fully in compliance with the C&A.

The site is also regulated by the South Coast Air Quality Management District (SCAQMD). The SCAQMD has determined that the site does not, as yet, require a landfill gas control or recovery system. However, monitoring is required and the site has landfill gas probes located at or near the landfill's boundary to check for gas migration.

Resource Recovery Programs No resource recovery programs are in operation nor are any planned in the near future at this site. The County is developing plans to achieve the mandated goals of AB 939. Currently, curbside recycling is occurring in the area. Lamb Canyon Landfill is also being considered as a potential site for a material recovery facility.

ANALYSIS:

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to PRC Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a solid waste facilities permit. Since the permit was received on June 11, 1992, the last day the Board could act is August 10, 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 found that the Lamb Canyon Landfill is in conformance with the Riverside County Solid Waste Management Plan (CoSWMP). The facility is identified on page 11-10 of the CoSWMP. Board staff agrees with said finding.

2. Consistency with General Plan

   The LEA has determined that the facility is in conformance with the Riverside County General Plan and is compatible with surrounding land uses. Board staff agree 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 County of Kern from achieving its waste diversion goals. The analysis used in making this determination is included as Attachment 5.

4. California Environmental Quality Act (CEQA)

   State law requires the preparation and certification of an environmental document. The County of Riverside has prepared a Mitigated Negative Declaration (MND) for the proposed project. The MND (SCH #91032004) has indicated that there are no significant unmitigated environmental impacts associated with this project. A Notice of Determination was approved on June 11, 1991. A Mitigation Monitoring Implementation Schedule is included as Attachment 4.

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

5. Conformance with State Minimum Standards

   The LEA and Board staff have determined that the facility is in compliance with the State Minimum Standards for Solid

Waste Handling and Disposal based on a joint inspection conducted on June 23, 1992.

6. Financial Mechanism

Riverside County has established an acceptable financial mechanism, in the form of an enterprise fund, to cover the estimated closure and post-closure maintenance costs of this facility.

7. Report of Disposal Site Information (RDSI)

As of the date this item was prepared, the operator and LEA had not had time to respond to concerns expressed by Board staff regarding some technical aspects of the RDSI. These aspects would include geology and hydrogeology. It is anticipated that these concerns will be resolved before the date of the Permitting and Enforcement Committee meeting. If outstanding issues remain, staff will inform Committee members at that time.

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- concurring in the issuance of Solid Waste Facilities Permit No. 33-AA-0007.

ATTACHMENTS:

1. Location Map
2. Facility Map
3. Permit No. 33-AA-0007
4. Mitigation Monitoring and Implementation Schedule
5. Planning and Local Assistance Division Analysis
6. Permit Decision No. 92-

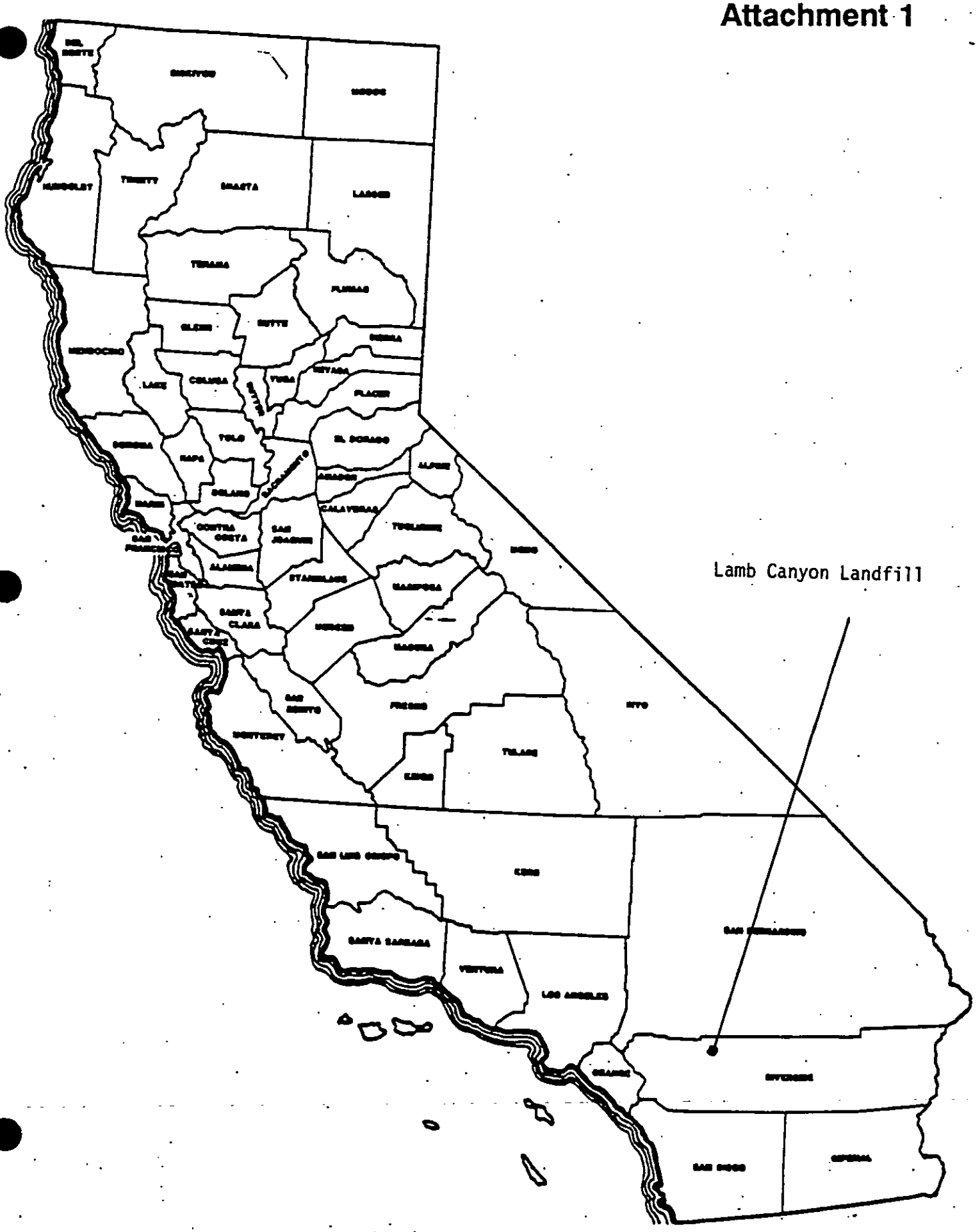
Prepared By: David Otsubo D.O. 6/29/92 Phone: 255-2433

Approved By: Phillip J. Moralez/Martha Vazquez Phone: 255-2619

Legal Review: R Date/Time 7/2 10h16

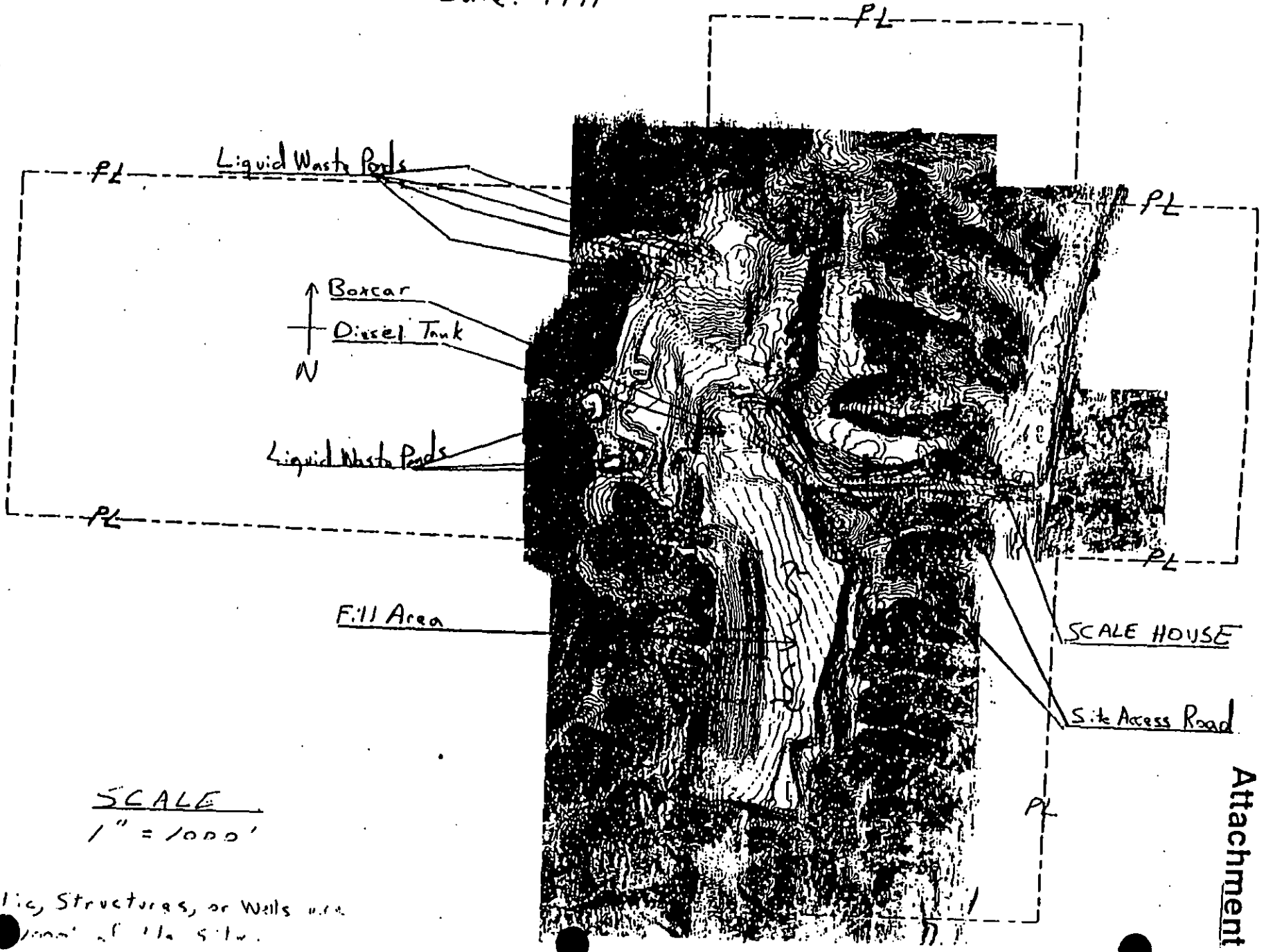
dko:\lccai.624

Attachment 1



LAMB CANYON S.L.F.

Photo Date: 1991



SCALE

1" = 1000'

NOTE:

No Septic, Structures, or Wells were within 1000' of the site.

Attachment 2

Attachment 3

OPERATING PERMIT FOR FACILITIES RECEIVING SOLID WASTE	TYPE OF FACILITY: Sanitary Landfill	FACILITY/PERMIT NUMBER: 33-AA-0007
NAME AND STREET ADDRESS OF FACILITY: Lamb Canyon Sanitary Landfill 16411 Lamb Canyon Road Beaumont, CA S½, Section 21; W½, of NE¼, Section 28; N½, Section 29; T3S, R1W, S.B.B. & M.	NAME AND MAILING ADDRESS OF OPERATOR: County of Riverside Department of Waste Management 1995 Market Street Riverside, CA 92501	
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: County of Riverside Health Services Agency Department of Environmental Health 1737 Atlanta, Bldg. H Riverside, CA 92507	
APPROVING OFFICER: John M. Fanning, Director Department of Environmental Health NAME/TITLE		
SEAL	AGENCY USE/COMMENTS: Owner: County of Riverside	
	PERMIT RECEIVED BY CWMB: JUN 1 9 199[illegible]	CWMB CONCURRANCE DATE:
	PERMIT REVIEW DUE DATE:	PERMIT ISSUED DATE:

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CWMB (Rev. 7-84)

LAMB CANYON LANDFILL
SOLID WASTE FACILITIES
PERMIT 33-AA-0007

Site History

This facility has been in operation since 1970. In 1977, the County upgraded the operation to comply in accordance with recommendations in the Solid Waste Management Plan and the State Minimum Standards for Solid Waste disposal. The Local Solid Waste Management Enforcement Agency for the County of Riverside (LEA) issued a Solid Waste Facilities Permit in May 1979. In 1989, the operator submitted an application for a permit review which identified an increase in the site acreage from 280 to 788 acres, also an increase in the daily site tonnage from 170 to an average of 510 tons per day and a maximum of 1900 tons per day.

FINDINGS

A. The site owner and operator:

County of Riverside
Department of Waste Management
1995 Market Street
Riverside, CA 92501

B. The facility is located on 16411 Lamb Canyon Road, Beaumont, CA. The site encompasses 788 acres, with a total of 127.7 acres available for landfilling. The site is located in S 1/2, Section 21; W 1/2, W 1/2 of NE 1/4, Section 28; N 1/2, Section 29; T3S, R1W, S.B.B. & M. Approximately 62.7 acres have been landfilled with 65 acres remaining to be filled (Report of Disposal Site Information [RDSI], Exhibits C and D).

C. The physical plant consists chiefly of a lockable gate at the entrance, a scale house, a paved access road, a box car for administrative activities, an equipment compound and a diesel fueling facility.

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

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D. The facility receives non-hazardous solid waste which consists of:

1. Septic tank and chemical toilet wastes
2. Grease trap waste
3. Industrial waste
4. Municipal solid waste
5. Dead animal waste
6. Agriculture waste
7. Construction demolition wastes
8. Inert waste
9. Tires
10. Animal waste
11. Contaminated soil

E. The facility is designed, and may receive no more than 1900 tons of waste per operating day. The average through put expected is 510 tons per day. Liquid waste volume averages 265 gallons a day for septic tank waste, and 1,235 gallons per day for grease trappings. The operator must not exceed the two (2) feet free board limit at the liquid waste ponds (RDSI [page 1 and 10] dated March 1992).

F. The site is an area cut and fill operation. The operator identifies the type of waste at the gate, routes it to the working face under the direction of the operating personnel. After the wastes are deposited on the pad of the working face, a dozer pushes and spreads wastes on the fill face into layers approximately two feet thick, compacted, and covered with six inches of compacted cover material. After disposal, vehicles are routed away from the active work area to the exit by traffic signs.

G. No salvaging of materials is currently practiced at this site. However, in response to the mandates of the California Integrated Waste Management Act of 1989, the County will adopt a local plan to be implemented by 1994, and programs to divert useful materials from county landfills through source reduction, recycling and composting (RDSI, page 8, items A.15).

A sign at the entrance to the facility indicates that wastes such as car batteries, oil, and paints are prohibited from entering the site. If such waste is discovered, they are either returned with the hauler or removed from the active face and stored at the equipment compound until they can be hauled off by a recycler or by a licensed hauler to an approved disposal site.

H. Hazardous wastes are not accepted at the site.

A sign is posted at the site entrance indicating that no hazardous waste is accepted. Incoming loads of solid and liquid wastes are screened for hazardous wastes by scale attendants, equipment operators and spotters on a regular basis. Site personnel are periodically trained to recognize and properly respond to hazardous waste incidents. If an incident of unlawful disposal of hazardous materials occurs at the site the Riverside County Department of Environmental Health, Hazardous Materials Branch is contacted to investigate the incident and determine the appropriate remedial action. "Protocol for handling hazardous waste" developed by the LEA, will be followed by the operator [RDSI, Appendix A]. Hazardous Materials Branch may be contacted at (714) 358-5055. Additional measures may be required upon the request of the LEA or the Board.

I. The operator is planning to implement a Hazardous Waste Load Checking Program in conjunction with the Department of Environmental Health, Hazardous Materials Management Branch. The operator must submit an addendum to the RDSI with the LEA and the Board for their concurrence prior to the implementation of this program.

J. The site is open from 8:00 a.m. to 4:30 p.m., Monday through Sunday with the exception of holidays, as established by Riverside County. In response to public need and operation scheduling, operating hours could begin as early as 6:00 a.m. and continue until 8:00 p.m., under the stipulation that the site operate during daylight hours only. The operator has to notify the LEA and the Board in writing upon any change in operating hours. (This contingency is addressed in the Negative Declaration, E.A. No. 35752). The estimated remaining site life is 13 years and is expected to reach completion by the year 2005 (RDSI page 14).

2. The following agencies and documents condition the operation and use of this facility by reference:

A. Report of Disposal Site Information dated March 1992;

B. California Regional Water Quality Control Board, Santa Ana Region: Waste Discharge Requirements No. 81-127, dated June 12, 1981;

C. California Regional Water Quality Control Board, Santa Ana Region: Clean Up and Abatement Order No. 91-89 issued June 24, 1991;

D. South Coast Air Quality Management District Exemption Rule 1150.1, letter dated July 26, 1989;

E. As per Riverside County Ordinance No. 348, Lamb Canyon Landfill, being a "public project", does not require a conditional use permit;

F. Riverside County Planning Department, Environmental Assessment (Negative Declaration and Mitigation Measure Monitoring Program) number 35752, State Clearing House number 91032004 adopted June 11, 1991;

G. The landfill operation is in accordance with the County Disposal and Transfer Site Regulations as specified in County Ordinance 536. The regulations provide the waste disposal engineer the authority to refuse entry, have tested, and certify origin of questionable waste products.

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

A. This permit is consistent with the latest version of the Riverside County Solid Waste Management Plan as amended in October 1989 (letter dated November 2, 1990).

B. This permit is consistent with the State Minimum Standards adopted by the California Integrated Waste Management Board.

C. This facility was found to be consistent with the Riverside County Comprehensive General Plan (letter dated February 26, 1991).

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 May 14, 1992.

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 February 26, 1991.

7. A Notice of Determination for the most current negative declaration was filed with the State Clearing House (SCH# 91032004) on June 11, 1991, by the Riverside County Board of Supervisors for Negative Declaration, E.A. No. 35752.

CONDITIONS

Requirements:

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

2. The facility must comply with all federal, state, and local requirements and enactments, including all mitigation measures given in the certified Environmental Assessment Number 35752 filed pursuant to Public Resources Code, Section 21081.6.

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

4. At the discretion of the LEA landfill gas monitoring probes shall be installed for detection of gas migration. If the LEA determines that a landfill gas control system is needed, it shall be installed.

PROHIBITION

The following actions are prohibited at this facility:

A. Disposal of hazardous or designated waste
B. Scavenging
C. Open burning
D. Disposal of liquid waste directly into the active face
E. Disposal of infectious waste
F. Disposal of Sludge from waste water treatment facilities
G. Operation during hours of darkness
H. Discharging of explosive or detonation of explosive devices
I. Acceptance of any waste material after the proposed grade has been reached
J. Allowing standing water on covered fill surfaces

SPECIFICATIONS

CONDITIONS:

1. 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.

2. The operator shall meet State Waste Tire Storage and Disposal Standards, California Code of Regulation, Title 14, Chapter 3, Article 5.5.

3. This facility has a permitted daily capacity of 1900 tons per operating day and shall not receive more than this amount of solid waste unless its operator first obtains a revision of this permit.

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

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

   B. If the asphalt and concrete stockpile has not been utilized after a six month period it shall be covered with at least six inches of compacted cover materials.

5. At the end of each day of operation, all areas of the site receiving solid waste (in all but the final lift) a compacted layer of at least 12 inches of additional cover shall be placed on all surfaces of the fill where no additional waste will be deposited within 180 days.

6. Dead animals shall immediately be covered with a minimum of 6 inches of compacted cover material.

7. All equipment necessary for the site operation shall be kept in good operating condition. In the event of breakdown, appropriate backup equipment shall be immediately obtained in order to maintain continuous operation.

8. The operator shall maintain a copy of this permit and State Minimum Standards for Solid Waste Handling and Disposal at the site, so as to be available at all times for site operating personnel.

9. Copies of any plan 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.

10. The implementation of the mitigation measures required by Environmental Assessment No. 35752 (SCH# 91032004).

11. The Riverside County Department of Waste Management is the authorized operator of this facility. This permit is not transferable. A change in the operator of this facility would require a new permit.

PROVISIONS:

This permit is subject to review by the LEA, and may be suspended, revoked, or modified at any time for sufficient cause after a hearing.

CLOSURE/POSTCLOSURE MAINTENANCE:

1. The operator shall submit a final closure and postclosure maintenance plan to the LEA two (2) years prior to the anticipated date of closure.

2. All documentation relating to the preparation of the final closure and postclosure maintenance costs shall be retained by the operator and shall be available for inspection by the Board or the LEA.

3. The preliminary closure and postclosure maintenance plan for this facility shall be submitted 120 days prior to the fifth anniversary of the last permit review done in October 1989 per Public Resource Code, Section 44015 and California Code of Regulations, Section 18213. The plan must be included as part of the application for review.

MONITORING PROGRAM:

The following items shall be monitored by the operator of this facility or his agent. Records including, but not limited to, these items shall be reported to the LEA on a quarterly basis:

1. All groundwater monitoring data required to be submitted to the Water Quality Control Board per order No. 81-127 shall be concurrently submitted to the LEA.

2. The operator shall maintain a daily record of total solid waste tonnage, liquid waste volume, and the number of vehicles entering the facility. The reports shall be submitted monthly to the LEA.

3. All data required to be submitted to the South Coast Air Quality Management District, on a quarterly basis shall be submitted concurrently to the LEA.

4. The operator shall maintain a record of all cuts made to natural terrain and the depth to groundwater where fill is to be placed. The operator shall submit this report to the LEA monthly.

5. The operator shall immediately commence and hereafter maintain a daily log of special occurrences. This log shall be made available for inspection to the LEA.

6. The operator shall submit to the LEA and the Board on a yearly basis the total acreage that has been used for disposal in each phase.

7. Records of the Hazardous Materials Load Checking Program shall be submitted to the LEA on a quarterly basis, when it is implemented.

8. The operator shall maintain a record of all complaints registered against the facility and any action taken to resolve justified complaints.

Riverside County Waste Management Department
Lamb Canyon Landfill Mitigation Measure Monitoring Program
Negative Declaration/Environmental Assessment No. 35752
February 1991

Attachment 4

Mitigation Measure:	Erosion control and maintaining slope stability
Agency or Individual Responsible for Implementation:	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. Proper drainage and erosion control will be maintained at the site on a daily basis, or whenever necessary, to prevent any associated environmental hazards.
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 facility engineers, 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 administered by the Riverside County Fire Department and through inspections by facility engineers and the LEA. 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 Riverside County Fire Department should check fire codes and fire prevention measures and inspect the site whenever necessary. The LEA will continue to make monthly site inspections.
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 water 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 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 objectives. 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 nonpoisonous 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 of environmental hazards associated with special 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 special 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 special wastes received is at an acceptable level, and if the mitigation measures being used are effective. Special 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 waste 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 special 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.

Mitigation Measure: 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>:	<u>Operational set-backs</u>
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 frequently 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, and LEA 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, and LEA 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, and LEA when required, for as long as the approved land use remains.

Mitigation Measure: 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.
<u>Mitigation Measure</u>:	<u>Safety measures for above-ground fuel storage tanks</u>
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 for 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 has provided a financial mechanism for the arrangement of trust fund agreements for the closure and 15-year postclosure maintenance 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'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.

Mitigation Measure:	Site Security
Agency or Individual Responsible for Implementation:	Riverside County Waste Management Department
Timing:	The Waste Management Department will provide for site security on a continuing basis to prevent on-site entry and to prohibit the theft or use of equipment. The LEA will continue to inspect the site on a monthly basis, assessing the need for additional site security measures.
Monitoring Work Program:	The site perimeter is partially fenced, and in most cases is provided with a terrain barrier such as big scraper tires, stones, and berms to prevent unauthorized entry. An overhead light is used to illuminate the equipment parking compound at night. In the event of theft, the Sherrif's Department is notified immediately by the operator. The operations office is a reinforced steel railroad box-car.
Funding:	Operations budget of the Riverside County Waste Management Department
Standards for Success:	The Waste Management Department will continue to monitor site security measures incorporated at the landfill and will follow the recommendations of the LEA, as necessary, so that there will be no long-term problems with site security, break-ins, or theft of on-site equipment or materials.

Attachment 5

State of California

California Environmental Protection Agency

M e m o r a n d u m

To : Dave Otsubo

Date: May 26, 1992

From : John S. Brooks
John S. Brooks
Local Assistance Branch, South Section

Subject: Lamb Canyon Proposed Solid Waste Facilities Permit No. 33-AA-0007 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.

FINDINGS OF CONSISTENCY WITH WASTE DIVERSION GOALS (PRC Section 44009):

Approval of the proposed permit for the Landfill would not prevent nor impair achievement of the waste diversion requirements. There are no flow control agreements between the operator (Riverside County) and the jurisdictions on the amount of waste received.

Source Reduction and Recycling Elements:

The facility was identified in both the Banning and Beaumont SRREs. The SRREs indicates that the cities use the Lamb Canyon facility for all non-diverted wastes. The City of San Jacinto and the City of Hemets' SRREs are not available for review yet. The facility is also identified in the County unincorporated SRRE. The County and Cities in Riverside are committed to diverting materials before they reach the landfill. This is planned through a system of regional MRFs, green waste facilities and public education and information. In addition, each jurisdiction is actively

implementing programs specific to their city to divert materials. Major programs being implemented in both Banning and Beaumont include curbside recycling; industrial, commercial and multi-family MRF recovery; city operated green waste facility; and inert and white goods diversion.

Jurisdiction	Percent of Waste at Landfill
Hemet	45%
Banning	18%
Unincorporated County	16%
San Jacinto	14%
Beaumont	5%
15 other jurisdictions	Remainder

Local Task Force:

Board staff have contacted LTF staff (County Staff) to find out how this facility fits in with the County's Integrated Waste Management plans. The LTF has reviewed the proposed project and finds it necessary to "ensure future facilities capacity in sustaining a system which includes at the bottom of the waste management hierarchy, the landfilling of some waste as the final step in an integrated process."

Facility Information:

The County of Riverside does not plan on implementing any diversion programs at this site. The County is requesting an increase to 1900 TPD maximum. In 1990 the highest tonnage received was 852 TPD. They believe the increase is necessary to allow for contingencies and to allow Lamb Canyon to serve as a replacement for one of the three landfills in the County planned to close in the short or medium-term. Although Riverside County states that the facility is sized with diversion programs in mind, they do not appear to take planned diversion programs into account in their justification for an increase (see attached).

Summary:

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

CONFORMANCE WITH THE CoSWMP (PRC Section 50000):

The Lamb Canyon facility is located in the Riverside County CoSWMP on Page 11-10 and has been found consistent by the LEA.

CONFORMANCE WITH THE GENERAL PLAN (PRC Section 50000.5):

This facility is in conformance with the Riverside County General Plan, according to a letter (February 26, 1991) from the Riverside County Planning Department.

The Waste Stream Characteristics of Lamb Canyon Landfill:

1. In the year 1991, almost half of the disposed waste originated in the City of Hemet; second to it is the City of Banning, accounting for about 18% of the received waste; followed by the unincorporated communities within the landfill's service area, accounting for almost 16% of the received waste.

2. Evidence exists in the record that Lamb Canyon's daily incoming waste could fluctuate considerably. For example, in 1990 the lowest tonnage received in a day was 20 tons whereas the highest in the same year was 852 tons, which is equivalent to a maximum to minimum ratio of 42.6.

Justification of the maximum peak tonnage for Lamb Canyon:

1. Maximum Peak Tonnage = 1900 TPD

   Estimation of this peak tonnage is based on the following calculations:

   Ratio of Max/Ave in 1990 = 852/492 = 1.73

   Estimated average tonnage for the next five years based on Trend Line #2 projection in the RDSI = 717 tons per day.

   Estimated max. tonnage = (717 x 1.73) + 50% of (717 x 1.73)
   = 1861 tons (app. 1900 tons)

   The estimated 50% additional tonnage is for contingency planning purposes, given the high fluctuation nature of Lamb Canyon's daily tonnage and the possibility that the landfill is needed to replace the Double Butte Landfill which is estimated to be closed within 2 years.

2. Three Riverside County landfills (Double Butte, Mead Valley, and Anza) are reaching capacity in short to medium-term planning period. The Lamb Canyon Landfill is thus becoming one of the logical "replacement" landfills to serve the region's waste disposal demand. Even though the County and Cities are planning to establish MRF's for the region, it will still need landfill capacity for the residual waste after processing by the MRF's. In this respect, the Lamb Canyon Landfill's permit revision to allow for a higher maximum daily tonnage of waste to be accepted at the landfill will not prevent or impair the integrated waste management of the County. It is consistent with Riverside County's system approach to integrated waste management.

File: Justific.LC

THE COUNTY OF RIVERSIDE
WASTE MANAGEMENT

ROBERT A. NELSON
Director

SUBMITTAL TO THE SOLID WASTE ADVISORY COUNCIL
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

FROM: Waste Management **SUBMITTAL DATE:** August 1, 1991

SUBJECT: Consideration of Consistency of Landfill Repermitting Applications with Riverside County's Future Solid Waste Management Plans as they relate to Section 41780 of the Public Resources Code.

RECOMMENDED MOTION: The Solid Waste Management Advisory Council (Countywide Task Force) finds the pending repermitting applications for all existing Riverside County landfills (including Anza, Badlands, Blythe, Coachella, Double Butte, Edom Hill, Elsinore, El Sobrante, Highgrove, Lamb Canyon, Mead Valley, Mecca II and Oasis) that are filed with the Local Enforcement Agency and will soon be before the California Integrated Waste Management Board, to be consistent with the County's future solid waste management plans and will not prevent or substantially impair achievement of the waste diversion goals as required under section 41780 of the Public Resources Code.

JUSTIFICATION: The concept of establishing waste shed boundaries for Material Recovery Facilities (MRF) for creating a new Countywide Integrated Waste Management Plan (LTF action of June 20, 1991) will ensure that the landfills each experience an increased life expectancy from the material recovery that will take place at the MRFs.

(CONTINUED)

Robert A. Nelson
Director

MINUTES OF THE SOLID WASTE ADVISORY COUNCIL

On motion of Dick Kelly, seconded by Rick Johnson and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: 14
Noes: 0
Absent: 7
Date: 8/1/91
xc: CIWMB

Frances Trevino
Stenographer Clerk

Distribution:

AGENDA NO.

201

The combination of the MRFs and other waste diversion programs slated for implementation in the pending County and City SRRE/HHWEs will result in increased landfill capacity benefits from the state mandated diversion goals of 25% by January 1, 1995 and 50% by January 1, 2000. The repermitting of Riverside County landfills under the current planning direction will not impair the achievement of the state diversion goals. Rather, it would reinforce the County's ability to ensure future facilities capacity in sustaining a system which includes at the bottom of the waste management hierarchy, the landfilling of some waste as the final step in the integrated process.

Attachment 6

California Integrated Waste Management Board

Permit Decision No. 92-87

July 16, 1992

WHEREAS, the County of Riverside Department of Health, 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 Lamb Canyon 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. 33-AA-0007.

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 July 16, 1992.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
July 15, 1992

AGENDA ITEM /2

ITEM: Consideration of Concurrence in the Issuance of a New Solid Waste Facilities Permit for the Callahan Road Treatment Site, Tehama County

BACKGROUND:

Facility Facts

Name:	Callahan Road Treatment Site Facility No. 52-AA-0024
Facility Type:	Processing/Transfer Station. Proposes to process non-hazardous petroleum contaminated soil.
Location:	West of Red Bluff
Area:	396.67 acres, 40 acres to be used for treatment
Setting:	The facility is located within the Upland Agricultural Zoning District.
Operational Status:	Not currently operating
Operator:	Mr. Ben Sale, Ben's Truck & Equipment, Inc.
Owner:	Mr. Jerry Arbini
LEA:	Tehama County Department of Health Services

Proposed Project

The proposed processing transfer station will have an average throughput of 100 tons per day with a maximum permitted tonnage of 2000 tons per day. The proposed project will process non-hazardous hydrocarbon contaminated soils using bio-enhancement and aeration treatment methods. The project will be located on 396.67 acres, of which, 40 will be used for treatment.

SUMMARY:

Site History The site is located 3 miles west of Red Bluff in Tehama County and adjacent to the Louisiana-Pacific Disposal Site. Three treatment cells have already been constructed and the fourth treatment cell is yet to be constructed.

Summary of Permit Consideration Issues The Local Enforcement Agency (LEA) was not able to make the CoSWMP finding of conformance, pursuant to Public Resource Code Section 50000.

In the absence of a finding of conformance with the CoSWMP, the project proponent must follow the procedures for review and approval of a solid waste facility which is not identified in the CoSWMP, as outlined in PRC Section 50000 (b). A discussion of the procedures outlined in PRC 50000 (b) is included in the Analysis section of this item.

The LEA has indicated, through verbal communication, that the necessary steps are being taken to meet the PRC 50000 finding by July 21, 1992. In absence of the PRC 50000 finding staff must recommend objection. A status report will be provided at the July 15, 1992 Permitting and Enforcement Committee meeting.

Project Description The proposed facility is located on 396.67 acres. The total permitted acres for use as treatment area is forty (40). The proposed facility will receive an average of 100 tons, with a maximum of 2000 tons of non-hazardous petroleum contaminated soil per day. Soils will only be accepted after sufficient analytical tests are performed and the waste is certified as non-hazardous.

The treatment season is April 15 through October 15. Soils transported to the site in the off-season period (October 15 through April 15) will be stockpiled and covered with plastic within a designated cell. Individual waste piles within each cell will be further separated by a minimum of five (5) feet prior to spreading.

Wastes are treated according to the contaminants. All treatment will be aerobic. The soils will be treated to a level of non-detection and removed from the site for use as clean fill. Soils contaminated primarily with gasoline are treated by aeration. Aeration consists of turning the soil frequently with a rototiller to increase volatilization, no water or nutrients will be added.

Soils containing heavier petroleum products, such as diesel or waste oil, are treated biologically. The aeration and bio-enhancement will occur in different cells. Soils containing oily wastes, such as diesel, aviation fuel, motor oil or bunker oil, will be treated by bio-enhancement using naturally occurring microorganisms. These soils will be spread in cells equipped with sprinklers. The specific soil treatment process and blend information is proprietary. Soil amendments will be added in various portions depending on baseline tests. These amendments may include nutrients (N,P,K), fertilizer, catalyst, lime, sulphur, surfactant, emulsifiers and composting material such as straw or manure. The soil will be irrigated and moisture will be maintained at between 20% to 40% moisture holding capacity. Soil will be tilled frequently.

Environmental Controls The environmental controls at the site include testing on a routine basis to monitor and control aeration and biotreatment. No soil shall be spread for treatment after September 15 or before April 15. All soils not removed from the site before October 15 or placed on-site between October 15 and April 15 of each year shall be covered and remain covered until April 15 of the following year.

There are no operations at the facility which generate excessive noise levels and the nearest structure is approximately 3,000 feet from the treatment cells. All access roads shall be covered by compact gravel base to control dust. Water trucks will maintain moisture in the access roads during summer months.

Rainfall will not be allowed to collect on treatment cells during off-seasons. Rainfall that collects will be maintained within the clay berms and allowed to evaporate. The base of each cell is sloped so that storm water will not flood or leach through waste stockpiles.

To prevent contaminants from leaching through soil waste piles and contaminating subsurface soil the Waste Discharge Requirements No. 92-0092 require that each land treatment unit include a minimum 24-inches clay base.

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 June 19, 1992, the last day the Board may act is August 18, 1992.

The LEA has submitted a proposed permit to the Board. Staff have reviewed the proposed permit and supporting documentation and have the following concerns with the proposed permit:

Conformance with County Plan

The LEA was not able to make the determination that the facility is in conformance with the latest revision of the Tehama CoSWMP. Board staff was unable to certify conformance with the most recent CoSWMP.

Public Resource Code (PRC) Section 50000 requires that the local enforcement agency (LEA) certify that one of the following has occurred:

1. The facility is identified and described in the County Solid Waste Management Plan which was in compliance with the law and regulations existing on December 31, 1989.

2. The facility is identified in the most recent CoSWMP.

3. Pursuant to the procedures in subdivision (b), the facility has been approved by the county and by a majority of the cities within the county which contain a majority of the population of the incorporated area of the county.

The procedures outlined in Section 50000 (b) are as follows: The site identification and description should be submitted to the County Board of Supervisors, and the county must submit the site identification and description to each city within the county within 20 days of receipt. The county and each city then has 90 days to approve or disapprove by resolution. If no decision has been made within 90 days, it is deemed approved.

In the absence of a finding of conformance with the CoSWMP, the procedures outlined in PRC 50000(b) must be followed for the approval of a Solid Waste Facility not identified in the CoSWMP.

The LEA has reported, by telephone, that the necessary steps are being taken to meet the PRC 50000 finding. The LEA will be present at the July 15, 1992 Committee meeting to provide an update.

In reviewing the proposed permit package, staff have considered the following additional items and find them to be consistent with state requirements:

1. Consistency with General Plan

The LEA has found that the proposed facility is consistent with, and is designated in, the applicable General Plan. Board staff agrees with said finding.

2. California Environmental Quality Act

State law requires preparation and certification of an environmental document whenever a project requires discretionary approval by a public agency. The County of Tehama Department of Public Works prepared a Negative Declaration (SCH # 92063069) for the proposed project. The document was certified as approved by the lead agency on October 15, 1991, and a Notice of Determination was filed.

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

3. Consistency with Waste Diversion Requirements

Staff on 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 would neither impede nor significantly impair the County of Tehama from meeting its waste diversion goals. The analysis used in making this determination is included as Attachment 4.

4. Compliance with State Minimum Standards

The LEA has made the determination that the facility's design is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal based on their review of the submitted Report of Station Information and supporting information. Board staff agrees with said determination.

STAFF RECOMMENDATION:

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 upon certification by the LEA that the facility is in compliance with PRC 50000 the Board adopt Permit Decision No. 92-69 concurring in the issuance of Solid Waste Facilities Permit No. 52-AA-0024.

ATTACHMENTS:

1. Location Map
2. Site Map
3. Permit No. 52-AA-0024
4. AB2296 Finding of Conformance

Prepared by: Beatrice Cuenca Phone: 255-2434

Reviewed by: Phillip J. Moralez/Martha Vázquez Phone: 255-2454

Legal Review: Date/Time

Staff recommends that upon certification by the LEA that the facility is in compliance with PRC 50000 the Board adopt Permit Decision No. 92-69 concurring in the issuance of Solid Waste Facilities Permit No. 52-AA-0024.

ATTACHMENTS:

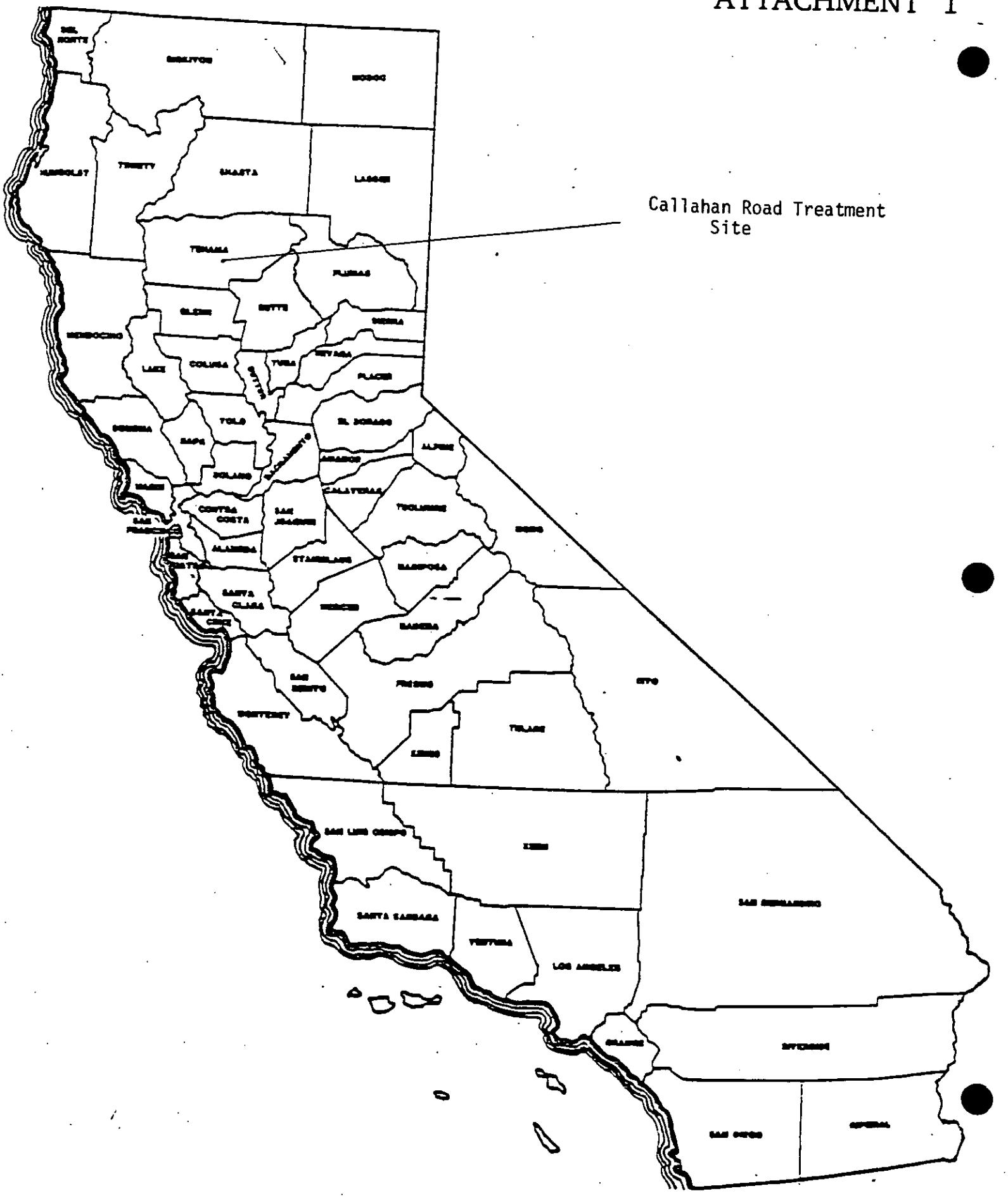
1. Location Map
2. Site Map
3. Permit No. 52-AA-0024
4. AB2296 Finding of Conformance
5. Permit Decision No. 92-69

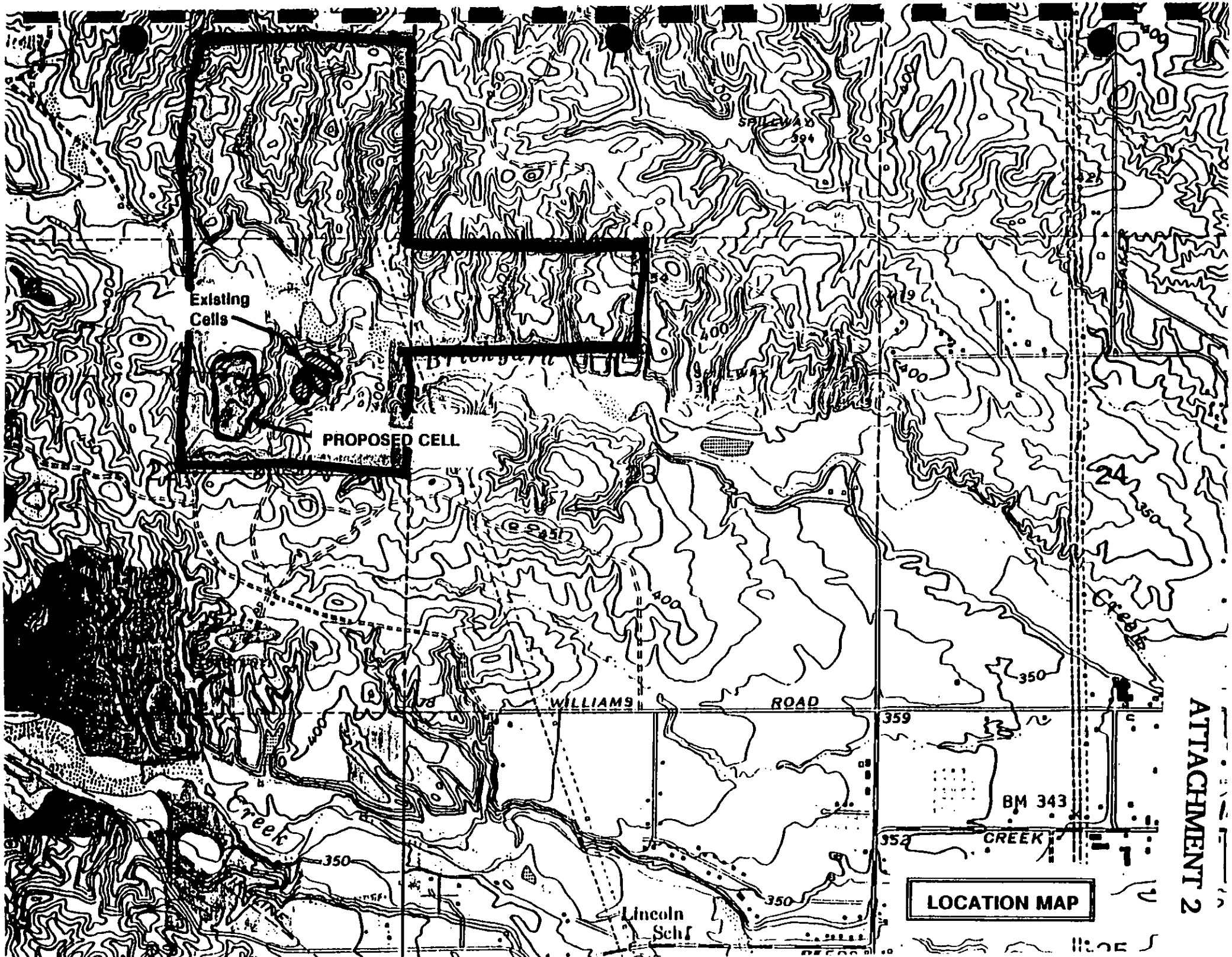
Prepared by: Beatrice Cuenca Phone: 255-2434

Reviewed by: Phillip J. Moralez/Martha Vázquez Phone: 255-2454

Legal Review: _____ Date/Time _____

ATTACHMENT 1





ATTACHMENT 2

ATTACHMENT 3

OPERATING PERMIT FOR FACILITIES RECEIVING SOLID WASTE

TYPE OF FACILITY	FACILITY/PERMIT NUMBER
Transfer/Processing	52-AA-0024

NAME AND STREET ADDRESS OF FACILITY	NAME AND MAILING ADDRESS OF OPERATOR
Callahan Road Treatment Site Callahan Road Red Bluff, CA	Ben's Truck & Equipment, Inc. P.O. Box 732 Red Bluff, CA 96080

PERMITTING ENFORCEMENT AGENCY	CITY/COUNTY
Dept. of Environmental Health	Tehama

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

Lee W. Mercer, Director

NAME/TITLE

AGENCY ADDRESS

Dept. of Environmental Health
633 Washington St., Rm. 36
Red Bluff, CA 96080

AGENCY USE/COMMENTS

PERMIT RECEIVED BY CWMB	CWMB CONCURRANCE DATE
JUN 1 9 1992	

PERMIT REVIEW DUE DATE	PERMIT ISSUED DATE

FINDINGS

1. Description of the facilities design and operation:

   A. The Callahan Road Treatment Site is a petroleum-contaminated soil transfer and processing station. The facility is on Callahan Road, 3 miles west of Red Bluff in Sections 15.22. and 23, T27N, R4W, MDB&M. The owner of the property is Jerry Arbini. The operator is Ben's Truck & Equipment, Inc., owned by Ben Sale.

   B. The facility is located on 396.67 acres. The total cell area to be excavated for treatment shall not exceed 40 acres. Maps showing the general location, structures within 1000 feet of the permitted property and a map showing all on-site structures and entry roads are shown on Plates 1 and 2, contained in the RSI, Appendix A.

   C. The facility has a scale, shop and office buildings, and four treatment cells. The design capacity is 72,488 tons per year.

   D. The facility will receive non-hazardous petroleum contaminated soil, including soil contaminated with gasoline, diesel, waste oil, and other fuels and petroleum products.

   E. The facility will receive an average of 100 tons/day with a maximum of 2,000 tons/day. The design capacity is 72,488 tons/year.

   F. The contaminated soil will be transported to the facility by truck. Once the contaminated soil arrives on site, a certified engineering geologist will make confirmation tests. Each truck will check in at the office. The attendant will check the manifest and bill of laden which must accompany each truck load. The truck will be weighed and directed to the appropriate stockpile or treatment location. The trucks are weighed upon exiting.

   G. No resource recovery or salvaging operations will occur at the facility.

   H. The hazardous waste screening program will consist of reviewing the analysis for each truck load of soil. Analysis must comply with the facility acceptance criteria specified in the WDR's. Soils found to contain hazardous levels of contaminants shall be removed and transported to an appropriately permitted facility. Employee training regarding hazardous waste identification and handling is contained in the RSI on page 10. A notice of illegal discharge shall be

filed with the Department of Toxic Substance Control, (916/855-7786), the Central Valley Regional Water Quality Control Board, (916/224-4845), and Tehama County Environmental Health Department, (916/527-8020). Additional measures may be required upon the request of the LEA or the Board.

I. There are no anticipated changes in design or operation in the next 5 years.

J. The facility will treat daily April 15 through October 15. No soil shall be spread for treatment after September 15 or before April 15. Soil will be received October 15 through April 15 and stockpiled. The stockpiled soil shall be covered with plastic or equivalent impervious sheeting.

Days of operation are Monday - Saturday.

The hours of operation are 0800 to 1800 .

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

A. The Report of Station Information dated March 18, 1992.

B. Land Use Permit No 91-16, dated October 15, 1991, subject to mandatory review and revocation every 4 years by the Board of Supervisors.

C. Regional Water Quality Control Board, Central Valley Region-Waste Discharge Requirements, Order No. 92-009, dated January 24, 1992.

D. Tehama County Air Pollution Control District Permit dated January 13, 1991.

E. The Tehama County Planning Commission filed a Notice of Determination for a negative declaration on October 22, 1991, State Clearinghouse Number 92063069.

F. Lease agreement between Jerry Arbini. property owner and Ben Sale, Operator. The lease has been in effect since March 1990 and is renewable every 5 years.

3. The following findings and certifications are required pursuant to PRC Sections 50000.5 and 44010.

A. The permit is consistent with the Tehama County General Plan dated March 18, 1983, Resolution No. 28-1983.

B. The permit is consistent with standards adopted by the CIWMB.

4. The design and operation of the facility is in compliance with the state minimum standards for solid waste handling and disposal as determined by the LEA on April 8, 1992.

5. The local fire protection district found the facility in conformance with applicable fire standards as required in Section 44151, PRC.

CONDITIONS: REQUIREMENTS:

1. The facility must comply with state minimum standards for solid waste handling and disposal.

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

3. Any additional information must be provided as required by the LEA.

PROHIBITIONS:

1. Prohibited activities and operations at the facility are specified in Order No. 92-009, Waste Discharge Requirements, A. Prohibitions, 1 through 7.

2. Hazardous Wastes shall not be accepted at the facility.

SPECIFICATIONS:

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

2. The facility has a permitted capacity of 2,000 tons per operating day and shall not receive more than this amount without first obtaining a revised permit.

3. A change in the operator would require a new permit.

4. The specifications listed in Order No. 92-009, Waste Discharge Requirements, B. Discharge Specifications, 1 through 20.

PROVISIONS:

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

2. The provisions listed in Order No. 92-009, Waste Discharge Requirements, C. Provisions, 1 through 21.

SELF-MONITORING:

1. Monitoring shall comply with the Monitoring and Reporting Program No. 92-009, as specified in the Waste Discharge Requirements. Reports shall be submitted to the LEA at intervals specified in the Monitoring and Reporting Program No. 92-009.

2. A log of special occurrences must be maintained at the facility and a report detailing all special occurrences must be submitted to the LEA annually.

ATTACHMENT 4

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

Memorandum

To: **Beatrice Cuenca**
Permits Branch

Date: June 24, 1992

From: Dianne Range
Dianne Range, Supervisor
Local Assistance Branch, North

Subject: Review of the proposed permit for facility No. 52-AA-0024 for conformance with AB 2296

After review of the documents provided for facility number 52-AA-0024, planning staff have made the following findings:

A) The permit is consistent with the waste diversion requirements (PRC 44009);

B) The facility is in consistent with the General Plan (50000.5).

Planning staff were unable to verify that the proposed facility is in conformance with the CoSWMP.

PRC 44009: WASTE DIVERSION REQUIREMENTS

This facility will be processing contaminated soil. As there are currently only limited diversion opportunities for contaminated soil, Board staff felt that the facility would in no way impair the achievement of the waste diversion goals.

This facility was not identified in the County's SRRE.

PRC 50000.5: CONSISTENCY WITH THE COUNTY'S GENERAL PLAN

This facility is operating under a conditional use permit, issued by the County, which indicates the consistency of the facility with the zoning districts set forth in the General Plan.

PRC 50000: CONFORMANCE WITH THE CoSWMP

Because the facility is not identified in the CoSWMP, Board staff were unable to make a finding of conformance with the CoSWMP.

IN SUMMARY:

Based on the evidence on record, Board staff made the following findings:

A) The proposed permit is consistent with the diversion requirements;
B) The proposed permit is consistent with the City's General Plan; however
C) Planning staff were unable to certify conformance of the proposed project with the most recent CoSWMP.

In the absence of a finding of conformance with the CoSWMP, the project proponent must follow the procedures for review and approval of a solid waste facility which is not identified in the CoSWMP, as outlined in PRC Section 50000 (b). In brief, the site identification and description should be submitted to the County Board of Supervisors, and the county must then submit the site identification and description to the each city within the county within 20 days of receipt. The county and each city then has 90 days to approve or disapprove by resolution. If no decision has been made within 90 days, then it is deemed as approved.

a/memo2296.teh

ATTACHMENT 5

California Integrated Waste Management Board
Permit Decision No. 92-69
July 29, 1992

WHEREAS, the County of Tehama Department of Environmental Health, 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 Callahan Road Treatment Site; and

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

WHEREAS, the Board finds that all state and local requirements for 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. 52-AA-0024.

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 July 29, 1992.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
July 15, 1992

AGENDA ITEM 13

ITEM: Consideration of Concurrence in the Issuance of a Revised Solid Waste Facilities Permit for the Tri-Cities Recycling and Disposal Facility, Alameda County

BACKGROUND:

Facility Facts

Name:	Tri-Cities Recycling and Disposal Facility (formerly Durham Road Landfill), Facility No. 01-AA-0008
Facility Type:	Class III Landfill
Location:	7010 Auto Mall Parkway, Fremont
Area:	378 acres, 258 acres for disposal
Setting:	Located on the former Durham Road Landfill, surrounding land use is general industrial, and combined agricultural and flood plain
Volumetric Capacity:	Capacity 19,271,000 cubic yards (cyd) of net reuse as of September 1991, 8,157,00 cyd remaining
Operational Status:	Operating under a Stipulated Agreement issued by the LEA March 1991. The agreement limits the facility to a peak daily tonnage of 2100 tpd
Status:	
Owner/Operator:	Mr. Tony Galli, General Manager Oakland Scavenger Company Waste Management Inc.
LEA:	Alameda County Department of Environmental Health

Proposed Project

The proposed revised permit would allow an increase in the permitted maximum daily tonnage, from approximately 500 tpd in the current permit, to 2064 tpd by the year 1992. The Negative Declaration prepared for this project analyzed a tonnage increase of approximately 3 percent per year through the year 2000. The proposed permit allows the 3% yearly increase in maximum daily tonnage, commencing with 2064 tpd in 1992. The permit also incorporates the recent name change from Durham Road Landfill to Tri-Cities Recycling and Disposal Facility.

SUMMARY:

Site History The Tri-Cities Recycling and Disposal Facility (TCRDF) is an area fill, Class III landfill which accepts nonhazardous solid waste. The facility was originally permitted in 1978. TCRDF is located at the western terminus of Auto Mall Parkway in Fremont, California. The road and the landfill have both recently been renamed. The access road was renamed from Durham Road to Auto Mall Parkway, and the landfill was renamed from Durham Road Landfill to Tri-Cities Recycling and Disposal Facility.

Landfill operations began in 1967 in the northwestern portion of the site. The 1978 Solid Waste Facilities Permit (SWFP) was revised in 1983 to allow for a lateral expansion of the site. The facility is currently permitted for disposal on 258 of the 378 total acres.

Both the 1978 and the 1983 permits contain a finding that the facility "handles approximately 500 tpd on a 7 day a week basis." The facility currently accepts approximately 1400 tpd and is consequently operating outside the terms and conditions of the existing 1983 permit. This situation was addressed by a stipulated agreement signed by the LEA and the operator which provides that the maximum daily disposal rate at the landfill shall not exceed 2100 tpd in 1992.

Project Description The proposed revised permit establishes a maximum daily tonnage of 2064 tpd by the year 1992. The permit provides for a yearly increase in the permitted peak tonnage of approximately 3 percent through the year 2000. The permitted peak daily tonnage in the year 2000 will be 2628 tpd. The annual increase is based on the projections of population and industrial growth in the waste shed analyzed in the 1992 Negative Declaration which was prepared for the project. The increase in permitted maximum daily tonnage is the only significant change addressed by the proposed permit.

Wastes are brought to the facility from the cities of Fremont, Union City, and Newark. Wastes are unloaded near the working face, pushed to the working face, and compacted with heavy equipment. The facility is on performance standards, so the working face must be kept to a size determined by State regulations and the LEA. The wastes are covered with six inches of daily cover when the working face is moved to a new area or when it is inactive for more than 24 hours.

Environmental Controls Monitoring of groundwater at the site is accomplished through a network of 22 wells. The monitoring program has been prescribed by the Regional Water Quality Control Board in accordance with the revised Chapter 15 regulations. Groundwater is sampled on a quarterly basis.

A collection system has been installed to prevent the off-site migration of landfill decomposition gases. The system includes a series of vertical gas collection wells maintained under vacuum. Each vertical well is tied into the main header system, which conveys the landfill gas to the on-site, high temperature flare located at the east side of the landfill. The flare is permitted by the Bay Area Air Management District and is designed to burn up to 1275 cubic feet of landfill gas per minute.

The site has an operational hazardous waste exclusion program. The program includes regular and random inspections of incoming loads, training of facility personnel in hazardous waste recognition and handling procedures, and signs posted at the entrance. If hazardous waste is identified, it is taken by trained personnel to a hazardous waste storage locker, where it is kept for a maximum of 90 days before it is removed by a qualified hazardous waste hauler.

Noise is controlled by proper maintenance of noise suppression devices on the heavy equipment. Since the site is on performance standards, the LEA inspects the facility weekly to ensure that potential dust, odor and vector problems are mitigated. Dust is controlled by the use of a water truck. Odor is controlled by the continuous application of waste to the working face. Vectors are controlled through trapping and eradication programs. Litter is controlled through the use of litter fences and picking crews.

Resource Recovery The facility is currently salvaging concrete, rubble, and asphalt. The collection vehicles using the site are routed through the Bay Cities Recycling Center before entering the disposal area. Also the three Cities, which exclusively use this facility, have curbside programs.

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 in or object to the issuance of a solid waste facilities permit. Since the proposed permit was received on June 24, 1992, the last day the Board could act is August 24, 1992.

The 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 this determination the following items were considered:

1. Conformance with County Plan

   The LEA has determined that the facility is found in the Alameda County Solid Waste Management Plan dated 1987. Board staff agree with said determination.

2. Consistency with General Plan

   The LEA has found that the facility is in conformance with the City of Fremont General Plan. The City of Fremont Planning Commission determined that the surrounding land-use is compatible with the facility's operation and issued a Conditional Use Permit to the site on December 10, 1981. This Conditional Use Permit was revised and approved by the Fremont Planning Commission on April 2, 1992. The LEA has found that approval of the Conditional Use Permit required a prior finding of consistency with the City of Fremont General Plan. Board staff agree 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 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 Alameda 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 City of Fremont, acting as the lead agency, prepared a Negative Declaration for the proposed project. The City of Fremont circulated the Negative Declaration through the State Clearinghouse (SCH #92023024) for comment, conducted at least one public hearing on the subject, responded to comments, and adopted the Negative Declaration on April 6, 1992. The City filed a Notice of Determination regarding the certification of the Negative Declaration on May 4, 1992.

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 permit.

5. Compliance With State Minimum Standards

The LEA has determined, based on an evaluation of the project's Report of Disposal Site Information and supporting documentation, and weekly inspections of the site, that the design and operation of the facility are in compliance with State Minimum Standards.

The last State inspection of this facility was conducted on July 8, 1987. Since that time, the facility has received waste tonnages in excess of the 500 tpd specified in the existing permit. To address this violation of the existing permit, the LEA and the operator entered into a stipulated agreement which allowed the acceptance of 2154 tons of waste per day. The stipulated agreement was signed by the operator on June 3, 1991.

Due to the past practice of disposing of friable asbestos containing waste (ACW) at the site, Board staff had not inspected this facility since July of 1987. The proposed permit prohibits the disposal of friable ACW, and the site has not received friable asbestos for over two years. A State inspection was conducted on June 3-4, 1992, during which, 10 major violations of State Minimum Standards were documented. At the time this item went to print, Board Compliance Branch staff had not yet reinspected the facility. A report on the compliance status will be provided to the Permitting and Enforcement Committee.

STAFF RECOMMENDATION:

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 recommend that the Board adopt Permit Decision No. 92-47 concurring in the issuance of Solid Waste Facilities Permit No. 01-AA-0008, provided that the reinspection of the facility shows no violations of State Minimum Standards.

ATTACHMENTS:

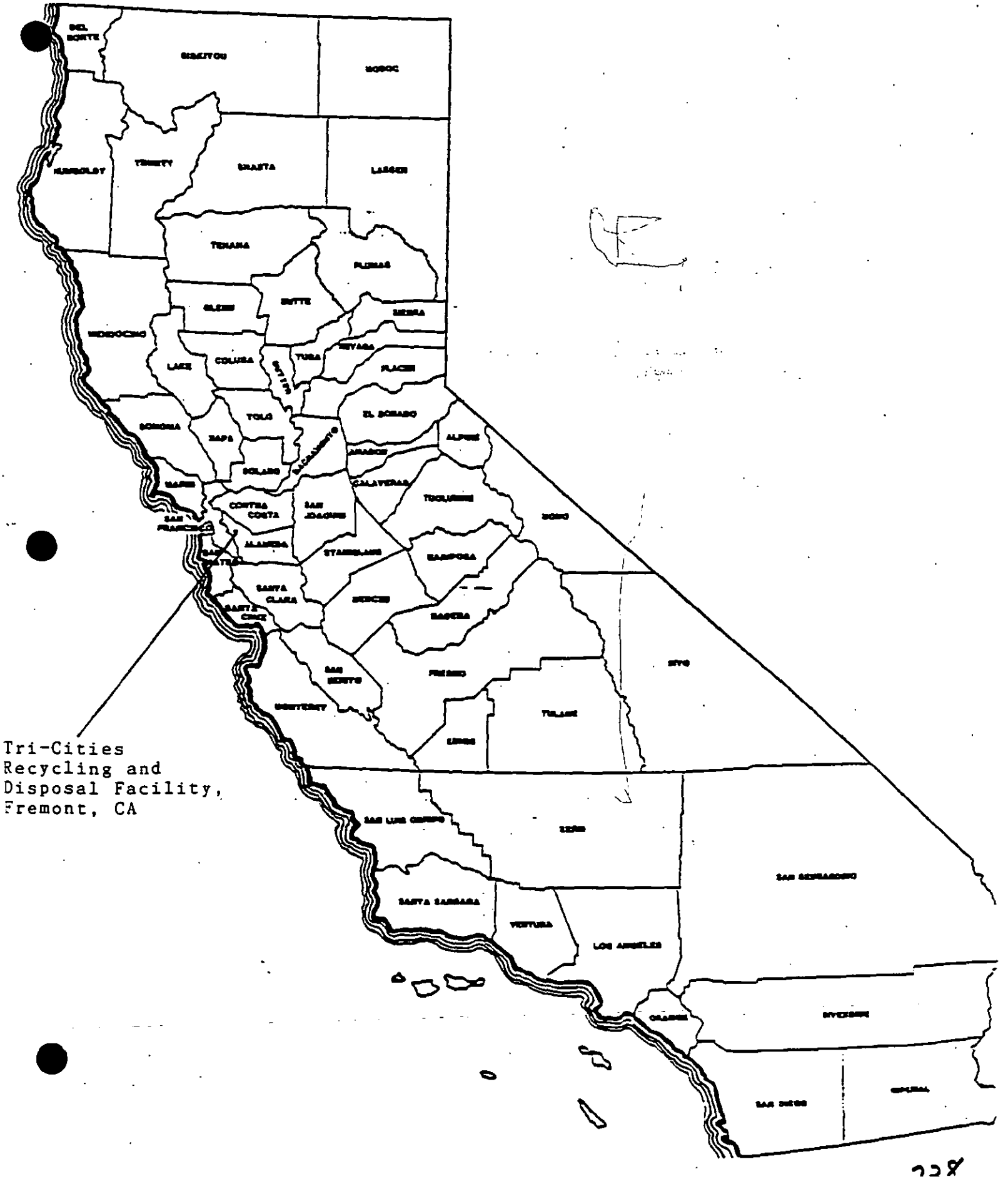
1. Location Map
2. Site Map
3. Permit No. 01-AA-0008
4. AB2296 Findings
5. Permit Decision No. 92-47

Prepared By: Michael Kuhn/Beatrice Cuenca AF Phone: 255-2432

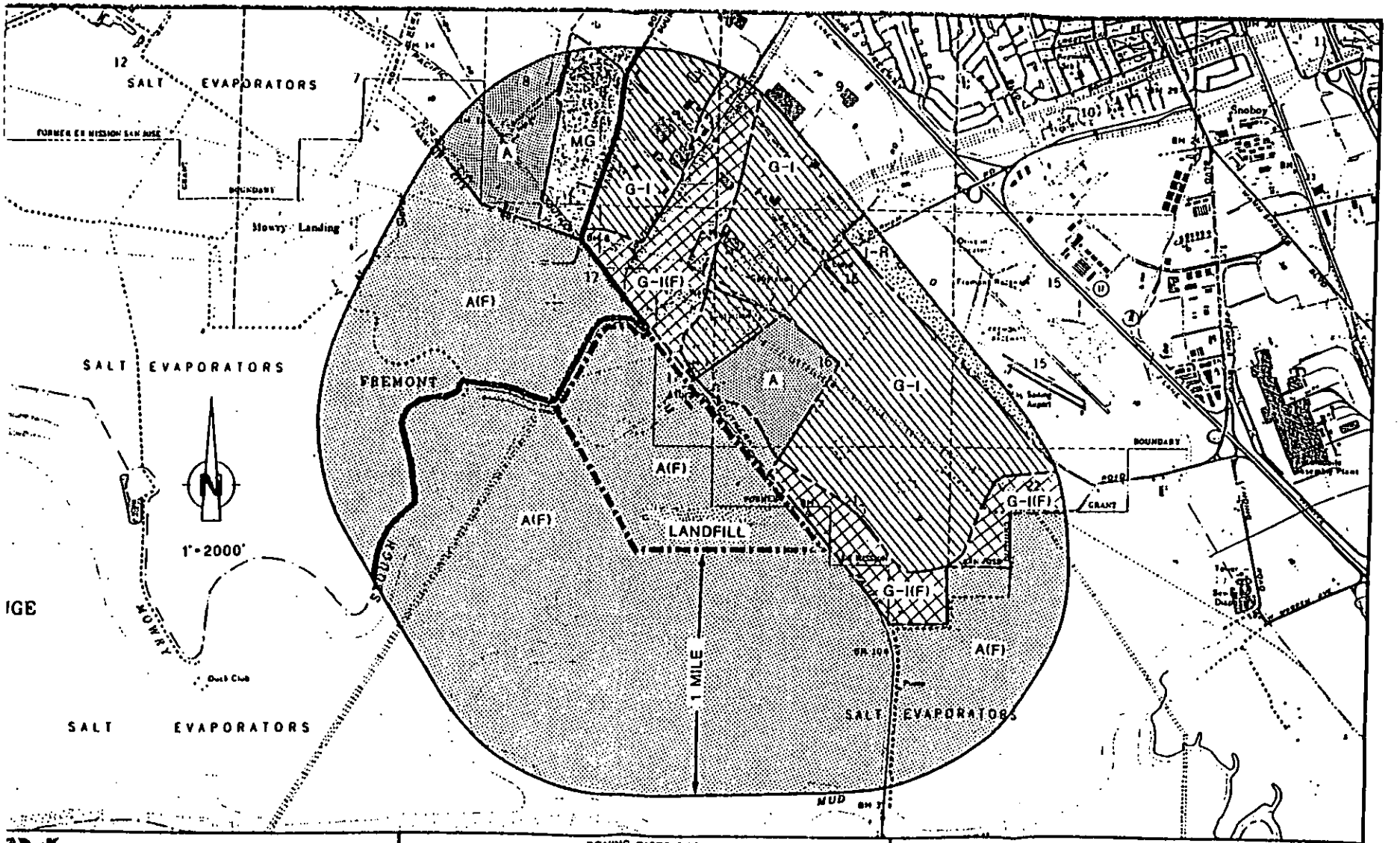
Approved By: Phillip J. Morales/Martha Vazquez Phone: 255-2453

Legal Review: Date/Time:

ATTACHMENT 1



Tri-Cities
Recycling and
Disposal Facility,
Fremont, CA



RM
ESOURCE MANAGEMENT INTERNATIONAL, INC.

ZONING DISTRICTS

NEWARK	FREMONT
A AGRICULTURAL	A AGRICULTURAL
F FLOOD COMBINING DISTRICT	F FLOOD COMBINING DISTRICT
MG GENERAL INDUSTRIAL	G-I GENERAL INDUSTRIAL
	I-R RESTRICTED INDUSTRIAL

Figure V-1
ZONING MAP

ATTACHMENT 2

ATTACHMENT 3

OPERATING PERMIT FOR FACILITIES RECEIVING SOLID WASTE

TYPE OF FACILITY	FACILITY/PERMIT NUMBER
Landfill	01-AA-0008

NAME AND STREET ADDRESS OF FACILITY	NAME AND MAILING ADDRESS OF OPERATOR
Tri-Cities Recycling and Disposal Facility 7010 Auto Mall Parkway Fremont, CA 94538	Tri-Cities Recycling and Disposal Facilit 7010 Automall Parkway Fremont, CA 94538

PERMITTING ENFORCEMENT AGENCY	CITY/COUNTY
Office of Solid/Medical Waste Management	Alameda County

FACILITY FILE CARBON COPY
ORIGINAL TO FILE # MEA drawer
SUBMITTED BY LLG DATE 6-25
COPY TO 01-AA-0008
COPY TO BG MK
COPY TO KBLSA
COPY TO AL

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:

Art Detmar
APPROVING OFFICER

Art Detmar, Sr.R.E.H.S.
NAME/TITLE

AGENCY ADDRESS

Alameda County Dept. Of Environmental Heal

Office of Solid/Medical Waste Management
470 27th Street, #324

AGENCY COMMENTS 94612

SEAL

PERMIT RECEIVED BY CWMB	CWMB CONCURRANCE DATE
JUN 2 4 1992	
PERMIT REVIEW DUE DATE	**PERMIT ISSUED DATE**

FINDINGS

1. DESCRIPTION - FACILITY DESIGN AND OPERATION

A. Identification of operator, owner and contractors.

OWNER/OPERATOR:

Tri-Cities Recycling and Disposal Facility, TCRDF, is owned and operated by Oakland Scavenger Company, a wholly owned subsidiary of Waste Management of North America, Inc. The property is owned by Oakland Scavenger Company.

FACILITY ADDRESS:

Tri-Cities Recycling and Disposal Facility (TCRDF)
Oakland Scavenger Company
7010 Auto Mall Parkway
Fremont, CA 94538 (510) 657-2425
Previously: Durham Road Landfill (Changed 11/04/91)

B. Delineation of property:

The site is in the South West quarter of Section 16, the South half of Section 21, the North East quarter of Section 20 and the North West quarter of Section 20; Township 5S, Range 1W in the City of Fremont, Alameda County, California.

See Maps V1 and V2 in the 1992 RFI for a general location and a details of the facility.

The total acreage of the property is 378 acres with 225 acres under permit and waste discharge requirements. The facility is divided into Area I, II and III. Area I, approximately 115 acres, is the only area presently receiving waste.

C. Physical Description

1. List of all stationary equipment, structures, buildings:

See RFI Figure XII-2 for map showing location of stationary equipment, structures and buildings.

2. Design Capacity:

The capacity of the landfill, including Area I, II and III is estimated to be 19,271,000 cubic yards of net refuse. (Includes daily cover). As of September 1991, 8,157,000 cubic yards of space is still available for refuse disposal. (Does not include daily cover).

The estimated capacity will be reached in the year 2007 at a fill rate of 332,000 tons per year with a refuse density of 1300 pounds per cubic yard.

3. Storage Areas:

See RFI Figure XII-2 for map which shows storage areas.

D. List all wastes received.

1. The facility accepts mixed municipal, construction-demolition, commercial and industrial wastes.

2. Special wastes handled at the site include non-friable asbestos, fiberglass, baghouse fines, hydrocarbon contaminated soils, waste water treatment sludge of less than 50% water content and auto shredder wastes.

E. Quantification of wastes received per operating day.

Peak loads to be accepted at the facility have been calculated on the basis of a maximum daily tonnage in 1990 of 1923 tons. The average daily tonnage is approximately 1400 tpd. The load has been projected in the 1992 Negative Declaration on the basis of population and industrial growth in the wasteshed to be 2628 tons in the year 2000. The permitted maximum daily tonnage is to be:

1992 - 2064.0 tpd
1993 - 2134.5 tpd
1994 - 2205.0 tpd
1995 - 2275.5 tpd
1996 - 2346.0 tpd
1997 - 2416.6 tpd
1998 - 2487.0 tpd
1999 - 2557.5 tpd
2000 - 2628.0 tpd

The capacity of the landfill, including Area I, II and III is estimated to be 17,232,000 cubic yards of net refuse. As of September 1991, 8,157,000 cubic yards are still available for refuse disposal.

The estimated capacity will be reached in the year 2007 at a fill rate of 332,000 tons per year with a refuse density of 1300 pounds per cubic yard.

Daily cover and inert material for road base is purchased from a local vendor in the amount of approximately 205,000 tons per year.

F. A descriptive statement of the facility:

Vehicles enter the site from Auto Mall Parkway headed West. Southern Pacific Railroad has tracks with traffic controls about 20 feet from the landfill entrance. Signs with the facility name, hours of operation, days closed, restrictions of residence and acknowledgement that the facility does not accept hazardous materials or liquid waste, are posted on a 6 foot high chain link fence. The entry has a lockable gate. Bay City Recycling Services, a recycling facility located on the property also has identification signs. The entry area has been landscaped with trees and grass. The entrance road is 7 lanes, 5 lanes are inbound and 2 are outbound. A turn lane is provided to the left for entry into the recycling center and a right turn lane is provided for traffic entering the landfill office parking. The office area is composed of eight modular units where managers and clerical staff have offices and also a break room for field personnel. Restrooms are provided with potable water at the handwash sinks.

Continuing from the entrance, a left turn can be made from a turn lane into the recycling area. This facility is fenced off with a six foot high chain link fence and with litter fences. This facility is owned and operated by Bay Cities Recycling Services, a subsidiary of Oakland Scavenger Company, and is not permitted since the facility does not generate more than 15 cubic yards of waste per day. Curbside pick up trucks proceed along a well marked roadway to the top of the drive through. They discharge newspaper off the left side of the road into containers, then proceed across the road to offload glass, aluminum and "tin cans". The road then continues around the loop to the scales and scale house for weighing. The left side of the road at this area has containers for

waste oil which is delivered to a local lubricant recycling company. Behind the scale house is a materials sorting facility with conveyor lines. The road then returns the trucks to the exit lanes after requiring stops in the appropriate places.

The 5 incoming lanes lead to the collection booths. One of the booths is equipped with a scale with computer terminal. The other booths have cash registers to record load size. Mounted above each booth on a 15 foot high flagpole is a video camera and mirror at each station. The mirrors facilitate viewing the loads without risking personnel safety. The video is recorded on tape in the operations office for future identification of any problem loads or vehicles. These booths are opened according to the amount of traffic.

The road to the public area is unpaved but is of good surface in all weather. It is sprayed with water in the dry season. Speed limit signs direct traffic to travel at below 15 mph and arrows clearly mark the flow of traffic direction. The road has a concrete protective barriers to prevent traffic from leaving the road. At the top of the hill, signs direct the user to the right for "untarping" in an area separated from traffic by traffic cones. The users proceed to the working face for public use where two traffic directors direct each vehicle with red flags into offloading position. Load checking is done visually as the customers offload.

Commercial vehicles follow the same procedure to this point but are directed to an area separate from the public area. The operator has provided a flagman at this area also. The flagman in this area has a "bird gun" which is fired randomly to chase away seagulls.

G. Recovery or salvaging.

Hazardous wastes, such as batteries or oil, shall be handled in a manner approved by the Local Enforcement Agency and the Board. (Specific handling regulations are included in Title 22, California Code of Regulations.)

Salvaging of concrete, rubble and asphalt occurs on site. See further description under Specifications.

H. Description of Hazardous Waste Screening.

The following steps shall be taken to prevent the acceptance of hazardous materials:

1. Random inspection of in-coming loads.
2. Regular visual inspection of the wastes deposited at the facility.
3. Training of facility personnel in hazardous waste recognition and proper waste handling procedures.
4. Reporting incidents of unlawful disposal to the Local Enforcement Agency:

   Alameda County Office of Solid/Medical Waste Management
   470 27th Street, Suite 325
   Oakland, CA 94612
   Phone: (510) 271-4303 FAX (510) 271-4522
5. Installation of signs at the various facility entries indicating that no hazardous wastes are accepted.
6. Listing of unacceptable wastes.
7. Additional measures may be required upon the request of the Local Enforcement Agency or the Board.

I. Anticipated changes:

1. A wood waste recovery and diversion system is being considered.
2. Composting of waste water treatment sludge and green waste may be composted with an International Process System or other method.
3. A tire diversion procedure may be initiated.
4. The final elevation of the site is being evaluated.
5. Refuse will be filled into Area II.

J. Other pertinent information:

1. Dates of operation/closed days:

The site is open to the public 7 days a week. It is closed New Year's Day, Easter Sunday, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

2. Hours of operation:

The facility is open from 8:00 am to 5:00 pm for the public and 24 hours per day for Oakland Scavenger Company.

3. Site life:

The anticipated year of closure is 2007.

2. Listing of all agencies and documents which condition the use and operation of the facility:

A. Report of Facility Information:

Report updated March, 1992.

B. Local Agencies:

The facility is operating under a conditional use permit, Number U-66-35-B, adopted April 2, 1992 by the City of Fremont.

C. Regional Water Quality Control Board Waste discharge permit:

San Francisco Bay Region - Order # 90-051, replaces Order #79-21 and 84-7, consists of part A and B, dated April 18,1990.

D. Air Quality permit:

Bay Area Air Quality Management District
Current permit expires: Feb 1, 1993
Plant # 2246, Condition ID #4510 & 1368

E. Lead Agency:

A Negative Declaration from an Initial Sutdy has been processed through CEQA by the City of Fremont. The final date of adoption is April 6, 1992.

F. Lease agreements are not applicable since the site is owned by Oakland Scavenger Company

G. Contractual agreements do not exist since the owner and operator are the same.

H. Special permits

1. San Francisco Bay Conservation and Development Commission Permit Number: M82-105 issued August 2, 1982
2. Alameda County Flood Control and Conservation District Encroachment permit number 06044, dated August 2, 1982

I. US Army Corps of Engineers, San Francisco District

Three projects, included in the RFI pg. 30-1 and 30-2, include the PGE easement, fill area II and a 32 acre area on the North East side of the site.

3. The following findings are required

A. The permit is consistent with the County Solid Waste Management Plan, dated July 29, 1987.

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

C. The City of Fremont has made a determination that the facility is consistent with and designed in, the applicable General Plan.

4. The design and operation of the facility is in compliance with the state minimum standards for solid waste handling and disposal as determined by the Local Enforcement Agency on May 7, 1992.

5. TriCites Recycling and Disposal Facility is located within the City of Fremont and, as required by PRC 44151, must be in compliance with local fire standards. Letters indicating this compliance are included in the Report of Facility Information.

6. On February 28, 1992, a Negative Declaration was presented for comment to the State Clearinghouse and was issued Number SCH#92023024. The City of Fremont was the Lead Agency. This study addressed a Permit revision dealing with increased tonnage.

CONDITIONS

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

2. The 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 Resource Code, section 21081.6.

3. Additional information must be provided as required by the local enforcement agency.

4. At the discretion of the enforcement agency, additional landfill gas monitoring probes shall be installed for detection of gas migration. A landfill gas control system has been installed.

PROHIBITIONS

The following activities are prohibited:

1. Accepting wastes defined as hazardous.

2. Accepting any waste requiring special handling that has not been specified in this permit under "special wastes".

3. Accepting large dead animals.

4. Scavenging, except as noted in this permit.

5. Open burning or accepting burning wastes.

7. Accepting infectious or medical waste.

8. Liquid waste or waste water treatment sludge of greater than 50% water content without prior approval of the Regional Water Quality Control Board and the Local Enforcement Agency.

SPECIFICATIONS

Special operation procedures:

1. list of additional operations not specified in permit:

a) Mobile rock crushing is carried out at the site by a permitted contractor. The Bay Area Air Quality Management District permit restricts the operation to two projects in any four year period and requires a limitation of PM10 pollutants. The crushed material is used on site as road bed material and construction material and augments the materials which are brought on site for these purposes.

b) Bay Cities Recycling Services is a recycling facility generating less than 15 cubic yards of waste per day.

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

3. The facility has a permitted maximum capacity and shall not receive more than this amount without first obtaining a permit revision. The maximum daily tonnage accepted during each calendar year shall be no greater than:

1992 - 2064.0 tpd
1993 - 2134.5 tpd
1994 - 2205.0 tpd
1995 - 2275.5 tpd
1996 - 2346.0 tpd
1997 - 2416.6 tpd
1998 - 2487.0 tpd
1999 - 2557.5 tpd
2000 - 2628.0 tpd

4. Not applicable.

5. A change of operator will require a new permit.

PROVISIONS

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

2. The operator shall maintain a sign at this facility advising those using this facility of the requirement for covering loads of refuse.

3. The operator is limited to accepting waste from the cities of Fremont, Newark and Union City as specified in the 1992 Conditional Use Permit.

CLOSURE/POSTCLOSURE

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

The operator shall submit to the LEA copies of a plan for closure of the landfill and a plan for the postclosure maintenance of the landfill for approval by the LEA, Regional Water Quality Board and the CIWMB. These plans shall be submitted not later than the first date after July 1, 1990 that the permit is required to be reviewed. The next permit review is required on the date of this permit approval in 1997.

The operator must show the financial ability to provide for 15 years of postclosure costs.

MONITORING

List of all the required monitoring and the reporting frequency:

1. Daily quantities, in tons, and types of wastes received shall be reported to the LEA on a monthly basis.
2. The number and types of vehicles using the facility per month shall be reported to the LEA on an annual basis. The LEA shall report the information in items #1 and #2 to Fremont, Newark and Union City.
3. Leachate shall be monitored and reported at least semi-annually.
4. Methane gas generation and accumulation shall be monitored and reported at least quarterly.
5. A log of special occurrences shall be maintained and available for inspection by the LEA.
6. Results of the hazardous waste screening program shall be maintained and available for inspection by the LEA.
7. Records of recycled or salvaged materials shall be maintained and available for inspection by the LEA.
8. The updated site fill plan shall be reported to the LEA on an annual basis and shall be available on request.

ATTACHMENT 4

State of California

California Environmental Protection Agency

Memorandum

To : Mike Kuhn
Permits Branch
Permitting and Compliance Division

Date: 5-20-92

From : Michelle Marlowe Lawrence
Michelle Marlowe Lawrence
Planning and Assistance Branch
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Subject: AB 2296 Finding for the Permit Revision for the Tri-Cities Recycling and Disposal Facility, City of Fremont, Alameda County

After review of the documents provided for facility number 01-AA-0008, and the Preliminary Source Reduction and Recycling Elements for the three jurisdictions which use this facility, planning staff have made the following findings:

1) The permit revision is consistent with the waste diversion requirements (PRC 44009);
2) The facility is consistent with the CoSWMP (PRC 50000); and
3) The facility is in conformance with the General plan for the City of Fremont (PRC 50000.5).

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

There are no substantial revisions to operating permit which would prevent or substantially impair the ability to carry out the goals of waste reduction and diversion as required by the Integrated Waste Management Act of 1989 for the city of Fremont or the county of Alameda. The Cities of Fremont, Newark, Union City, and the County of Alameda have detailed the extensive and integrated diversion programs they will implement between now and the year 2000 in the Preliminary Source Reduction and Recycling Elements which were reviewed by Local Assistance staff. The City of Fremont currently claims a diversion level of 17.6%, the City of Union City claims a current diversion level of 15.5%, the City of Newark 17.3%, and the County indicates a current diversion level of 15.9%.

Source Reduction and Recycling Element:

The site was identified in the recently reviewed Preliminary Source Reduction and Recycling Elements (SRREs) for the three cities which use the facility exclusively. All of these cities have curbside programs, and the collection vehicles are routed through the Bay Cities Recycling Center before entering the disposal area. Local Assistance staff note that the proposed permit indicates future plans for additional waste diversion activities such as wood waste recovery, composting of waste water sludge, and tire diversion. The permit application does not include plans for any of these diversion programs, and staff are assuming that the operator will come back to the Board for a revised permit once the decision to implement has been made.

Local Task Force:

Board staff have contacted LTF staff (Waste Management Authority staff) to find out how this facility fits in with Alameda County's overall integrated waste management plans. Staff to the LTF find it necessary to revise the Solid Waste Facilities Permit to bring the permit into compliance with the actual operation of the facility. There are tentative plans to use the facility for expanded resource recovery operations.

Facility Information:

The curbside pick up trucks deliver their loads to the Bay City Recycling Services facility which is adjacent to the disposal facility for resource recovery prior to driving on to the disposal portion of the facility. Bay City Recycling Services also operates a buy-back and drop-off center for self-haul loads at this site. The facility does have plans to develop and implement additional resource recovery programs at the site.

The maximum permitted tons per day is set at 2,064 TPD for the year 1992 with incremental increases for population growth over the next eight years for a maximum of 2,628 in the year 2000. Currently, the permit doesn't indicate a daily maximum, and the permit hasn't accurately reflected the daily tonnage in years. Concurring on the permit revision will bring the permit into compliance.

Conformance with CoSWMP:

PRC Section 50000 requires consistency with the most recently adopted CoSWMP until an approved CIWMP is in place. The revision of this permit is consistent with the County Solid Waste Management Plan as revised in July, 1987. Reference to expansion of this site, and future diversion practices for the site and the cities whose waste stream enters the facility, can be found in pages III-13 through III-45 of the CoSWMP.

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. Tri-Cities is in the incorporated City of Fremont, and the Planning Commission certified on April 2, 1992 that the facility operation is consistent with the General Plan.

Summary:

Local assistance staff have therefore determined that revising the permit for the Tri-Cities Recycling and Disposal Facility will not prevent or substantially impair the three cities or Alameda County's ability to achieve the mandated diversion goals of 25 and 50%.

California Integrated Waste Management Board
Permit Decision No. 92-47
July 16, 1992

WHEREAS, the County of Alameda Department of Environmental Health, 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 Tri-Cities Recycling and Disposal Facility; and

WHEREAS, Board staff have 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. 01-AA-0008.

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 July 16, 1992.

Dated:

Ralph E. Chandler
Executive Director

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

Thursday, July 16, 1992
meeting of the

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Sacramento, California

REGULAR MONTHLY BUSINESS MEETING

Thursday, July 16, 1992
10:00 a.m.

8800 Cal Center Drive
Sacramento, CA 95826

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

4. CONSIDERATION OF INTERAGENCY AGREEMENT WITH THE BOARD OF EQUALIZATION FOR COLLECTION OF TIRE RECYCLING FEES FOR FISCAL YEAR 1992-93 (ADMINISTRATION COMMITTEE) 1

5. CONSIDERATION OF PETITION FOR REDUCTIONS IN THE SOURCE REDUCTION AND RECYCLING ELEMENT DIVERSION AND PLANNING REQUIREMENTS FOR THE CITY OF BIGGS (INTEGRATED WASTE MANAGEMENT PLANNING COMMITTEE) 7

C

6. PRESENTATION OF STAFF'S ANALYSIS OF COMMENTS ON THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD STAFF'S PROPOSAL TO STRENGTHEN THE INTEGRATED WASTE MANAGEMENT ACT OF 1989 AND OPTIONS FOR MODIFYING THE STAFF PROPOSAL BASED ON REVIEW COMMENTS (INTEGRATED WASTE MANAGEMENT PLANNING COMMITTEE) 54

7. CONSIDERATION OF CERTIFICATION AND DESIGNATION OF THE FOLLOWING LOCAL ENFORCEMENT AGENCIES: 102

   A. ALAMEDA COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH
   B. IMPERIAL COUNTY DEPARTMENT OF HEALTH SERVICES, DIVISION OF ENVIRONMENTAL HEALTH SERVICES
   C. KERN COUNTY ENVIRONMENTAL HEALTH SERVICES DEPARTMENT
   D. LOS ANGELES COUNTY DEPARTMENT OF HEALTH SERVICES
   E. ORANGE COUNTY HEALTH CARE AGENCY, DIVISION OF ENVIRONMENTAL HEALTH
   F. SHASTA COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH
   G. SONOMA COUNTY PUBLIC HEALTH DEPARTMENT
   H. CITY OF SAN JOSE DEPARTMENT OF NEIGHBORHOOD PRESERVATION, DIVISION OF ENVIRONMENTAL HEALTH

(PERMITTING AND ENFORCEMENT COMMITTEE)

8. CONSIDERATION OF CERTIFICATION AND DESIGNATION OF THE FOLLOWING LOCAL ENFORCEMENT AGENCIES: 103

   A. CONTRA COSTA COUNTY HEALTH SERVICES DEPARTMENT, DIVISION OF ENVIRONMENTAL HEALTH
   B. INYO COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH SERVICES
   C. LAKE COUNTY ENVIRONMENTAL HEALTH
   D. MONTEREY COUNTY HEALTH DEPARTMENT, DIVISION OF ENVIRONMENTAL HEALTH
   E. SACRAMENTO COUNTY ENVIRONMENTAL MANAGEMENT DEPARTMENT, DIVISION OF ENVIRONMENTAL HEALTH
   F. SAN DIEGO COUNTY DEPARTMENT OF HEALTH SERVICES
   G. SANTA BARBARA COUNTY ENVIRONMENTAL HEALTH SERVICES DEPARTMENT

C = consent (partial list)

H. SANTA CLARA COUNTY HEALTH DEPARTMENT, DIVISION OF ENVIRONMENTAL HEALTH
I. VENTURA COUNTY RESOURCE MANAGEMENT AGENCY, DIVISION OF ENVIRONMENTAL HEALTH
J. YOLO COUNTY HEALTH DEPARTMENT, ENVIRONMENTAL HEALTH

(PERMITTING AND ENFORCEMENT COMMITTEE)

9. CONSIDERATION OF TEMPORARY CERTIFICATION AND DESIGNATION OF THE FOLLOWING LOCAL ENFORCEMENT AGENCIES: 104

A. ALPINE COUNTY HEALTH DEPARTMENT
B. AMADOR COUNTY HEALTH DEPARTMENT
C. GLENN COUNTY HEALTH SERVICES DEPARTMENT
D. LASSEN COUNTY HEALTH DEPARTMENT
E. MARIPOSA COUNTY HEALTH DEPARTMENT
F. MODOC COUNTY HEALTH DEPARTMENT, ENVIRONMENTAL HEALTH DIVISION
G. MONO COUNTY HEALTH DEPARTMENT
H. PLUMAS COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH
I. SAN BENITO COUNTY HEALTH DEPARTMENT, ENVIRONMENTAL HEALTH DIVISION
J. SIERRA COUNTY HEALTH DEPARTMENT
K. TRINITY COUNTY HEALTH DEPARTMENT

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F. SISKIYOU COUNTY PUBLIC HEALTH DEPARTMENT
G. SOLANO COUNTY DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
H. TEHEMA COUNTY DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
I. TULARE COUNTY DEPARTMENT OF HEALTH SERVICES, DIVISION OF ENVIRONMENTAL HEALTH
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    E. MENDOCINO COUNTY PUBLIC HEALTH DEPARTMENT, DIVISION OF ENVIRONMENTAL HEALTH
    F. MERCED COUNTY DEPARTMENT OF PUBLIC HEALTH, DIVISION OF ENVIRONMENTAL HEALTH
    G. NAPA COUNTY DIVISION OF ENVIRONMENTAL HEALTH
    H. NEVADA COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH
    I. PLACER COUNTY DEPARTMENT OF HEALTH AND MEDICAL SERVICES
    J. CITY AND COUNTY OF SAN FRANCISCO BUREAU OF ENVIRONMENTAL HEALTH SERVICES
    K. SAN JOAQUIN COUNTY PUBLIC HEALTH SERVICES, ENVIRONMENTAL HEALTH DIVISION
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pulled

19. OPEN DISCUSSION

20. 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

Joanne Vorhies
(916) 255-2156

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

JULY 16, 1992

AGENDA ITEM 4

ITEM: Consideration of Interagency Agreement with the Board of Equalization for Collection of Tire Recycling Fees for Fiscal Year 1992-93.

BACKGROUND:

As a result of the California Tire Recycling Act (AB 1843), on or after July 1, 1990, every person who leaves tires for disposal with a seller of new or used tires shall pay a disposal fee of twenty-five cents ($0.25) per tire to the seller. The seller may retain 10 percent of the fee as reimbursement for any costs associated with the collection of the fee and shall remit the remainder to the state quarterly for deposit in the California Tire Recycling Management Fund.

The California Integrated Waste Management Board, or its agent authorized pursuant to Public Resources Code (PRC) Section 42885 (b), shall be reimbursed for its costs of collection, auditing and refunds associated with the fund, but not to exceed 3 percent of the total annual revenue deposited in the fund.

The fees are due and payable quarterly on or before the fifteenth day following the end of each calendar quarter year.

Our current interagency agreement expires on June 30, 1992. Therefore, a new agreement is necessary for Fiscal Year 1992-93. Board staff has reviewed the proposed new agreement from the Board of Equalization. The terms and conditions of this agreement are identical to the previous agreement but the annual cost to the CIWMB has been slightly reduced (from $492,000 to $471,000).

ANALYSIS:

In accordance with Section 42882 of the Public Resources Code, the Board of Equalization (BOE) agrees to collect the tire disposal fee imposed pursuant to Section 42885 of the Public Resources Code and to deposit all such fees collected in the California Tire Recycling Management Fund.

This agreement was awarded to BOE for Fiscal Year 1991-92 and it expired on June 30, 1992. BOE agrees to continue the program and this agreement must be renewed for Fiscal Year 1992-93. The amount of this agreement is $471,000.

STAFF COMMENTS:

BOE costs under this agreement will be $471,000 for the year and revenues are likely to be approximately $3 million.

ATTACHMENTS:

1. Interagency Agreement

Prepared by :	Dennis Meyers DJM	Phone 255-2265
Reviewed by :	Bob Del Agostino	Phone 255-2269
Legal Review:		Date/Time 7-7-92

Attachment 1

Interagency Agreement
Tire Recycling Management Program

1. In accordance with Section 42882 of the Public Resources Code, the Board of Equalization, hereinafter called B of E, agrees to continue the program to collect the tire disposal fee imposed pursuant to Section 42885 of the Public Resources Code and to deposit all such fees collected in the California Tire Recycling Management Fund.

2. The California Integrated Waste Management Board, hereinafter called CIWMB, is statutorily charged with the administration of the California Tire Recycling Management Fund. CIWMB is authorized to fund costs for administering the provisions of the California Tire Recycling Act (Part 3 of Division 30, Chapter 17, Public Resources Code) from the California Tire Recycling Management Fund.

3. In consideration of performance of the foregoing in a satisfactory manner, CIWMB agrees to pay B of E an amount equal to the latter's cost of performance hereunder from the California Tire Recycling Management Fund computed in accordance with Section 42885(b) of the Public Resources Code. CIWMB agrees to pay in arrears, upon receipt of an invoice in triplicate to the CIWMB, 8800 California Center Drive, Sacramento, CA 95826. Nothing herein contained shall preclude advance payment pursuant to Article 1, Chapter 3, Part 1, Division 3, Title 2 of the Government Code.

4. CIWMB and B of E recognize that a benefit of this agreement is to provide additional resources to the B of E so that the B of E's ongoing General Fund Program can continue to operate on an uninterrupted basis while collecting revenues for the California Tire Recycling Management Fund.

5. CIWMB and B of E agree to cooperate fully in the exchange of information available to them individually which may be of use to the other in the administration of the California Tire Recycling Account. Each agency further agrees to interact and share information for the purpose of identifying seller's of new and used tires that should be paying tire disposal fees. This information shall be shared to the extent that the statutes permit.

6. In cases wherein hearings are held by B of E and testimony is provided by CIWMB regarding tire fees, a copy of the hearing record and the administrative decision on the case will be provided to CIWMB without charge within 15 days after the final determination.

7. The effective term of this agreement shall be July 1, 1992 through June 30, 1993, unless terminated sooner by mutual agreement of both parties. B of E will discontinue performing services pursuant to Section 42885(a) on or after July 1, 1993 unless a new contract is signed prior to June 30, 1993.

8. The total amount for this shall not exceed $471,000.

9. The activities to be performed by B of E in so far as allowed by statute are to:

   a. With regard to registering sellers of tires:
      (1) Identify sellers of tires based upon related sales tax industry codes and/or sellers' voluntary identification as tire sellers;

      (2) Assign an account number to each tire seller identified;

      (3) Record the identity of each tire seller in a registration file using the seller's name, address and account number;

      (4) Update the registration file to maintain current information.

   b. Print, mail and receive returns, and conduct follow-up measures to obtain returns not filed;

   c. Deposit money;

   d. As to examining returns:
      (1) Review returns for errors and late payments;

      (2) Assess applicable penalty and interest on late returns;

      (3) Assess applicable tax, penalty and interest on either partial remittance or no-remittance returns;

      (4) Write to sellers regarding errors on the return;

      (5) Collect any tax, penalty and interest not paid.

   e. Issue determinations;

   f. Provide refund information to CIWMB;

   g. Store returns and related documents;

h. Provide periodical reports to CIWMB regarding the amount collected.

10. B of E will bill and account for the revenue collection activities covered by this agreement on a modified accrual basis in accordance with the provisions of SAM; including, sections 8752 and 8752.1; including, but not limited to, the following:

SECTION	TOPIC
8200	Income - General
8210	Cash Basis during Fiscal Year
8290	Accrual of Income
8290.4	Accounts Receivable
10230	Basis of Accounting - Income

11. Mutual Cooperation Requirements

a. The B of E and CIWMB agree to designate contact persons to have ongoing liaison responsibility for the activities required to carry out this agreement. Dennis Meyers at 255-2265 is designated by CIWMB as the contact person for this contract. E. V. Anderson is designated by B of E as the contact person for this contract.

b. The CIWMB shall have the responsibility for setting policy regarding all matters that are not an administrative function of collecting the fees.

The CIWMB and B of E agree to notify each other on any proposed policies or procedures that will affect the other agency. The notification shall be in the form of a draft for the other's review. The reviewing agency shall have 20 working days from date of receipt of comment on the draft proposal prior to implementation of distribution.

c. Disagreements between CIWMB and B of E on any provisions of this agreement shall be subject to discussion to achieve a resolution. The discussion shall be held between the CIWMB Executive Director and B of E Executive Director or their designee.

d. Upon request from the B of E, the CIWMB shall provide a person(s) to attend or provide advice for B of E hearings regarding tire fees. The request shall be made in the form of written correspondence. Information that is to be provided by CIWMB either pre or post hearing shall be provided within a timely manner as to expedite all hearing matters.

12. This agreement may be amended in writing, and not otherwise, as mutually agreed by the parties hereto.

13. Contracting parties shall be subject to the examination and audit of the Auditor General for a period of three years after final payment under the agreement.

14. Since the agreement calls for an exchange of operational information CIWMB agrees to notify the B of E within thirty days of receipts of the information that is unacceptable. If B of E receives no such notification, it will assume that the information is acceptable.

California Integrated Waste Management Board

July 16, 1992

Agenda Item #5

Item: Consideration of Petition for Reductions in the Source Reduction and Recycling Element Diversion and Planning Requirements for the City of Biggs.

Committee Action:

The Integrated Waste Management Planning Committee heard this item at its July 2, 1992 meeting. At that meeting, the Committee approved staff's recommendation to allow a reduction from the 25 percent diversion requirements to 15 percent for the short term planning period. The Committee also approved staff's recommendation to allow the City to work with Board staff to find a comparable jurisdiction for future waste generation studies. In the event a comparable jurisdiction is not found, the Committee approved staff's recommendation to allow the City, with Board staff approval, to use data from a jurisdiction that comes closest to the requirements for comparable jurisdiction data.

The Committee also approved the staff's recommendation to deny the City's request for reductions in the Initial Solid Waste Generation Study and decided that the City of Biggs' petition should be placed on the consent agenda at the July 16, 1992 Board meeting.

Background:

Public Resources Code (PRC) Section 41780 requires that each City and County divert 25% of its waste from landfills by 1995 and 50% by 2000. PRC Section 41782 allows the California Integrated Waste Management Board (Board) to grant a reduction in the planning requirements and diversion goals. Title 14, Section 18775, of the California Code of Regulations (CCR) lists the qualifications that each jurisdiction must meet to petition the Board for reductions in these requirements or goals.

Specifically, cities and counties must comply with certain criteria in order to qualify to petition the Board for reductions in planning and diversion requirements. Incorporated cities must meet the following criteria to petition the Board for a reduction:

1. A geographic area of less than 3 square miles;
   or
   A population density of less than 1,500 people per square mile; and

2. A waste generation rate of less than 100 cubic yards per day or 60 tons per day.

The City of Biggs' petition for reduction in planning and diversion requirements was received on April 8, 1992. The City is requesting the following reductions:

- A reduction in the 25 percent diversion goals required by PRC 41780 to 15 percent.

- For the initial solid waste study, the City requests it be allowed to conduct limited sampling of solid waste for the waste composition study.

- For the subsequent revisions of the SRRE and Solid Waste Generation Studies, the City requests a reduction from the requirements to conduct statistically representative and seasonal waste characterization studies. The City requests that it be allowed to use waste composition data from a jurisdiction other than a comparable jurisdiction, as defined by Title 14, California Code of Regulations (14 CCR) Section 18722(1)(4).

Analysis:

<u>City Characteristics:</u>

The City of Biggs is a small (population 1,652) northern California city located between Highways 99 and 70 (about 4 miles from Gridley) in the southern end of Butte County.

The City is primarily residential with few commercial enterprises. There are no major shopping centers, grocery stores or industrial enterprises operating within the City. The City's largest employer is the Biggs Unified School District.

The City currently generates 1,061 tons of solid waste per year, or approximately three tons per day.

Solid Waste Collection and Disposal:

There are no permitted solid waste disposal facilities in the City. Most of the solid waste generated in the City is disposed in the Neal Road Landfill in the unincorporated area of Butte County. Some self-haul waste is taken to the Ord Ranch Transfer Station located near Gridley.

Tri-County Disposal has a franchise agreement with the City for the collection of residential and commercial waste. Other private waste haulers provide drop box service for construction and demolition debris or other temporary waste generators in the City. Collection is mandatory in the City, and the residents are billed for the service through the City utility bills.

Current and Proposed Diversion Programs:

Currently, around 73 tons per year, or 6.8 percent of the City's waste stream, is diverted from disposal through source reduction and recycling. Most of the recycling is the result of the citizens of Biggs using other jurisdictions' programs. The only municipally sponsored recycling program involves the separation of scrap ferrous and non-ferrous metals at the City Maintenance Yard.

The following is a summary of the City's existing diversion:

Diversion By Material Type
Tons/Year

MATERIAL	Total	Residential		Commercial		Industrial	
		Recycling	Source Red.	Recycling	Source Red.	Recycling	Source Red.
Newspaper							
HDPE	0.1	0.1					
PET	0.4	0.4					
CA Redemption Glass	0.3	0.3					
Aluminum Cans	0.1	0.1					
Ferrous Metals	47.0					47.0	
Non-Ferrous Metals	0.3					0.3	
White Goods	3.3	3.3					
Other Metals	5.5					5.5	
Tires & Rubber	0.4				0.4		
Textiles and Leather	3.5	0.2	3.3				
Food Waste	11.8			11.8			
Total Recycling	69.0	4.4		11.8		52.8	
Total Source Reduction	3.7		3.3		0.4		0.0
TOTAL MATERIAL	72.7	7.7		12.2		52.8	

DIVERSION BY PROGRAM TYPE
Tons/Year

Program	Total	Recycling	Source Reduction
Certified Redemption Centers	1.0	1.0	
City Maintenance	2.0	2.0	
Rendering Companies	12.0	12.0	
Scrap Metal Dealers	50.0	50.0	
Landfill Salvage	4.0	4.0	
Thrift Stores	3.3		3.3
Tire Retreading	0.4		0.4
TOTAL DIVERSION	72.7	69.0	3.7

Proposed Diversion Programs are as follows:

Source Reduction:
a) Public Awareness Programs
b) Regulatory Program affecting procurement policies for City purchases (i.e., durable goods vs. disposable)

Recycling Programs:
a) Paper recycling program in the schools
b) Drop-off recycling program
c) Public education programs to increase the use of recycling centers in neighboring communities

Composting Programs:
a) Local drop-off collection bins for residential yard waste
b) Regional composting facility with the County

Special Waste Programs:
a) Salvage of construction and demolition debris at the County landfill

Public Information and Education Programs:
a) Participation in regional programs with the County
b) Neighborhood Block Information Program
c) Multiple programs aimed at school aged children including recycling curricula field trips, and projects
d) Distribution of currently available literature through neighborhood program
e) Local awards and events to promote recycling

Proposed Planning and Diversion Reductions:

Reduction in the diversion requirements:

The City of Biggs requests that the diversion level required for the short-term planning period (1991-1995) be reduced from 25 percent to 15 percent.

Reduction in the requirements for the Initial Solid Waste Generation Study:

The City of Biggs is requesting to be permitted to use the following number of samples for the Initial Solid Waste Generation Study:

Residential Waste	10 samples
Commercial Waste	6 samples
Industrial Waste	8 samples

While use of ASTM methodology is suggested in the regulations [CCR Section 18724(f)], there are no specific requirements for the number of samples to be taken. Therefore, the initial study, as completed by the City, meets the requirements of the regulations and the requested reduction is not necessary.

Reduction in the requirements for future Waste Generation Studies:

The City of Biggs is requesting to be allowed to use composition data from a jurisdiction other than from comparable jurisdictions, as defined by Section 18722 (I)(4).

The City is requesting these reductions for the following reasons:

a) The City of Biggs does not have commercial or industrial enterprises of significant size which would provide waste streams which could be diverted in a cost effective manner.

b) The City does not have the staff to pursue extensive diversion programs. There are currently two people staffing City Hall; one who serves as the Director of Finance, City Clerk, Personnel Director, City Treasurer and Purchasing Officer, and one full-time assistant. The Public Works office is staffed with a Director and two assistants that are responsible for the operation and maintenance of the water, sewer and electric systems, and the City's streets and parks.

c) The cost of implementing additional diversion programs will be a significant hardship for the City. The following table summarizes current discretionary expenditures of the City:

DISCRETIONARY FUNDS: CITY BUDGET
Fiscal Year 1991/92

General Fund Revenue	$169,296
General Fund Expenditures	($295,147)
Parks	($7,132)
Portion of Elect. Dept. Rates	$31,000
Solid Waste Billings	$71,248
Solid Waste Expenditures	($41,827)
Net Discretionary Funds	($75,562)

Proposed diversion programs will add another $32,000 to $41,000 annually, and $44,000 initially to an overextended city budget. The City estimates that diversion programs to meet the 25 percent diversion goal would add another $50,000 to $60,000 to the annual operating costs.

Staff Analysis

The City qualifies to petition the Board for reductions in the planning requirements and diversion goals under 14 CCR Section 18775. The Board has approved procedures for staff to use in presenting petitions for reductions for Committee analysis. The following information should be presented:

1. A description of the existing disposal and diversion systems, including identification of the types and quantities of waste disposed and diverted;

2. Identification of specific reductions being pursued (i.e., planning or diversion requirements or both);

3. Documentation of why specific components or programs are not feasible;

4. The planning or diversion requirements that are achievable; and

5. A verification that the jurisdiction meets the low population density or small geographic size and small quantity of solid waste generated required by statute.

Board staff have reviewed the petition for reductions in diversion and planning requirements based on the information provided in the City of Biggs' petition and the preliminary draft SRRE, discussions with the City's consultant, and previous Board actions. The petition has been reviewed and found to comply with PRC Section 41782 and 14 CCR Section 18775.

Board staff has found that, based on the information provided by the City, reductions in planning and diversion requirements are justified. However, Board staff feel that the request for reductions in the requirements for the initial Solid Waste Generation Study are unnecessary due to the fact that, upon review, the methodology used in the initial study satisfied the regulations.

Board staff also concluded that, if possible, the City should use a comparable jurisdiction's data for future waste generation studies. If a comparable jurisdiction is not available, the City should use the jurisdiction which comes closest to the requirements for the use of comparable jurisdiction data. The City should work with Board staff to locate a comparable jurisdiction.

Board staff has worked closely with the Consultant for the City of Biggs in the preparation of the petition. The current and proposed programs outlined in the City's draft SRRE and petition demonstrate the City's commitment to meeting the intent of AB 939 and are the most feasible programs for them to implement. The City of Biggs has asked for the reductions based on limited staffing and a lack of funds for implementing diversion programs. They have sufficiently demonstrated both of these conditions.

Staff Comments:

The recommendation of Board staff is that the Committee recommend the Board adopt the attached resolution which approves the City of Biggs' petition for a reduction in the 25 percent diversion requirement to 15 percent and approve the reduced planning requirements as follows:

- Work with Board staff to locate a comparable jurisdiction for future waste generation studies,
- If a comparable jurisdiction is not found, allow the City to use data from a jurisdiction that comes closest to the requirements for comparable jurisdiction data.

This is consistent with the Board's decisions on previously heard petitions.

The reduction requested by the City for reductions in the Initial Solid Waste Generation Study is not recommended by Board staff. Board staff feel this is not necessary due to the fact that the sampling methodology used in the City's Initial Solid Waste Generation Study was found to be acceptable by staff of the Waste Generation and Analysis Branch.

Attachments:

1. Copy of 14 CCR Section 18775
2. Letter of Petition
3. Board Resolution

Prepared by: John R. Blue JRB **Phone:** (916) 255-2306

Reviewed by: Judith Friedman/Dianne Range JF DR **Phone:** (916) 255-2555

Reviewed by: Tom Rietz John Smith for T.R. **Phone:** (916) 255-2385

Legal review: MCM **Date/Time:** 7/7/92 - 11:55 AM

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 per day or 60 tons per day of waste.

(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 per day 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, and reduced requirements and consolidation of specific component requirements. 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 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 would not be 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 and 41802, Public Resources Code.

Attachment 2

PHONES:
CITY HALL (916) 868-5493
CITY SHOP (916) 868-5428

City of Biggs
"Where the people own the Lights and Water"
P. O. Box 307
Biggs, California 95917

April 1, 1992

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

RE: Petition for Reduction in Diversion and Planning Requirements

Dear Mr. Blue:

The City of Biggs hereby petitions the California Integrated Waste Management Board (CIWMB) for a reduction in the waste diversion level that the City will be required to achieve by 1995. Additionally, the City hereby petitions the CIWMB for a reduction in the planning requirements relative to conducting initial and future solid waste generation studies. Attached is a detailed description of the nature of our petition and an overview of the existing conditions in the City.

The City also believes that it cannot feasibly achieve a 50% diversion level by the year 2000. However, we have been advised by your staff through our consultant, Solution Resources, Inc. to defer a request for a reduction in the medium term diversion requirements until a later date. Please note that the City reserves the right to make such a petition to the Board in the future.

Please call Luella Tamagni-Flores, Finance Director/City Clerk, or our consultant, Solution Resources, Inc. at (916) 477-6677, if you have any questions regarding our petition. We will be pleased to appear before the Board to fully explain the reasons for our petition.

Sincerely,

Craig L. Andes

Craig L. Andes
Mayor

Enclosure

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I. SUMMARY

The City of Biggs is committed to cooperating with the State to achieve the intentions of AB 939. However, because of the fiscal impacts of other State-mandated programs, the small population base of the City, limited City staff and financial resources, and limited commercial and industrial businesses with corresponding significant waste volumes, the City of Biggs will not be able to feasibly achieve a 25% diversion rate by 1995. As an alternative, the City proposes a series of related programs that it believes to be feasible and effective in producing a 15% diversion rate by 1995. Additionally, fiscal impacts require the City to petition for a reduction in the planning requirements, specifically for waste generation studies.

The City of Biggs hereby petitions the California Integrated Waste Management Board and requests that the Board consider the conditions facing the City and approve its petition for an alternative diversion program and for reduced planning requirements relative to waste generation studies.

II. ELIGIBILITY TO PETITION THE BOARD

The City of Biggs meets the criteria established by the CIWMB regulations for filing this petition:

Geographic Area[1]	0.5 square miles
Waste Generation Rate[2]	7.1 cubic yards/day (2.7 TPD)

Sources:
1 Luella Tamagni-Flores, Finance Director/City Clerk
2 Preliminary Draft, Source Reduction and Recycling Element

III. TYPE OF PETITION

1. The City of Biggs requests that the diversion level required for the short term planning period (1991 - 1995) be reduced from 25% to 15%.

2. The City of Biggs also requests a reduction in the planning requirements relative to solid waste generation studies. For the Initial Solid Waste Generation Study, the City requests that it be allowed to conduct limited sampling of solid waste for the waste composition study. Specifically, the number of samples taken for the Initial Solid Waste Generation Study is as follows:

Residential Waste	10 samples
Commercial Waste	6 samples
Industrial Waste/C&D Debris	8 samples

Under the Klee & Carruth or ASTM methodologies, the above number of samples would not be considered to be representative.

For subsequent revisions of the SRRE and Solid Waste Generation Studies, the City requests a reduction from the requirements to conduct statistically representative and seasonal waste characterization studies. The City will continue to track the actual waste disposal and diversion quantities including the total tonnage disposed by the residential, commercial, industrial and construction and demolition debris sectors, and the tonnage of materials diverted by material and program type through source reduction, recycling and composting activities. However, for waste disposal composition data, the City requests that it be allowed to use composition data from similar jurisdictions rather than perform solid waste sampling and sorting characterization studies. Additionally, the City requests that it be allowed to use waste composition data from similar jurisdictions rather than from comparable jurisdictions as defined by Section 18722 (l)(4) of the regulations which requires that the following criteria be met:

- The other jurisdiction's population is 10%± of the City's.
- The City's total residential solid waste tonnage disposed is 10%± of the total residential tonnage disposed by the jurisdiction conducting the solid waste generation study, or the City's number of residential dwelling units is 10%± that of the number of residential units of the jurisdiction conducting the solid waste generation study.
- The City's total commercial solid waste tonnage disposed is 10%± of the total residential tonnage disposed by the jurisdiction conducting the solid waste generation study, or the City's number of residential dwelling units is 10%± that of the number of commercial units of the jurisdiction conducting the solid waste generation study.

Other jurisdictions that meet these requirements are most likely to petition the CIWMB for similar reductions in the planning requirements, and hence waste composition data would not be available from comparable jurisdictions.

3. The City does not believe that it can feasibly meet the medium term (1996 - 2000) diversion requirement of 50% and intends to petition the CIWMB prior to the end of 1995 for a reduction in its medium term diversion requirements.

IV. EXISTING CONDITIONS

Geographic Setting and Physical Characteristics:

The City of Biggs is located in the County of Butte and is surrounded by unincorporated areas of Butte County. The City of Biggs and the surrounding area are situated in the northeast portion of the Sacramento Valley which is topographically flat. The surrounding unincorporated County area is predominantly rural in nature. The City of Biggs is 0.5 square miles in size. The following chart indicates the approximate distances in terms of air miles between the City of Biggs and larger Cities in Butte, Yuba and Sutter Counties.

Jurisdiction	Approximate Distance From Biggs (air miles)
City of Gridley	4
City of Oroville	13
City of Chico	24
City of Marysville*	19
City of Yuba City**	19

*Located in Yuba County
**Located in Sutter County

Population:

The 1991 population of the City of Biggs is 1,652 persons (California Department of Finance Report E-5 Preliminary).

Economy:

The City of Biggs is primarily residential in nature with 453 single family homes, 43 multi-family units, and 52 mobile homes. The City does not have an identifiable economic base since the Rice Growers Association closed their rice milling and drying operation, and sold it to SunWest Milling Company, Inc. This operation formerly employed approximately 30 people full-time, and has not been reopened.

The following is a list of other commercial businesses and municipal services located in the City:

- Nor-Cal Brokerage Company (rice broker)
- Pheasant Club (bar)
- Baker's Deli (deli)
- Grein's Market (retailer)
- Biggs Emporium (retailer-liquor, hardware and gifts)
- Double H Mini Mart (mini mart with self-service gas)
- Beilby & Benson (insurance agents)
- McDonald Engineering (civil engineering and land surveyor)

- Butte Federal Credit Union (credit union)
- Pro Kill Pest Control (pest control)
- Thornton's Union Service (service station)
- Walt's Garage (garage/automotive repair)
- Chuck's Automotive Auto Repair (mobile automobile repair)
- Bear Mechanics & Welding (mobile auto and equipment repair)
- J & L Mustang (new and used mustang parts)
- J. Manufacturing (office for another facility)
- Caratachea's Ornamental Iron Work (manufacturer iron work)
- Nor/Cal Painting (contractor)
- Country Pine Furniture Company (furniture manufacture)
- Point Four, Inc. (office for diversified farming)
- Spence's Firearms (gunsmith and retailer of firearms)
- The Hastings House (gifts and crafts)
- Doris's Beauty Shop (beauty shop)
- Patty's Beauty Salon (beauty shop)
- Little Learners Pre School & Day Care
- City Hall and Public Works
- County Library (operated by volunteers, limited schedule)
- Biggs Unified School District (Biggs High School - includes junior high and Biggs Elementary School)

The commercial establishments listed above are generally very small offices, service providers, retailers and plants. There are no major shopping centers, grocery stores or industrial enterprises operating within the City. The Biggs Unified School District is the largest employer in the City.

Solid Waste Generation and Management:

An Initial Solid Waste Generation Study was completed for the City pursuant to Article 6.1 of the Planning Guidelines issued by the Board. The results of that study are summarized in Table 1.

Table 1

SOLID WASTE GENERATION
(tons/year)

Source	Disposed	Diverted	Incinerated	Generated
Residential	560.0	7.7	0.0	567.7
Commercial	39.0	12.2	1.2	52.4
Industrial	376.0*	52.8	13.0	441.8
Total	975.0	72.7	14.2	1,061.9

*Industrial Waste is primarily construction and demolition debris.

Estimates of the quantity of waste disposed in the City were prepared from a review of landfill records and by using information provided by Tri-County Disposal. All waste was classified as either residential,

commercial, or industrial. The waste characterization program for the City was conducted as part of the program undertaken for all jurisdictions in Butte County. Actual field sorting of residential, commercial, and industrial waste was conducted during two sampling periods (January and April, 1991). Each sampling period was approximately two weeks in duration. Because of the limited amount of waste disposed in the City (19 tons/week), it was not possible to obtain a large number of samples from each generator source. The total number of samples taken during the two sampling periods were as follows:

Residential Waste	10 samples
Commercial Waste	6 samples
Industrial Waste/C&D Debris	8 samples

The City was only able to fund the limited solid waste sampling program for the Initial Solid Waste Generation Study because of the cost efficiencies associated with joining the countywide solid waste sampling effort. For the future, it is unknown whether the County will coordinate a countywide solid waste generation study as was done for this initial study due to possible variations in the revision schedules for jurisdictions in the County. The additional costs associated with conducting a statistically representative and seasonal waste characterization study would also be prohibitive.

Disposal Sites:

There are no permitted solid waste disposal facilities or sites in the City. The Neal Road Landfill, located approximately 24 miles north of the City in the unincorporated area of Butte County, serves as the primary disposal site for waste generated within the City. The landfill is owned by Butte County and is operated by a private company under contract to the County. There are no interjurisdictional agreements between any of the Cities or the Town in Butte County and the County for use of this landfill. Self-hauled solid waste can also be taken to the Ord Ranch Transfer Station located on Ord Ranch Road near Gridley, approximately four miles south of Biggs.

Collection Services:

Tri-County Disposal holds a franchise for the collection of residential and commercial waste disposed in the City. Tri-County Disposal collects residential and commercial waste every Friday morning. Other waste haulers provide drop box service for the collection and removal of construction and demolition debris or other waste generated by temporary operations in the City. Subscription to Tri-County Disposal's service is mandatory and all residents are billed for the service through City utility bills. Tri-County Disposal bills commercial solid waste collection accounts. Waste collected in the City is taken to the Neal Road Landfill located in the unincorporated portion of Butte County.

Current Diversion Activities:

The Solid Waste Diversion Characterization Study was coordinated by the Butte County Public Works Department for the entire County, including the City of Biggs. While there are no Certified Redemption Centers or other types of commercial recyclers located in the City of Biggs, several diversion activities were identified as taking place within the City. Additionally, charities, commercial recyclers, scrap metal dealers, and the Neal Road Landfill identified diversion activities that could only be quantified on a countywide basis. Consequently, tonnages for some of the diversion activities were allocated on a countywide basis based on the relative population of each jurisdiction.

At present approximately 72.7 tons per year, or 6.8% of the waste stream generated in the City is diverted, excluding the wood waste and tires that are incinerated. The only municipally sponsored program is separation of scrap ferrous and non-ferrous metals at the City Maintenance Yard. Table 2 provides a summary of the diversion activity by material type, Table 3 provides a summary of the current activity by program type.

Table 2

DIVERSION BY MATERIAL TYPE
Tons/Year

MATERIAL	Total	Residential		Commercial		Industrial	
		Recycling	SR	Recycling	SR	Recycling	SR
Newspaper	0.0	0.0		0.0		0.0	
HDPE	0.1	0.1		0.0		0.0	
PET	0.4	0.4		0.0		0.0	
CA Redemption Glass	0.3	0.3		0.0		0.0	
Aluminum Cans	0.1	0.1		0.0		0.0	
Ferrous Metals	47.0	0.0		0.0		47.0	
Non-Ferrous Metals	0.3	0.0		0.0		0.3	
White Goods	3.3	3.3		0.0		0.0	
Other Metals	5.5	0.0		0.0		5.5	
Tires & Rubber	0.4	0.0		0.0	0.4	0.0	
Textiles & Leather	3.5	0.2	3.3	0.0		0.0	
Food Waste	11.8	0.0		11.8		0.0	
TOTAL MATERIAL	72.7	7.7		12.2		52.8	
Total Recycling	69.0	4.4		11.8		52.8	
Total Source Reduction	3.7		3.3		0.4		0.0

Table 3

DIVERSION BY PROGRAM TYPE
Tons/Year

Program	Total	Recycling	Source Reduction
Certified Redemption Centers	1.0	1.0	0.0
City Maintenance	2.0	2.0	0.0
Rendering Companies	12.0	12.0	0.0
Scrap Metal Dealers	50.0	50.0	0.0
Landfill Salvage	4.0	4.0	0.0
Donations to Thrift Stores	3.3	0.0	3.3
Tire Recapping	0.4	0.0	0.4
TOTAL DIVERSION	72.7	69.0	3.7

The following provides additional information on the current source reduction and recycling diversion activities identified for the City of Biggs:

- Local non-profit organizations collect used clothing (textiles) from Biggs residents for resale in second-hand stores. Some data from these organizations was allocated on a county-wide basis according to population. This activity amounted to 3.3 tons per year of used clothing being diverted through source reduction.

- A regional tire broker collects 0.4 tons per year of used tires for recapping or reuse; 1.0 tons per year of used tires are also incinerated at cogeneration facilities.

- Participation by City residents in a Certified Redemption Center in the City of Oroville recovers 1.0 tons per year of aluminum cans, CA redemption value glass, PET containers and HDPE containers.

- The City Maintenance Yard separates 2 tons per year of scrap, or ferrous and non-ferrous metals for recycling through a local scrap metal dealer.

- A scrap metal dealer in the Oroville area indicated that they receive materials from the entire County. The diversion tonnages (51.0 tons per year) for white goods, ferrous metals and non-ferrous metals were allocated on a countywide basis.

- Salvage operations at the Neal Road Landfill including separation and collection of mattresses for reconditioning and also scrap metals, or other metals. These materials comprise 4.0 tons per year of existing diversion quantities based on a countywide allocation. Another 13.0 tons per year of wood waste, based on a countywide allocation is also separated for processing into fuel for cogeneration facilities.

- Based on a countywide allocation, 11.0 tons per year of fat and bone scraps from grocery stores and used restaurant grease are collected for rendering and reuse.

As referenced in the Preliminary Draft Source Reduction and Recycling Element, The Biggs News separated and collected 6.0 tons per year of uncirculated newspapers through a local commercial recycling operation. However, The Biggs News closed on February 14, 1992, and moved their equipment out of the facility.

Types of Waste Disposed and Diverted:

A profile of the waste disposal and waste diversion streams is included as Appendix I to this petition. Summaries of the types of waste disposed and diverted in the City of Biggs are provided in Figures 1 and 2.

Figure 1

WASTE DISPOSAL COMPOSITION SUMMARY

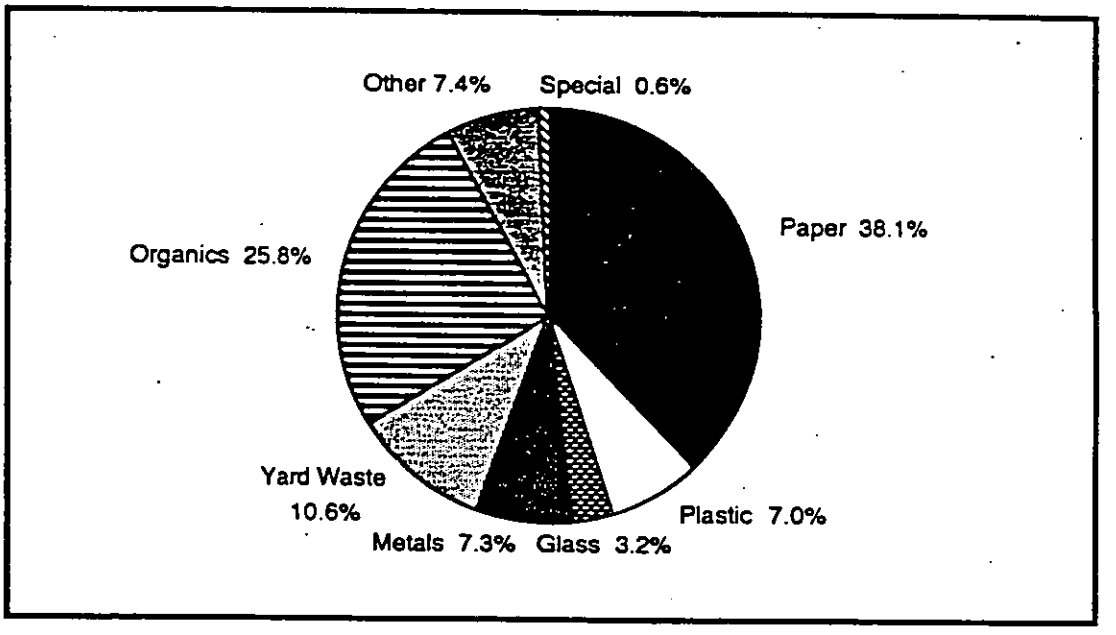
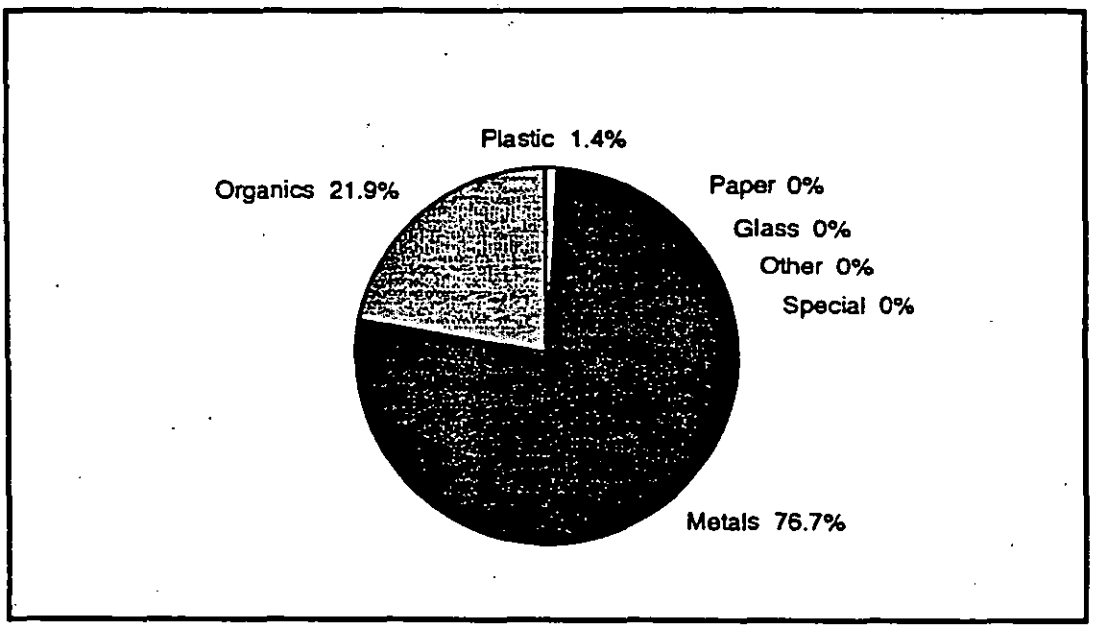


Figure 2

WASTE DIVERSION COMPOSITION SUMMARY



V. REASONS WHY A 25% DIVERSION LEVEL CANNOT BE ACHIEVED

Programs Identified in the Preliminary Draft SRRE:

The Preliminary Draft Source Reduction and Recycling Element (SRRE) for the City of Biggs was prepared and submitted to the CIWMB in February, 1992. This draft identified six new diversion programs plus public information and education programs that would have to be implemented to enable the County to meet a diversion level of 16.5% by 1995. However, with the elimination of the diversion of 6.0 TPY of newspapers recycled by The Biggs News which recently closed, this diversion level will be changed to 16.0%. Existing source reduction and recycling programs identified in the diversion characterization study divert approximately 72.7 tons per year from landfill disposal, or 6.8% of the waste generated in the City, excluding the wood waste and tires that are incinerated. As previously stated, the only municipally sponsored program is separation of scrap ferrous and non-ferrous metals at the City Maintenance Yard. The remainder of the diverted materials (70.7 tons per year, 6.7%) is associated with allocations from countywide diversion programs which may fluctuate significantly over time, and as additional diversion studies are completed. Hence, this is the reason that the City is petitioning for a reduction to 15% rather than 16.0%, the diversion rate that would be achieved with implementation of the programs referenced in the Preliminary Draft SRRE minus the existing diversion associated with The Biggs News program, to allow for the anticipated fluctuations in the existing programs.

A summary of the new diversion and public information and education programs is provided below.

Source Reduction Programs:

1. Public awareness program aimed at consumers, businesses, industry and schools.

2. Regulatory program entailing establishment of procurement/solid waste policies that would take product durability, recyclability, reusability, recycled or composted material content criteria into consideration for City purchases.

Recycling Programs:

3. Establish a recycling program for high grade paper in the schools.
4. Establish a drop-off recycling program.
5. Increase participation in existing buy-back recycling centers located in neighboring communities.
6. Salvage of construction and demolition debris at the Neal Road Landfill.

Composting Programs:

7. Establish local drop-off collection bins for residential yard waste.

8. Establish a regional composting facility with the County of Butte or other jurisdiction(s) in Butte County.

Special Waste Programs:

9. Establish a construction and demolition debris diversion program with the Butte County Department of Public Works and the County landfill.

Pubic Information and Education Programs:

10. Appoint an advisory individual to act as a liaison with the County in becoming involved in any County sponsored programs addressing waste reduction information and education.

11. Either through the appointed liaison individual or the City Council promote the implementation of a neighborhood block information program to distribute information on any planned special events in the City pertaining to recycling, composting and waste reduction.

12. Introduce school aged children to recycling material and explore the potential of implementing a short school curriculum addressing recycling, source reduction, composting and solid waste management. This task should be closely coordinated with the County to assure consistency with the local jurisdiction.

13. Develop or utilize recycling and household hazardous waste materials from the County that discuss alternatives to hazardous materials. Distribute these materials through the neighborhood information network.

14. Involve the local schools in such projects as cost-benefit analysis for product substitution. Seek local assistance from County agencies and other interested and community-minded individuals.

15. City government could sponsor recycling awards and develop recycling events that promotes information and participation of local residents. The local media could again be encouraged to attend and report on these periodic events (i.e., most likely annually for the City of Biggs).

16. Either through the City government or the local solid waste service provider, offer field trips to students in the K through 8 grades to solid waste facilities, landfills, etc,. to provide first hand recognition of solid waste dilemmas and solutions being addressed by local governments.

While a public infectious waste campaign to encourage all veterinary clinics, private doctor and dentist offices and hospitals to properly dispose of all medical and infectious waste was included in the Preliminary Draft SRRE, this program will be eliminated from the Final Draft SRRE as the only doctor's office located within the City closed in 1988.

The estimated program costs and material diversion to be realized through implementation of the programs listed above are presented in Table 4.

Table 4

PROPOSED DIVERSION PROGRAMS
Estimated Program Cost and Material Diversion

Program	Start-up Cost	Annual Cost	Material Diversion
1 -2	$0	$1,000 - $3,000	0.5 %
3	$100-$500	$100-$1,000	1.4 %
4	$1,500	$4350-$6,100	4.0 %
5	See #11-18	See #11-18	0.3 %
6	$0	$14,700-$16,200	1.4 %
7	$2,000	$4,000	N/A
8	$40,000*	$6,000*	1.5 %
9	See #6	See #6	See #6
11-16	$0	$2,500-$5,000	N/A
Total	$43,600-$44,000	$32,650-$41,300	9.1 %

*Portion of County facility initial and annual costs.

Barriers to Successful Program Implementation:

The factors present in the City of Biggs which present significant barriers to successful implementation of programs that would allow the City to achieve the 25% diversion goal include limited availability of City staff and lack of funding associated with the small size of the City and corresponding waste generation. Additionally, the lack of commercial and industrial enterprises of significant size that would provide waste streams that are easily and economically targeted for implementation of diversion programs contribute to the City's inability to achieve the 25% diversion goal. The conditions associated with limited staff availability and funding sources are further described below.

Limited Availability of City Staff:

The City has limited staff available to coordinate and monitor the implementation and operation of new activities such as waste diversion and recycling programs. Staff in the City of Biggs City Hall is presently comprised of one full-time employee that serves as the Director of Finance, City Clerk, Personnel Director, City Treasurer, Purchasing Officer, and directs monthly utility billings and collection, including residential solid waste billings with the assistance of one full-time assistant. Staff of the City's Department of Public Works includes a Director and two assistants that are responsible for the operation and maintenance of the

water, sewer and electricity systems, and the City's streets and parks. The City also has a part-time animal control officer.

Coordination and implementation of the education and public information programs, source reduction programs, school paper program, drop-off recycling program, composting program and construction and demolition debris program proposed to achieve a 15.0% diversion rate will significantly impact the work-load of the existing staff. The City recently layed-off two full-time staff members, and as shown in the following section, the City lacks the financial resources to hire additional staff to coordinate and implement the proposed programs, or additional programs that would allow the City to achieve the 25% diversion goal.

Program Costs vs. Revenue Sources:

Estimated initial and annual program costs for the proposed programs designed to achieve the additional 9.1% diversion for a total diversion rate of 15% are summarized in Table 4 above. The total initial program costs are estimated to be $43,600 to $44,000, while the annual program costs are estimated to be $32,650 to $41,300 per year. Implementation of these programs will substantially impact the financial resources of the City.

Potential revenue sources to fund these programs include the City's Solid Waste Budget, General Budget and increases to the solid waste collection rate structure. Solid waste collection in the City is financed by monthly billings for service on residential and commercial solid waste collection accounts. The City bills for the residential collection service through the City utility bills and Tri-County Disposal bills for the commercial collection service. The current rate for residential solid waste collection is $14.00/month which was increased from $6.00/month in 1991. Prior to this, the rate was increased from $4.00/month to $6.00/month in 1989. Approximately $6.00/month of the $14.00/month that is currently collected is distributed to the City's General Fund to support other City services. The remainder is used to pay for residential solid waste collection services.

For Fiscal Year 1991/92, the City's Budget allocated $44,827 for residential solid waste collection, while the estimated revenue is $71,248. Again, the additional funds collected are used to fund other City services such as fire and police protection. For commercial solid waste collection, the current rates range from $40.00/month to $55.00/month for dumpsters ranging from one to two cubic yards in size. These rates have increased approximately $15.00/month over the 1988 rates. Assuming that the initial costs are spread over a five-year period, the potential increases in rates for the approximately 575 residential and commercial solid waste customers to fund programs to achieve the 15% diversion rate would be approximately $7.00/month per customer.

The following is a summary of discretionary funds in the City's Budget for Fiscal Year 1991/92 which demonstrates the City's lack of financial resources to implement programs to achieve the 25% and 50% diversion rates. The remainder of budget is comprised of enterprise or other restricted funds.

Table 5

DISCRETIONARY FUNDS: CITY BUDGET
Fiscal Year 1991/92

General Fund Revenue*	$169,296
General Fund Expenditures*	($295,147)
Parks	($7,132)
Portion of Electric Department Rates	$31,000
Solid Waste Collection Billings	$71,248
Solid Waste Expenditures	($44,827)
Net Discretionary Funds	($75,562)

*General Fund Revenue and Expenditures include general government, City Council, Finance Director, Attorney, General Buildings and Yards, Police Department (contract with County Sheriff), Fire Department (Volunteer Fire Department and California Department of Forestry), Buildings and Regulation, Animal Control, Civil Disaster, Shop and Corporation Yard, Engineering and Administration, Street Maintenance, Street Maintenance, and Planning)

To achieve a 25% diversion rate, the City would have to implement the following programs:

- Curbside recycling program that included mixed paper; the curbside program would replace the selected programs for drop-off recycling and increased participation in buy-back centers.
  - As stated in the Preliminary Draft SRRE, the projected recovery associated with a curbside program is 71.5 tons per year resulting in a diversion rate of 6.7%.
  - 50% of the mixed paper generated in the residential sector would have to be recovered in the curbside program resulting in a diversion of 61 tons per year, or 5.7% of the waste generated.
- Disposal ban on yard waste to divert an additional 40% of the residential yard waste to composting programs.

The incremental costs of these additional programs designed to achieve the 25% diversion goal would be approximately $50,000 to $60,000/year. Implementation of diversion programs designed to achieve a 25% and 50% diversion rate plus Household Hazardous Waste Element programs would cause further substantial impacts to the financial resources of the City.

The small population base of the City places a strict limitation on the options for additional fees or taxes levied against local citizens and/or businesses. Full implementation of the AB 939 programs would place an additional burden on a situation which is already severely impacted by State mandates. In addition to the costs of the waste diversion programs identified in Table 4, the City will also be responsible for the cost of the Household Hazardous Waste management program and the annual monitoring and reporting required by AB 939. These programs will have to be supported by allocations from the General Fund, most likely at the expense of other existing or planned City programs.

VI. PROPOSED ALTERNATIVE WASTE DIVERSION PLAN

The City of Biggs is committed to pursuing a waste reduction program that is effective in increasing the diversion of recyclable materials from local landfills but is also responsive to the fiscal realities of the City. The programs identified in the Preliminary Draft SRRE for implementation in the short term planning period to achieve a 15% diversion rate are summarized in Section V., Programs Identified in the Preliminary Draft SRRE, above with the corresponding diversion rates.

VII. MEDIUM TERM DIVERSION PROGRAM

The City also does not believe that it can feasibly achieve a 50% diversion level by the year 2000, and therefore intends to petition the CIWMB before the end of 1995 for a reduction in this diversion mandate as well. At that time, the City will provide a report on the status of its existing diversion programs. The tentative medium term diversion programs to be identified in the SRRE are summarized in Table 6.

VIII. SOLID WASTE GENERATION PROJECTIONS

Fifteen-year projections of the waste disposal and diversion quantities by material type expected to be realized after the City implements the waste diversion programs described in Section V. above and presented in Table 6 are provided in Appendix II.

Table 6

TENTATIVE MEDIUM TERM DIVERSION PROGRAM

	Program	Expected New Diversion
1.	Existing Diversion and Short Term Diversion Programs	16.0%
2.	New Source Reduction	0.5%
3.	Curbside - standard materials*	3.4%
4.	Curbside - add 75% mixed paper*	8.6%
5.	Curbside - add 50% OCC*	1.3%
6.	Curbside - add film plastics	1.3%
7.	Recover 50% of Fe^+ metals - residential	1.7%
8.	Increased Yard Waste Collection	1.2%
9.	Recover 50% of OCC - industrial	2.2%
10.	Recover 50% of mixed paper - ind.	4.3%
11.	Compost 50% of all food waste	8.5%
12.	Existing & Future Incineration	1.8%
TOTAL		50.8%

*Net increase in diversion of newspaper and food and beverage containers over drop-off program and program to increase participating in buy-back recycling centers that are proposed to be implemented in the short term planning period, and increase participation in curbside program by making participation mandatory, i.e., disposal bans.

Appendix I

WASTE GENERATION PROFILES

City of Biggs - Waste Disposal Profile

	Residential	Commercial	Industrial	Total
Corrugated	4.9%	11.9%	12.2%	8.0%
Mixed Paper	21.8%	21.0%	24.5%	22.8%
Newspaper	10.2%	4.3%	2.9%	7.1%
Ledger	0.0%	0.1%	0.3%	0.1%
Other Paper	0.0%	0.0%	0.0%	0.0%
Subtotal Paper	**36.9%**	**37.3%**	**39.9%**	**38.1%**
HDPE	1.1%	0.4%	0.8%	1.0%
PET	0.4%	0.1%	0.1%	0.3%
Film Plastics	3.2%	3.5%	3.9%	3.5%
Polystyrene	0.0%	0.0%	0.0%	0.0%
Other Plastics	2.7%	3.7%	1.6%	2.3%
Subtotal Plastic	**7.4%**	**7.7%**	**6.4%**	**7.0%**
Refillable	0.0%	0.0%	0.0%	0.0%
CA Redemption	0.9%	0.8%	0.7%	0.8%
Other Containers	2.6%	1.0%	2.2%	2.4%
Non-recyclable Glass	0.0%	0.9%	0.0%	0.0%
Subtotal Glass	**3.5%**	**2.7%**	**2.9%**	**3.2%**
Aluminum Cans	0.5%	0.3%	0.6%	0.5%
Bi-metal Cans	0.1%	0.2%	0.1%	0.1%
Ferrous Metals	6.6%	3.9%	6.5%	6.5%
Non-ferrous	0.3%	0.2%	0.0%	0.2%
White Goods	0.0%	0.2%	0.0%	0.0%
Subtotal Metal	**7.5%**	**4.8%**	**7.2%**	**7.3%**
Yard Waste	**5.9%**	**7.4%**	**17.9%**	**10.6%**
Food Waste	23.6%	11.4%	11.5%	18.4%
Tires & Rubber	0.5%	0.3%	0.3%	0.4%
Wood Wastes	0.8%	7.4%	1.9%	1.5%
Ag Crop Residue	0.0%	4.9%	0.0%	0.2%
Manure	0.0%	0.0%	0.0%	0.0%
Textiles	3.5%	2.3%	8.1%	5.2%
Subtotal Organic	**28.4%**	**26.3%**	**21.8%**	**25.8%**
Inert Solids	4.4%	7.0%	2.4%	3.7%
HHW	1.9%	1.9%	0.3%	1.3%
Diapers	4.0%	1.8%	0.0%	2.4%
Subtotal Other	**10.3%**	**10.7%**	**2.7%**	**7.4%**
Ash	0.0%	0.4%	0.0%	0.0%
Asbestos	0.0%	0.0%	0.0%	0.0%
Auto Parts	0.1%	0.3%	0.0%	0.1%
Auto Bodies	0.0%	0.0%	0.0%	0.0%
Other Special	0.0%	2.5%	1.2%	0.6%
Subtotal Special	**0.1%**	**3.2%**	**1.2%**	**0.6%**
Total	**100.0%**	**100.0%**	**100.0%**	**100.0%**

City of Biggs - Waste Generation

Tons/Year

Component	Disposal				Diversion	Generation
	Residential	Commercial	Industrial	Total		
Corrugated	27.4	4.6	45.9	78.0	0.0	78.0
Mixed Paper	122.1	8.2	92.1	222.4	0.0	222.4
Newspaper	57.1	1.7	10.9	69.7	0.0	69.7
Ledger	0.0	0.0	1.1	1.2	0.0	1.2
Other Paper	0.0	0.0	0.0	0.0	0.0	0.0
Paper	**206.6**	**14.5**	**150.0**	**371.2**	**0.0**	**371.2**
HDPE	6.2	0.1	3.0	9.3	0.1	9.4
PET	2.2	0.0	0.4	2.7	0.4	3.1
Film Plastics	17.9	1.4	14.7	33.9	0.0	33.9
Polystyrene	0.0	0.0	0.0	0.0	0.0	0.0
Other Plastics	15.1	1.4	6.0	22.6	0.0	22.6
Plastic	**41.4**	**3.0**	**24.1**	**68.5**	**0.5**	**69.0**
Refillable	0.0	0.0	0.0	0.0	0.0	0.0
CA Redemption	5.0	0.3	2.6	8.0	0.3	8.3
Other Containers	14.6	0.4	8.3	23.2	0.0	23.2
NR Glass	0.0	0.4	0.0	0.4	0.0	0.4
Glass	**19.6**	**1.1**	**10.9**	**31.6**	**0.3**	**31.9**
Aluminum Cans	2.8	0.1	2.3	5.2	0.1	5.3
Bi-Metal Cans	0.6	0.1	0.4	1.0	0.0	1.0
Ferrous Metals	37.0	1.5	24.4	62.9	47.0	109.9
Non-ferrous	1.7	0.1	0.0	1.7	5.8	7.5
White Goods	0.0	0.1	0.0	0.1	3.3	3.4
Metals	**42.0**	**1.9**	**27.1**	**70.9**	**56.2**	**127.1**
Yard Waste	**33.0**	**2.9**	**67.3**	**103.2**	**0.0**	**103.2**
Food Waste	132.2	4.4	43.2	179.8	11.8	191.6
Tires & Rubber*	2.8	1.3	1.1	5.2	0.4	5.6
Wood Wastes*	4.5	15.9	7.1	27.5	0.0	27.5
Ag Crop Residue	0.0	1.9	0.0	1.9	0.0	1.9
Manure	0.0	0.0	0.0	0.0	0.0	0.0
Textiles	19.6	0.9	30.5	50.9	3.5	54.4
Organics	**159.0**	**24.4**	**82.0**	**265.5**	**15.7**	**281.2**
Inert Solids	24.6	2.7	9.0	36.4	0.0	36.4
HHW	10.6	0.7	1.1	12.5	0.0	12.5
Diapers	22.4	0.7	0.0	23.1	0.0	23.1
Other Waste	**57.7**	**4.2**	**10.2**	**72.0**	**0.0**	**72.0**
Ash	0.0	0.2	0.0	0.2	0.0	0.2
Asbestos	0.0	0.0	0.0	0.0	0.0	0.0
Auto Parts	0.6	0.1	0.0	0.7	0.0	0.7
Auto Bodies	0.0	0.0	0.0	0.0	0.0	0.0
Other Special	0.0	1.0	4.5	5.5	0.0	5.5
Special Waste	**0.6**	**1.2**	**4.5**	**6.3**	**0.0**	**6.3**
Total	**560.0**	**53.2**	**376.0**	**989.2**	**72.7**	**1,061.9**

*Includes 1.2 TPY of tires and 13.0 TPY of wood wastes that are currently incinerated.

Appendix II

15 YEAR PROJECTIONS OF WASTE DISPOSAL AND DIVERSION AFTER PROGRAM IMPLEMENTATION

15 YEAR WASTE GENERATION PROJECTIONS - City of Biggs

With SRRE Implementation

WASTE TYPE	1991 Disposal	1991 Diversion	1991 Generation	1991 Diversion Percent	1992 Disposal	1992 Diversion	1992 Generation	1992 Diversion Percent
Paper								
Corrugated Containers	78	0	78	0.0%	78	0	78	0.0%
Mixed Paper	222	0	222	0.0%	222	0	222	0.0%
Newspaper	70	0	70	0.0%	70	0	70	0.0%
Ledger	1	0	1	0.0%	1	0	1	0.0%
Other Paper	0	0	0	0.0%	0	0	0	0.0%
Subtotal	371	0	371	0.0%	371	0	371	0.0%
Plastic								
HDPE	9	0	9	1.1%	9	0	9	1.1%
PET	3	0	3	12.9%	3	0	3	12.9%
Film plastics	34	0	34	0.0%	34	0	34	0.0%
Other plastics	23	0	23	0.0%	23	0	23	0.0%
Subtotal	69	1	69	0.7%	69	1	69	0.7%
Glass								
Refillable glass	0	0	0	0.0%	0	0	0	0.0%
CA redemption glass	8	0	8	3.6%	8	0	8	3.6%
Other recyclable glass	23	0	23	0.0%	23	0	23	0.0%
Other non-recyclable glass	0	0	0	0.0%	0	0	0	0.0%
Subtotal	32	0	32	0.9%	32	0	32	0.9%
Metals								
Aluminum cans	5	0	5	1.9%	5	0	5	1.9%
Bi-Metal	1	0	1	0.0%	1	0	1	0.0%
Ferrous metals	63	51	113	44.5%	63	51	113	44.5%
Non-ferrous metals	2	2	4	57.5%	2	2	4	57.5%
White Goods	0	3	3	97.1%	0	3	3	97.1%
Subtotal	71	56	127	44.2%	71	56	127	44.2%
Yard Waste	103	0	103	0.0%	103	0	103	0.0%
Organics								
Food waste	180	12	192	6.2%	180	12	192	6.2%
Tires & Rubber	5	0	6	7.1%	5	0	6	7.1%
Wood	28	0	28	0.0%	28	0	28	0.0%
Textiles and leather	51	4	54	6.4%	51	4	54	6.4%
Diapers	23	0	23	0.0%	23	0	23	0.0%
Ag Crop Residue	2	0	2	0.0%	2	0	2	0.0%
Subtotal	288	16	304	5.2%	288	16	304	5.2%
Other Wastes								
Inert solids	36	0	36	0.0%	36	0	36	0.0%
HHW	13	0	13	0.0%	13	0	13	0.0%
Subtotal	49	0	49	0.0%	49	0	49	0.0%
Special Wastes								
Ash	0	0	0	0.0%	0	0	0	0.0%
Asbestos	0	0	0	0.0%	0	0	0	0.0%
Auto Parts	1	0	1	0.0%	1	0	1	0.0%
Auto Bodies	0	0	0	0.0%	0	0	0	0.0%
Other special waste	6	0	6	0.0%	6	0	6	0.0%
Subtotal	6	0	6	0.0%	6	0	6	0.0%
Total Waste	989	73	1,062	6.8%	989	73	1,062	6.8%

15 YEAR WASTE GENERATION PROJECTIONS - City of Biggs

With SRRE Implementation

WASTE TYPE	1993 Disposal	1993 Diversion	1993 Generation	1993 Diversion Percent	1994 Disposal	1994 Diversion	1994 Generation	1994 Diversion Percent
Paper								
Corrugated Containers	78	0	78	0.0%	78	0	78	0.0%
Mixed Paper	207	15	222	6.7%	205	17	222	7.6%
Newspaper	70	0	70	0.0%	41	29	70	41.6%
Ledger	1	0	1	0.0%	0	1	1	83.3%
Other Paper	0	0	0	0.0%	0	0	0	0.0%
Subtotal	356	15	371	4.0%	324	47	371	12.7%
Plastic								
Containers	9	0	9	1.1%	6	3	9	33.0%
PET containers	2	1	3	45.2%	1	2	3	77.4%
Film plastics	34	0	34	0.0%	34	0	34	0.0%
Other plastics	23	0	23	0.0%	23	0	23	0.0%
Subtotal	68	2	69	2.2%	64	6	69	8.0%
Glass								
Refillable glass	0	0	0	0.0%	0	0	0	0.0%
CA redemption glass	7	1	8	15.7%	5	3	8	39.8%
Other recyclable glass	23	0	23	0.0%	17	6	23	25.9%
Other non-recyclable glass	0	0	0	0.0%	0	0	0	0.0%
Subtotal	31	1	32	4.1%	23	9	32	29.2%
Metals								
Aluminum cans	4	1	5	20.8%	2	3	5	58.5%
Tin cans	1	0	1	0.0%	1	0	1	0.0%
Ferrous metals	63	51	113	44.5%	49	65	113	56.9%
Non-ferrous metals	2	2	4	57.5%	2	2	4	57.5%
Other metals	0	3	3	97.1%	0	3	3	97.1%
Subtotal	70	57	127	45.0%	54	73	127	57.6%
Yard Waste	103	0	103	0.0%	87	16	103	15.5%
Organics								
Food waste	180	12	192	6.2%	179	13	192	6.7%
Tires & Rubber	5	0	6	7.1%	5	0	6	7.1%
Wood	28	0	28	0.0%	28	0	28	0.0%
Textiles and leather	51	4	54	6.4%	51	4	54	6.4%
Diapers	23	0	23	0.0%	23	0	23	0.0%
Ag Crop Residue	2	0	2	0.0%	2	0	2	0.0%
Subtotal	288	16	304	5.2%	287	17	304	5.5%
Other Wastes								
Inert solids	36	0	36	0.0%	34	2	36	5.5%
Miscellaneous	13	0	13	0.0%	13	0	13	0.0%
Subtotal	49	0	49	0.0%	47	2	49	4.1%
Special Wastes								
Ash	0	0	0	0.0%	0	0	0	0.0%
Asbestos	0	0	0	0.0%	0	0	0	0.0%
Auto Parts	1	0	1	0.0%	1	0	1	0.0%
Auto Bodies	0	0	0	0.0%	0	0	0	0.0%
Other special waste	6	0	6	0.0%	6	0	6	0.0%
Subtotal	6	0	6	0.0%	6	0	6	0.0%
Total Waste	971	91	1,062	8.5%	892	170	1,062	16.0%

15 YEAR WASTE GENERATION PROJECTIONS - City of Biggs

With SRRE Implementation

WASTE TYPE	1995 Disposal	1995 Diversion	1995 Generation	1995 Diversion Percent	1996 Disposal	1996 Diversion	1996 Generation	1996 Diversion Percent
Paper								
Corrugated Containers	78	0	78	0.0%	78	0	78	0.0%
Mixed Paper	205	17	222	7.6%	205	17	222	7.6%
Newspaper	41	29	70	41.6%	41	29	70	41.6%
Ledger	0	1	1	83.3%	0	1	1	83.3%
Other Paper	0	0	0	0.0%	0	0	0	0.0%
Subtotal	324	47	371	12.7%	324	47	371	12.7%
Plastic								
Containers	6	3	9	33.0%	6	3	9	33.0%
PET containers	1	2	3	77.4%	1	2	3	77.4%
Film plastics	34	0	34	0.0%	34	0	34	0.0%
Other plastics	23	0	23	0.0%	23	0	23	0.0%
Subtotal	64	6	69	8.0%	64	6	69	8.0%
Glass								
Refillable glass	0	0	0	0.0%	0	0	0	0.0%
CA redemption glass	5	3	8	39.8%	5	3	8	39.8%
Other recyclable glass	17	6	23	25.9%	17	6	23	25.9%
Other non-recyclable glass	0	0	0	0.0%	0	0	0	0.0%
Subtotal	23	9	32	29.2%	23	9	32	29.2%
Metals								
Aluminum cans	2	3	5	58.5%	2	3	5	58.5%
Tin cans	1	0	1	0.0%	1	0	1	0.0%
Ferrous metals	49	65	113	56.9%	49	65	113	56.9%
Non-ferrous metals	2	2	4	57.5%	2	2	4	57.5%
Other metals	0	3	3	97.1%	0	3	3	97.1%
Subtotal	54	73	127	57.6%	54	73	127	57.6%
Yard Waste	87	16	103	15.5%	87	16	103	15.5%
Organics								
Food waste	179	13	192	6.7%	179	13	192	6.7%
Tires & Rubber	4	1	6	25.0%	4	1	6	25.0%
Wood	10	18	28	65.5%	10	18	28	65.5%
Textiles and leather	51	4	54	6.4%	51	4	54	6.4%
Diapers	23	0	23	0.0%	23	0	23	0.0%
Ag Crop Residue	2	0	2	0.0%	2	0	2	0.0%
Subtotal	268	36	304	11.7%	268	36	304	11.7%
Other Wastes								
Inert solids	34	2	36	5.5%	34	2	36	5.5%
Miscellaneous	13	0	13	0.0%	13	0	13	0.0%
Subtotal	47	2	49	4.1%	47	2	49	4.1%
Special Wastes								
Ash	0	0	0	0.0%	0	0	0	0.0%
Asbestos	0	0	0	0.0%	0	0	0	0.0%
Auto Parts	1	0	1	0.0%	1	0	1	0.0%
Auto Bodies	0	0	0	0.0%	0	0	0	0.0%
Other special waste	6	0	6	0.0%	6	0	6	0.0%
Subtotal	6	0	6	0.0%	6	0	6	0.0%
Total Waste	873	189	1,062	17.8%	873	189	1,062	17.8%

15 YEAR WASTE GENERATION PROJECTIONS - City of Biggs

With SRRE Implementation

WASTE TYPE	1997 Disposal	1997 Diversion	1997 Generation	1997 Diversion Percent	1998 Disposal	1998 Diversion	1998 Generation	1998 Diversion Percent
Paper								
Corrugated Containers	55	23	78	29.5%	40	38	78	48.7%
Mixed Paper	159	63	222	28.3%	64	158	222	71.0%
Newspaper	41	29	70	41.6%	21	49	70	70.3%
Ledger	0	1	1	83.3%	0	1	1	83.3%
Other Paper	0	0	0	0.0%	0	0	0	0.0%
Subtotal	255	116	371	31.2%	125	246	371	66.3%
Plastic								
Containers	6	3	9	33.0%	1	8	9	86.2%
PET containers	1	2	3	77.4%	0	3	3	100.0%
Film plastics	34	0	34	0.0%	21	13	34	38.3%
Other plastics	23	0	23	0.0%	23	0	23	0.0%
Subtotal	64	6	69	8.0%	45	25	69	35.5%
Glass								
Refillable glass	0	0	0	0.0%	0	0	0	0.0%
CA redemption glass	5	3	8	39.8%	2	6	8	75.9%
Other recyclable glass	17	6	23	25.9%	16	7	23	30.2%
Other non-recyclable glass	0	0	0	0.0%	0	0	0	0.0%
Subtotal	23	9	32	29.2%	19	13	32	41.7%
Metals								
Aluminum cans	2	3	5	58.5%	0	5	5	96.2%
Tin cans	1	0	1	0.0%	1	0	1	0.0%
Ferrous metals	49	65	113	56.9%	27	87	113	76.3%
Non-ferrous metals	2	2	4	57.5%	2	2	4	57.5%
Other metals	0	3	3	97.1%	0	3	3	97.1%
Subtotal	54	73	127	57.6%	30	97	127	76.5%
Yard Waste	87	16	103	15.5%	87	16	103	15.5%
Organics								
Food waste	179	13	192	6.7%	178	14	192	7.2%
Tires & Rubber	4	1	6	25.0%	4	1	6	25.0%
Wood	10	18	28	65.5%	10	18	28	65.5%
Textiles and leather	51	4	54	6.4%	51	4	54	6.4%
Diapers	23	0	23	0.0%	23	0	23	0.0%
Ag Crop Residue	2	0	2	0.0%	2	0	2	0.0%
Subtotal	268	36	304	11.7%	267	37	304	12.1%
Other Wastes								
Inert solids	34	2	36	5.5%	34	2	36	5.5%
Miscellaneous	13	0	13	0.0%	13	0	13	0.0%
Subtotal	47	2	49	4.1%	47	2	49	4.1%
Special Wastes								
Ash	0	0	0	0.0%	0	0	0	0.0%
Asbestos	0	0	0	0.0%	0	0	0	0.0%
Auto Parts	1	0	1	0.0%	1	0	1	0.0%
Auto Bodies	0	0	0	0.0%	0	0	0	0.0%
Other special waste	6	0	6	0.0%	6	0	6	0.0%
Subtotal	6	0	6	0.0%	6	0	6	0.0%
Total Waste	804	258	1,062	24.3%	626	436	1,062	41.0%

15 YEAR WASTE GENERATION PROJECTIONS - City of Biggs

With SRRE Implementation

WASTE TYPE	1999				2000			
	Disposal	Diversion	Generation	Diversion Percent	Disposal	Diversion	Generation	Diversion Percent
Paper								
Corrugated Containers	40	38	78	48.7%	40	38	78	48.7%
Mixed Paper	64	158	222	71.0%	64	158	222	71.0%
Newspaper	21	49	70	70.3%	21	49	70	70.3%
Ledger	0	1	1	83.3%	0	1	1	83.3%
Other Paper	0	0	0	0.0%	0	0	0	0.0%
Subtotal	125	246	371	66.3%	125	246	371	66.3%
Plastic								
Containers	1	8	9	86.2%	1	8	9	86.2%
PET containers	0	3	3	100.0%	0	3	3	109.7%
Film plastics	21	13	34	38.3%	21	13	34	38.3%
Other plastics	23	0	23	0.0%	23	0	23	0.0%
Subtotal	45	25	69	35.5%	45	25	69	35.5%
Glass								
Refillable glass	0	0	0	0.0%	0	0	0	0.0%
CA redemption glass	2	6	8	75.9%	2	6	8	75.9%
Other recyclable glass	16	7	23	30.2%	16	7	23	30.2%
Other non-recyclable glass	0	0	0	0.0%	0	0	0	0.0%
Subtotal	19	13	32	41.7%	19	13	32	41.7%
Metals								
Aluminum cans	0	5	5	96.2%	0	5	5	96.2%
Tin cans	1	0	1	0.0%	1	0	1	0.0%
Ferrous metals	27	87	113	76.3%	27	87	113	76.3%
Non-ferrous metals	2	2	4	57.5%	2	2	4	57.5%
Other metals	0	3	3	97.1%	0	3	3	97.1%
Subtotal	30	97	127	76.5%	30	97	127	76.5%
Yard Waste	74	29	103	28.1%	74	29	103	28.1%
Organics								
Food waste	88	104	192	54.2%	88	104	192	54.2%
Tires & Rubber	4	1	6	25.0%	4	1	6	25.0%
Wood	10	18	28	65.5%	10	18	28	65.5%
Textiles and leather	51	4	54	6.4%	51	4	54	6.4%
Diapers	23	0	23	0.0%	23	0	23	0.0%
Ag Crop Residue	2	0	2	0.0%	2	0	2	0.0%
Subtotal	177	127	304	41.7%	177	127	304	41.7%
Other Wastes								
Inert solids	34	2	36	5.5%	34	2	36	5.5%
Miscellaneous	13	0	13	0.0%	13	0	13	0.0%
Subtotal	47	2	49	4.1%	47	2	49	4.1%
Special Wastes								
Ash	0	0	0	0.0%	0	0	0	0.0%
Asbestos	0	0	0	0.0%	0	0	0	0.0%
Auto Parts	1	0	1	0.0%	1	0	1	0.0%
Auto Bodies	0	0	0	0.0%	0	0	0	0.0%
Other special waste	6	0	6	0.0%	6	0	6	0.0%
Subtotal	6	0	6	0.0%	6	0	6	0.0%
Total Waste	523	539	1,062	50.7%	523	539	1,062	50.7%

15 YEAR WASTE GENERATION PROJECTIONS - City of Biggs

With SRRE Implementation

WASTE TYPE	2001 Disposal	2001 Diversion	2001 Generation	2001 Diversion Percent	2002 Disposal	2002 Diversion	2002 Generation	2002 Diversion Percent
Paper								
Corrugated Containers	40	38	78	48.7%	40	38	78	48.7%
Mixed Paper	64	158	222	71.0%	64	158	222	71.0%
Newspaper	21	49	70	70.3%	21	49	70	70.3%
Ledger	0	1	1	83.3%	0	1	1	83.3%
Other Paper	0	0	0	0.0%	0	0	0	0.0%
Subtotal	125	246	371	66.3%	125	246	371	66.3%
Plastic								
Containers	1	8	9	86.2%	1	8	9	86.2%
PET containers	0	3	3	109.7%	0	3	3	109.7%
Film plastics	21	13	34	38.3%	21	13	34	38.3%
Other plastics	23	0	23	0.0%	23	0	23	0.0%
Subtotal	45	25	69	35.5%	45	25	69	35.5%
Glass								
Refillable glass	0	0	0	0.0%	0	0	0	0.0%
CA redemption glass	2	6	8	75.9%	2	6	8	75.9%
Other recyclable glass	16	7	23	30.2%	16	7	23	30.2%
Other non-recyclable glass	0	0	0	0.0%	0	0	0	0.0%
Subtotal	19	13	32	41.7%	19	13	32	41.7%
Metals								
Aluminum cans	0	5	5	96.2%	0	5	5	96.2%
Tin cans	1	0	1	0.0%	1	0	1	0.0%
Ferrous metals	27	87	113	76.3%	27	87	113	76.3%
Non-ferrous metals	2	2	4	57.5%	2	2	4	57.5%
Other metals	0	3	3	97.1%	0	3	3	97.1%
Subtotal	30	97	127	76.5%	30	97	127	76.5%
Yard Waste	74	29	103	28.1%	74	29	103	28.1%
Organics								
Food waste	88	104	192	54.2%	88	104	192	54.2%
Tires & Rubber	4	1	6	25.0%	4	1	6	25.0%
Wood	10	18	28	65.5%	10	18	28	65.5%
Textiles and leather	51	4	54	6.4%	51	4	54	6.4%
Diapers	23	0	23	0.0%	23	0	23	0.0%
Ag Crop Residue	2	0	2	0.0%	2	0	2	0.0%
Subtotal	177	127	304	41.7%	177	127	304	41.7%
Other Wastes								
Inert solids	34	2	36	5.5%	34	2	36	5.5%
Miscellaneous	13	0	13	0.0%	13	0	13	0.0%
Subtotal	47	2	49	4.1%	47	2	49	4.1%
Special Wastes								
Ash	0	0	0	0.0%	0	0	0	0.0%
Asbestos	0	0	0	0.0%	0	0	0	0.0%
Auto Parts	1	0	1	0.0%	1	0	1	0.0%
Auto Bodies	0	0	0	0.0%	0	0	0	0.0%
Other special waste	6	0	6	0.0%	6	0	6	0.0%
Subtotal	6	0	6	0.0%	6	0	6	0.0%
Total Waste	523	539	1,062	50.7%	523	539	1,062	50.7%

15 YEAR WASTE GENERATION PROJECTIONS - City of Biggs

With SRRE Implementation

WASTE TYPE	2003 Disposal	2003 Diversion	2003 Generation	2003 Diversion Percent	2004 Disposal	2004 Diversion	2004 Generation	2004 Diversion Percent
Paper								
Corrugated Containers	40	38	78	48.7%	40	38	78	48.7%
Mixed Paper	64	158	222	71.0%	64	158	222	71.0%
Newspaper	21	49	70	70.3%	21	49	70	70.3%
Ledger	0	1	1	83.3%	0	1	1	83.3%
Other Paper	0	0	0	0.0%	0	0	0	0.0%
Subtotal	125	246	371	66.3%	125	246	371	66.3%
Plastic								
Containers	1	8	9	86.2%	1	8	9	86.2%
PET containers	0	3	3	109.7%	0	3	3	109.7%
Film plastics	21	13	34	38.3%	21	13	34	38.3%
Other plastics	23	0	23	0.0%	23	0	23	0.0%
Subtotal	45	25	69	35.5%	45	25	69	35.5%
Glass								
Refillable glass	0	0	0	0.0%	0	0	0	0.0%
CA redemption glass	2	6	8	75.9%	2	6	8	75.9%
Other recyclable glass	16	7	23	30.2%	16	7	23	30.2%
Other non-recyclable glass	0	0	0	0.0%	0	0	0	0.0%
Subtotal	19	13	32	41.7%	19	13	32	41.7%
Metals								
Aluminum cans	0	5	5	96.2%	0	5	5	96.2%
Tin cans	1	0	1	0.0%	1	0	1	0.0%
Ferrous metals	27	87	113	76.3%	27	87	113	76.3%
Non-ferrous metals	2	2	4	57.5%	2	2	4	57.5%
Other metals	0	3	3	97.1%	0	3	3	97.1%
Subtotal	30	97	127	76.5%	30	97	127	76.5%
Yard Waste	74	29	103	28.1%	74	29	103	28.1%
Organics								
Food waste	88	104	192	54.2%	88	104	192	54.2%
Tires & Rubber	4	1	6	25.0%	4	1	6	25.0%
Wood	10	18	28	65.5%	10	18	28	65.5%
Textiles and leather	51	4	54	6.4%	51	4	54	6.4%
Diapers	23	0	23	0.0%	23	0	23	0.0%
Ag Crop Residue	2	0	2	0.0%	2	0	2	0.0%
Subtotal	177	127	304	41.7%	177	127	304	41.7%
Other Wastes								
Inert solids	34	2	36	5.5%	34	2	36	5.5%
Miscellaneous	13	0	13	0.0%	13	0	13	0.0%
Subtotal	47	2	49	4.1%	47	2	49	4.1%
Special Wastes								
Ash	0	0	0	0.0%	0	0	0	0.0%
Asbestos	0	0	0	0.0%	0	0	0	0.0%
Auto Parts	1	0	1	0.0%	1	0	1	0.0%
Auto Bodies	0	0	0	0.0%	0	0	0	0.0%
Other special waste	6	0	6	0.0%	6	0	6	0.0%
Subtotal	6	0	6	0.0%	6	0	6	0.0%
Total Waste	523	539	1,062	50.7%	523	539	1,062	50.7%

15 YEAR WASTE GENERATION PROJECTIONS - City of Biggs

With SRRE Implementation

WASTE TYPE	2005 Disposal	2005 Diversion	2005 Generation	2005 Diversion Percent	2006 Disposal	2006 Diversion	2006 Generation	2006 Diversion Percent
Paper								
Corrugated Containers	40	38	78	48.7%	40	38	78	48.7%
Mixed Paper	64	158	222	71.0%	64	158	222	71.0%
Newspaper	21	49	70	70.3%	21	49	70	70.3%
Ledger	0	1	1	83.3%	0	1	1	83.3%
Other Paper	0	0	0	0.0%	0	0	0	0.0%
Subtotal	125	246	371	66.3%	125	246	371	66.3%
Plastic								
Containers	1	8	9	86.2%	1	8	9	86.2%
PET containers	0	3	3	109.7%	0	3	3	109.7%
Film plastics	21	13	34	38.3%	21	13	34	38.3%
Other plastics	23	0	23	0.0%	23	0	23	0.0%
Subtotal	45	25	69	35.5%	45	25	69	35.5%
Glass								
Refillable glass	0	0	0	0.0%	0	0	0	0.0%
CA redemption glass	2	6	8	75.9%	2	6	8	75.9%
Other recyclable glass	16	7	23	30.2%	16	7	23	30.2%
Other non-recyclable glass	0	0	0	0.0%	0	0	0	0.0%
Subtotal	19	13	32	41.7%	19	13	32	41.7%
Metals								
Aluminum cans	0	5	5	96.2%	0	5	5	96.2%
Tin cans	1	0	1	0.0%	1	0	1	0.0%
Ferrous metals	27	87	113	76.3%	27	87	113	76.3%
Non-ferrous metals	2	2	4	57.5%	2	2	4	57.5%
Other metals	0	3	3	97.1%	0	3	3	97.1%
Subtotal	30	97	127	76.5%	30	97	127	76.5%
Yard Waste	74	29	103	28.1%	74	29	103	28.1%
Organics								
Food waste	88	104	192	54.2%	88	104	192	54.2%
Tires & Rubber	4	1	6	25.0%	4	1	6	25.0%
Wood	10	18	28	65.5%	10	18	28	65.5%
Textiles and leather	51	4	54	6.4%	51	4	54	6.4%
Diapers	23	0	23	0.0%	23	0	23	0.0%
Ag Crop Residue	2	0	2	0.0%	2	0	2	0.0%
Subtotal	177	127	304	41.7%	177	127	304	41.7%
Other Wastes								
Inert solids	34	2	36	5.5%	34	2	36	5.5%
Miscellaneous	13	0	13	0.0%	13	0	13	0.0%
Subtotal	47	2	49	4.1%	47	2	49	4.1%
Special Wastes								
Ash	0	0	0	0.0%	0	0	0	0.0%
Asbestos	0	0	0	0.0%	0	0	0	0.0%
Auto Parts	1	0	1	0.0%	1	0	1	0.0%
Auto Bodies	0	0	0	0.0%	0	0	0	0.0%
Other special waste	6	0	6	0.0%	6	0	6	0.0%
Subtotal	6	0	6	0.0%	6	0	6	0.0%
Total Waste	523	539	1,062	50.7%	523	539	1,062	50.7%

Addendum to

A Petition to the California Integrated Waste Management Board

For a Reduction in the Diversion and Planning Requirements Mandated by AB 939

June 17, 1992

Submitted by: The City of Biggs

Prepared by: Solution Resources, Inc.
205 West Main Street, Suite D
Grass Valley, California 95945
916/466-6677

Addendum to

A Petition to the California Integrated Waste Management Board For a Reduction in the Diversion and Planning Requirements Mandated by AB 939 Submitted by: The City of Biggs April 1992

This addendum has been prepared in response to CIWMB staff's comments on the Petition submitted by the City of Biggs for reductions in diversion and planning requirements. On page 2 of the Petition, the City requests a reduction in the requirements to conduct statistically representative and seasonal waste characterization studies for subsequent revisions of the SRRE and Solid Waste Generation Study. The City proposes to continue to track the actual waste disposal and diversion quantities including the total tonnage disposed by the residential, commercial, industrial and construction and demolition debris sectors, and the tonnage of materials diverted by material and program type through source reduction, recycling and composting activities.

For waste disposal composition data, the City requests that it be allowed to use waste composition data from similar jurisdictions rather than from comparable jurisdictions as defined by PRC Section 18722 (l)(4) which requires that the following criteria be met:

- The other jurisdiction's population is 10%± of the City's.
- The City's total residential solid waste tonnage disposed is 10%± of the total residential tonnage disposed by the jurisdiction conducting the solid waste generation study, or the City's number of residential dwelling units is 10%± that of the number of residential units of the jurisdiction conducting the solid waste generation study.
- The City's total commercial solid waste tonnage disposed is 10%± of the total residential tonnage disposed by the jurisdiction conducting the solid waste generation study, or the City's number of residential dwelling units is 10%± that of the number of commercial units of the jurisdiction conducting the solid waste generation study.

This final request was made on basis that other jurisdictions that would be considered comparable as defined by the regulations are most likely to petition the CIWMB for similar reductions in the planning requirements, and hence waste composition data would not be available from comparable jurisdictions. In their comments, the CIWMB staff requested substantiation that waste composition studies would not be available from comparable jurisdictions. While the Petition for this reduction in the planning requirements was initially based solely on the assumption that other small jurisdictions would petition the CIWMB for similar reductions in the planning requirements, additional analysis of the situation is presented in this

addendum that demonstrates that there are no jurisdictions comparable to the City of Biggs. The additional analysis conducted indicates that based on the current population, residential and commercial waste disposal tonnages and number of residential and commercial units in other California jurisdictions, there are no jurisdictions which would be considered comparable to the City of Biggs under the regulatory criteria.

To determine whether there were any jurisdictions which would be considered comparable to the City of Biggs, the first criteria that the jurisdiction's population be plus or minus 10 percent of the City of Biggs was considered. The California Department of Finance, Demographic Research Unit Report 91 E-1, Population Estimates of California Cities and Counties, January 1, 1990 and January 1, 1991, Official State Estimates, dated May 1, 1991, was reviewed. The population of incorporated towns and cities and unincorporated county areas for January 1, 1991, was compared with the reported population of the City of Biggs plus or minus 10 percent. The reported population for the City of Biggs is 1,650 which indicates a range of 1,485 to 1,815 for comparable jurisdictions. The population of four California jurisdictions fall within this range; these jurisdictions include the Cities of Del Rey Oaks (Monterey County), Hidden Hills (Los Angeles County), San Juan Bautista (Benito County), and Wheatland (Yuba County). The population data is presented in Table A-1 below.

The residential and commercial waste disposal tonnages and number of residential and commercial units of these four jurisdictions was obtained and compared to the characteristics of the City of Biggs to determine if the second and third criteria for comparable jurisdictions could be satisfied. The data for the City of Biggs and these four jurisdictions is presented in Table A-1. This data demonstrates that based on the second and third criteria, there are no jurisdictions that would be considered comparable to the City of Biggs according to the regulatory criteria.

For the City of Del Rey Oaks, the number of residential and commercial units exceeds the respective number of units in the City of Biggs plus the 10 percent upper margin. The annual tonnage of waste disposed from the combined residential and commercial sectors in Del Rey Oaks is 3,254 TPY and exceeds the residential and commercial tonnage disposed annually for the City of Biggs.

For the City of Hidden Hills, the number of residential units is within the plus or minus 10 percent range for the City of Biggs. Hidden Hills has four commercial units which is substantially less than the number of commercial units in Biggs. The annual tonnage of waste disposed from the residential sector in Hidden Hills is 5,054 TPY which substantially exceeds the annual tonnage of residential waste disposed for the City of Biggs plus the 10 percent upper margin. The annual tonnage of waste disposed from the commercial sector in Hidden Hills is 54 TPY which exceeds the annual tonnage of commercial waste disposed for Biggs plus the 10 percent upper margin.

For the City of San Juan Bautista, the number of residential and commercial units exceeds the respective number of units in the City of Biggs plus the 10 percent upper margin. The annual tonnage of waste disposed from the residential sector for San Juan Bautista is within the plus or minus 10 percent range of the annual tonnage of residential waste disposed for Biggs. However, the annual tonnage of waste disposed from the commercial sector of San Juan Bautista substantially exceeds the annual tonnage of commercial waste disposed for Biggs plus the 10 percent upper margin which eliminates the City of San Juan Bautista as a comparable jurisdiction.

For the City of Wheatland, the number of residential units is comparable to Biggs, but the annual tonnage of waste disposed from the residential sector substantially exceeds the annual tonnage of residential waste disposed for Biggs plus the 10 percent upper margin. The number of commercial units in the City of Wheatland and the annual tonnage of commercial waste disposed exceeds the number of units and commercial tonnage for the City of Biggs plus the 10 percent upper margin.

It is acknowledged that it is possible that demographic and waste disposal conditions in the City of Biggs or other jurisdictions will change in the future that will provide a comparable jurisdiction. If such a situation did occur and the comparable jurisdiction had available waste composition data, then the City of Biggs would be willing to use the waste composition data from the comparable jurisdiction. However, because it is unknown whether in the future there will be a comparable jurisdiction to the City of Biggs and if there will be available waste composition data, the City of Biggs requests that the CIWMB grant their petition for a reduction in the planning requirement of conducting statistically representative and seasonal waste characterization studies and the requirement of using waste composition data from a comparable jurisdiction.

Table A-1

Determination of Comparable Jurisdictions to the City of Biggs for Waste Composition Studies

Jurisdiction	Population[7]	# Residential Units	Residential Waste Disposal (TPY)	# Commercial Units	Commercial Waste Disposal (TPY)
Biggs	1,650	548	560	28	39
Range of Values (±10%)	(1,485-1,815)	(493-603)	(504-616)	(25-31)	(35-43)
Del Rey Oaks	1,660	720[1]	3,254[2]	35[1]	-
Hidden Hills	1,800	555[3]	5,045[4]	4[3]	54[4]
San Juan Bautista	1,560	624[5]	552[5]	35[5]	528[5]
Wheatland	1,720	504[6]	1,332[6]	47[6]	81[6]

[1]Shirley, Del Rey Oaks City Hall, June 15, 1992.
[2]Kurt Hunter, Recycling Coordinator, County of Monterey, June 15 and 16, 1992. 3,254 TPY represents the total tonnage of waste disposed from the residential and commercial sectors and is primarily generated in the residential sector.
[3]Russ Carlsen, City Manager, City of Hidden Hills, June, 15, 1992.
[4]Preliminary Draft Source Reduction and Recycling Element for the City of Hidden Hills, EMCON Associates, November 1991.
[5]Tom Mancini, City Manager, City of San Juan Bautista, June 15, 1992.
[6]Preliminary Draft, Source Reduction and Recycling Element for the Bi-County Region, February 1992, Solution Resources, Inc.
[7]Report 91 E-1, Population Estimates of California Cities and Counties, January 1, 1990 and January 1, 1991, Official State Estimates, California Department of Finance, Demographic Research Unit, May 1, 1991.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
RESOLUTION # 92-73

FOR THE REDUCTION OF PLANNING AND DIVERSION REQUIREMENTS FOR THE CITY OF BIGGS

Title 14, Division 7, Chapter 9, Section 18775

WHEREAS, Public Resources Code Section 41782 allows reductions in the diversion and planning requirements specified in Public Resources Code Section 41780, if a city or a 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 planning and diversion goals mandated by Public Resources Code Section 41780; and

WHEREAS, the Board has received a petition for reductions in the planning and diversion requirements from the City of Biggs; and

WHEREAS, the City of Biggs qualifies based on 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 diversion goals and reduction in planning requirements is reasonable based on the limitations relating to population and a small waste generation rate and that achievement of the mandated requirements is not feasible; and

WHEREAS, the City, by demonstrating that the achievement of the diversion mandates is not feasible due to small geographic size and small quantity of solid waste generated within the City, has complied with Public Resources Code Section 41782 and Title 14 of the California Code of Regulations, Section 18775.

WHEREAS, the Board has found the request for a reduction in the requirements for the initial Solid Waste Generation Study to be unwarranted.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby grants the reduction in diversion requirements from 25% to 15% by 1995 and the reduction in planning requirements to allow the City to work with Board staff to identify a comparable jurisdiction, as defined by Title 14, California Code of Regulations (14 CCR) Section 18722(1)(4); and, if a comparable jurisdiction cannot be found, to require the City to work with Board staff to identify a similar jurisdiction which is acceptable to Board staff for use in lieu of a comparable jurisdiction. In addition, the Board directs staff to monitor the progress of the County in achieving the newly established diversion goals.

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 held on July 16, 1992.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

JULY 16, 1992

AGENDA ITEM 6

ITEM: Presentation of Staff's analysis of comments on the California Integrated Waste Management Board Staff's proposal to strengthen the Integrated Waste Management Act of 1989 and options for modifying the Staff proposal based on review comments

COMMITTEE ACTION:

The Planning Committee voted to adopt, in concept, the Staff's proposal to strengthen the Integrated Waste Management Act at its May 5, 1992 meeting and to refer it to the Legislation and Public Affairs Committee. On July 2, 1992 the Planning Committee directed staff to present this agenda item at the July 16, 1992 Board Meeting.

BACKGROUND:

Since the passage of the Integrated Waste Management Act (Act) of 1989, as amended, concern has developed among local jurisdictions, the environmental community, the Legislature and the Board about the complexity of the Integrated Waste Management Planning process including:

- the difficulty in obtaining accurate information on quantities and types of wastes recycled or otherwise diverted and calculating source reduction;
- the costs to local jurisdictions to perform the required waste management planning process (including waste generation studies) and future monitoring; and
- the need to identify wastesheds and markets for waste materials, which often cross jurisdiction boundaries; and
- the need to develop markets for waste materials.

A summary of the concerns is presented in this paragraph. Concern has been expressed that solid waste generation studies and planning activities have been very costly for many jurisdictions and the measurement of diversion has been the most costly and perhaps the most difficult part of the requirements. Diversion is difficult to quantify for a number of reasons. There may not be good records of the quantities and types of wastes diverted by past programs. The methods for calculating the

amount diverted may differ from program to program. The jurisdictions must rely on the voluntary cooperation of private sector recyclers and volunteer groups for information on existing programs. Many jurisdictions state that it is difficult to quantify source reduction because there is no waste to quantify. Some jurisdictions believe the existing waste generation studies to be incomplete and inaccurate because of difficulties in quantifying diversion. For example, the statewide diversion rate for aluminum cans is estimated to be 88% (Department of Conservation, Biannual Report of Redemption and Recycling Rates, January 1, 1991 to June 30, 1991). However, the California Integrated Waste Management Board's (CIWMB) interim database shows that jurisdictions have only documented a 57% diversion rate for aluminum cans in solid waste generation studies. In addition, there is a concern that performing annual waste generation studies, if required, may be very costly for local jurisdictions at a time of budget deficits. Changes made since the passage of AB 939 and additional proposed statutory modifications to alter what materials count towards diversion may require recalculation of baseline data and revision of documents prepared by jurisdictions; this will also increase costs

ANALYSIS:

Staff's Proposed System to Strengthen the Integerated Waste Management Act of 1989

Staff was asked to define, analyze and present its preferred option for changes to the existing diversion calculation system in response to the issues identified above.

Staff's proposed diversion quantification system (Attachment 1) was designed by Board Staff to address the following ideas: (1) a disposal-based reporting system, (2) a system allowing the formation of disposal regions which would be responsible for implementing programs and meeting the diversion mandates, and (3) a major reduction in the quantification of diversion by local jurisdictions coupled with continuing State involvement in market development and diversion assistance, and State coordination of a new diversion tracking system. The major points included in Staff's proposed system are described below.

Disposal-based Reporting

- Continue to use the existing SRREs to determine the diversion tonnage required to meet the 1995 and 2000

diversion goals, and as a guide to the programs to be implemented.
  - Allows jurisdictions to immediately implement programs.
  - No revision of the SRREs required.
- Change to a disposal-based annual reporting system.
  - Require disposal facility operators to report disposal tonnages by jurisdiction in annual reports submitted either to the local jurisdictions or to the Board.
  - Reporting disposal tonnages may require installation of scales at some disposal facilities which currently have no scales.
  - Jurisdictions must demonstrate that diversion activities are used to meet the diversion goals, not other activities such as illegal dumping.
- Disposal Characterization Studies are limited to jurisdictions which fail to meet the diversion goals, and to the five-year revision of the SRREs.
  - Board Staff would develop a simplified uniform methodology for performing disposal characterizations.

Regionalization

- Voluntary regional groups, called Disposal Regions, would be allowed.
  - A region would contain two or more jurisdictions in one or more counties.
- Formation of a disposal region, and allocation of duties and responsibilities would be delineated in a "Disposal Region Contract" via a Joint Powers Authority, Memorandum Of Understanding, Memorandum Of Agreement, etc.
  - The Disposal Region Contract would specify how any Board imposed fines for failure to meet the diversion goals would be allocated among the jurisdictions in the disposal region.
  - No revision of the SRREs would be required at the time a disposal region is formed.
- Each disposal region, not individual jurisdictions, would be responsible for meeting the 25% and 50% diversion goals and submitting the annual reports and five-year revision.
  - If diversion goals were not met, the ultimate responsibility would still reside with the individual jurisdictions in the disposal region.

Continued State Assistance

- Board assistance to local jurisdictions would continue and would include: the development of model source reduction and education programs and model integrated waste management

planning documents; market development activities; and other planned programs.
  - The impact of this assistance will increase as Board programs are fully implemented, and Board contracts are completed.
- Responsibility for meeting the diversion goals would still reside with the local jurisdiction or disposal region, not with the State.
- The Board would coordinate a statewide diversion and disposal tracking system.
- The Board would prepare annual reports, using diversion information reported by private recyclers, composting facilities and local jurisdictions, and the disposal tonnages reported by disposal facility operators.

Less Local Diversion Reporting

- Because the reporting system and diversion goal attainment are both based on disposal amounts and not diversion amounts, less diversion quantification would be needed.
- New statutes would require private recyclers and composting facilities to report waste types and amounts bought and sold, by jurisdiction of origin.
  - These annual reports would be in a uniform and simplified format and would be submitted to the Board.
  - Any scrap metal dealer, and industrial or commercial entity which sells a by-product of a manufacturing or business process would not be required to submit annual reports.
- Local jurisdictions or disposal regions would only submit simplified quantitative annual reports on those recycling or composting programs which they operate.
- Local jurisdictions or disposal regions would still need to submit qualitative information on major changes in the wastestream in their annual reports.
- Because of the costs and time involved, no source reduction quantification by local government would be required.
- The Board would consolidate information from all the sources, and publish aggregate diversion and disposal data.
- All proprietary data would remain confidential.
- Flow control may be less likely because local governments will not be required to quantify all private diversion.

Distribution and Review of the Staff Proposal

The Staff proposal was mailed to approximately 1600 individuals or entities, including all local jurisdictions, prior to May 25, 1992. The Staff proposal was also distributed to Board Staff.

Comments from all interested parties were due no later than Thursday, June 11, 1992. 79 comment letters were received. Staff quickly reviewed the comments and presented a brief summary of the comments at the June 16, 1992 IWM Planning Committee Meeting.

STAFF COMMENTS:

At the July 2, 1992 Planning Committee Meeting Staff was directed to: 1) review the comment letters; 2) determine the reviewers' changes to the Staff's proposed system; 3) identify the potential impacts of the reviewers' changes; and 4) develop Staff recommendations regarding changing the Staff's proposed system and present this information for discussion at the July 16, 1992 Board Meeting. The Planning Committee also directed that Board consideration and adoption of the Staff's proposed system be scheduled for the July 29, 1992 Board Meeting.

Because of the short time-frame for Staff to review the proposed changes, determine the potential impacts of the proposed changes and develop recommendations for the Board, a packet will be delivered to the Board Members approximately one week before the Board Meeting. The packet will include: a summary of reviewers' recommended changes to the Staff's proposed system; a summary of the potential impacts of the reviewers' recommended changes; and Staff recommendations regarding changing the Staff's proposed system.

Staff will be pleased to accept guidance from the Board.

ATTACHMENTS:

Attachment 1 Staff's Proposed System To Strengthen the Integrated Waste Management Act of 1989

Prepared by:	John Sitts	Phone:	255-2335
	John Nuffer	Phone:	255-2310
	Lorraine Van-Kekerix LVK	Phone:	255-2330
	Judy Friedman JJF	Phone:	255-2302
Reviewed by:	Tom Rietz by JJF	Phone:	255-2384
Legal review:	R	Date/Time:	7

ATTACHMENT 1

Staff's Proposed System to Strengthen the Integrated Waste Management Act of 1989

STATE OF CALIFORNIA

Pete Wilson, Governor

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

May 19, 1992

Dear Interested Party:

How may we improve the implementation of the goals of AB 939 (Sher, 1989), as codified in the Integrated Waste Management Act? This question has been under lengthy discussion by the Board and interested parties like yourself, particularly during the last year as local governments have prepared their first Source Reduction and Recycling Elements.

After careful consideration of comments from the Board, the Legislature, and the public, Board staff have prepared a proposal to modify the Act to address concerns about implementing waste diversion. The staff proposal incorporates some ideas from bills currently before the State Legislature, and other ideas not found in proposed legislation or current statute. We are soliciting your comments on Board staff's proposal.

The attached document containing the proposal is structured as follows:

- For a brief overview, please refer to the **Executive Summary** on pages 1-4, and the summary table on pages 5-7;
- For a brief discussion of the concerns regarding the current integrated waste management planning process and previous proposals, please refer to the **Introduction** on pages 8-13;
- For a listing of the major points included in the staff proposal, please refer to pages 13-16; and
- For an in-depth explanation and analysis of the staff proposal, please refer to pages 16-29.

If you are willing, we would appreciate it if you would carefully review the attached document, titled "Board Staff Proposal to Strengthen the Integrated Waste Management Act of 1989", and provide us your written comments and constructive suggestions to make the system work better, by Close of Business, Thursday, June 11, 1992.

Please mail or fax your comments to:

John A. Sitts
Planning and Assistance Division
CA Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, CA 95826
FAX (916) 255-2221

The proposal and public comments will be considered at:

Integrated Waste Management Planning Committee Workshop
CIWMB Board Room
8800 Cal Center Drive
Sacramento, CA
Tuesday, June 16, 1992
10:00 a.m.

Reviewers should be aware that the State Legislature is considering several bills which would modify the Act and the Legislature's review is independent of the Board's review. The Board will use staff's proposal in its discussion with the Legislature about the Act.

If you have any questions about this proposal you may contact John A. Sitts or Steven K. Ault of the Board's Planning and Assistance Division, at (916) 255-2335 or 255-2331, respectively. Thank you for your timely assistance.

Respectfully,

Ralph E. Chandler
Executive Director

BOARD STAFF'S PROPOSAL TO STRENGTHEN THE INTEGRATED WASTE MANAGEMENT ACT OF 1989

MAY 19, 1992

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BOARD STAFF'S PROPOSAL TO STRENGTHEN THE INTEGRATED WASTE MANAGEMENT ACT OF 1989

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EXECUTIVE SUMMARY

PURPOSE

The purpose of this document is to: 1) discuss the major concerns regarding the existing integrated waste management planning system, 2) compare the existing system to a proposed system which was developed by Board staff, and 3) elicit comments and constructive suggestions from local jurisdictions, and other interested organizations, on how to mold the staff proposal to yield a responsive and successful integrated waste management planning system. The staff proposal included in this document should be viewed as a working draft; the proposed system will continue to be changed and refined by Board staff based on input received.

BRIEF OUTLINE OF CURRENT SYSTEM

The current system requires individual jurisdictions to quantify all waste disposal at landfill and transformation facilities, and all waste diversion accomplished by public or private source reduction, recycling, and composting programs or activities. These disposal and diversion amounts are both used to determine compliance with the 25% and 50% diversion mandates. Local jurisdictions must request the voluntary release of this information from disposal and diversion facilities, and other private and public sector entities.

While the current system does allow individual jurisdictions to work together for program implementation and in document preparation to some extent, it does not allow for regional fulfillment of the diversion mandates. Each jurisdiction is required to divert 25% and 50% of the waste it generates.

Under the current system, local jurisdictions are responsible for developing and identifying markets. The State also has a major role in assisting local government with market development.

PROBLEMS

Since the passage of the Integrated Waste Management Act (Act) of 1989, as amended, concern has developed among local jurisdictions, the environmental community, the Legislature and the Board about the complexity of the Integrated Waste Management Planning process.

First, there is concern that it is too difficult to obtain accurate information on quantities and types of wastes recycled or otherwise diverted and to calculate source reduction. Second,

there is concern about the costs to local jurisdictions to perform the required waste management planning process (including waste generation studies) and future monitoring. Third, jurisdictions have said they do not have sufficient information, funds or ability to 1) identify wastesheds and markets for waste materials, which often cross jurisdiction boundaries, and 2) to develop markets for waste materials.

BRIEF OUTLINE OF STAFF'S PROPOSED DIVERSION QUANTIFICATION SYSTEM

The proposed system was designed to reduce the planning and reporting effort currently required of local jurisdictions, so that time, effort, and funds could be directed at diversion program implementation without any further delays and without SRRE revision. Changes would be needed in both statute and regulation to implement the staff proposed system.

Staff's proposed diversion quantification system was designed by Board staff to address the following ideas: (1) a disposal-based reporting system, (2) a system allowing the formation of disposal regions which would be responsible for implementing programs and meeting the diversion mandates, and (3) a major reduction in the quantification of diversion by local jurisdictions coupled with continuing State involvement in market development and diversion assistance, and State coordination of a new disposal and diversion tracking system.

Disposal-based reporting

The proposal would:

- continue to use the existing SRREs to determine the diversion tonnage required to meet the 1995 and 2000 diversion goals;
- allow jurisdictions to immediately implement programs without SRRE revision or added solid waste management planning;
- change to a disposal-based annual reporting system in which disposal facility operators would be required to report disposal tonnages by jurisdiction to the Board; and
- require simplified disposal characterization studies <u>only</u> if jurisdictions fail to meet the diversion goals, and at the time of the five-year revision of the SRREs or CIWMPs.

Regionalization

The proposal would:

- allow voluntary regional groups, called Disposal Regions containing two or more jurisdictions in one or more counties;

- o require submission and Board approval of a "Disposal Region Contract" containing a delineation of duties, responsibilities, and the method of allocation for any Board imposed fines to jurisdictions within the disposal region;
- o allow the disposal region, not the individual jurisdictions, to meet the diversion tonnage goals and to submit annual reports and the five-year revision of the SRRE; and
- o not require revision of the SRREs or interrupt diversion program implementation to establish regions.

Reduction in Local Diversion Reporting

The proposal would:

- o require local jurisdictions or regions to submit simplified quantitative annual reports on those recycling or composting programs which they operate;
- o require private recyclers and composting facilities to report, to the Board, waste types and amounts by jurisdiction;
- o exempt Scrap metal dealers, and industrial/commercial entities which sell by-products of manufacturing or business processes from the reporting requirement;
- o require the Board to consolidate information from all the sources of diversion data, and publish aggregate diversion and disposal information for each jurisdiction or region;
- o make flow control less attractive because local governments will not be required to quantify all private diversion; and
- o remove the requirement that source reduction be quantified by local government. This lessening of tracking effort and paperwork may actually make source reduction programs more attractive than they are under the present system. Any source reduction will reduce the amount of waste being disposed, so source reduction programs will still assist jurisdictions in meeting their diversion goals (even though source reduction will not be measured directly).

Increased or Continued State Assistance

The proposal would:

- o allow Board assistance to local jurisdictions to continue, including: the development of model source reduction and education programs and model integrated waste management planning documents, market development activities, and other planned programs. The impact of this ongoing assistance will increase as Board programs are fully implemented, and Board contracts are completed;
- o keep the responsibility for meeting the diversion goals with the local jurisdiction or disposal region, not with the State; and

- include a new Board-coordinated statewide diversion and disposal tracking system.

CONCLUSION

This system incorporates many of the ideas included in the proposals submitted to the Board. It also represents a coordinated effort among Board staff to address the concerns of local jurisdictions, formulate solutions, and mitigate as many of the negative impacts as possible. A comparison of the current generation-based system and staff's proposed system can be found in Table 1, pages 5-7.

Under this system, the cost to local jurisdictions should be greatly reduced, and the jurisdictions could concentrate their efforts on diversion program implementation rather than planning and SRRE revision.

This system allows the Board to continue to expand and implement assistance programs, but will require additional effort to accurately track diversion and disposal.

TAB

SUMMARY OF STAFF'S ANALYSIS OF THE PRESENT SYSTEM AND THE STAFF'S PROPOSED SYSTEM

TOPIC	PRESENT GENERATION-BASED SYSTEM	STAFF PROPOSED SYSTEM
REQUIRES REGULATION AND/OR STATUTE CHANGES?	Clarification of the regulations needed for the exclusion (unless the criteria are met) of inert solids, scrap metals, agricultural wastes, and white goods from counting toward the diversion goals. Additional clarification of the regulations or statutes may be desirable.	Statutory and regulatory changes would be required to: 1) change to a disposal-based reporting system while keeping the current generation-based diversion goals, 2) change to a system allowing voluntary regional groupings of jurisdictions for program implementation and goal attainment, and 3) reduce the requirements on local jurisdictions for quantifying disposal and diversion and institute a State-coordinated tracking system.
TIMING OF CHANGES	System in effect now; however, some SRRE revisions are required due to the exclusion (unless the criteria are met) of inert solids, scrap metals, agricultural wastes, and white goods from counting toward the diversion goals.	Because no additional revisions of SRREs would be required, the change could be implemented immediately with few impacts, and no delays in local program implementation. Some independent SRRE revisions will be required due to the exclusion (unless the criteria are met) of inert solids, scrap metals, agricultural wastes, and white goods from counting toward the diversion goals, but those revisions are unrelated to this proposal.
FINANCIAL IMPACTS Costs to local jurisdictions	Costly option over the long term. May need to revise SRREs and CIWMPs based on the Board motion of March 25, 1992.	No additional revision of SRREs would be required, so short-term costs would not increase. Long-term costs would be greatly reduced due to the simplified system for tracking/characterizing disposal and diversion, and to less duplication of effort due to regionalization. Any increases in costs to disposal facilities may be passed on to local jurisdictions. Costs to private recyclers may also increase due to mandatory reporting.
Costs to state	May be the least costly option for the state.	Would increase costs to the State to institute a tracking system for diverted and disposed solid waste. Could reduce costs to the State for planning document review due to the submission of fewer, less complex documents.
Costs at multi-jurisdiction disposal and diversion facilities	Maintain current record keeping at multi-jurisdictional disposal and diversion facilities. Disposal and diversion facilities currently receive requests for information from numerous user jurisdictions; maintaining adequate records and responding to these information requests is voluntary.	Record keeping costs at multi-jurisdictional disposal facilities and multi-jurisdictional diversion facilities, and for multi-jurisdictional haulers might increase due to mandatory reporting to the State. However, the costs might be lower because of the simplification of the reporting system, and the reduction in the number of entities requesting information (the Board, rather than numerous jurisdictions).
Costs for new scales and attendants	Additional scales not needed.	Some disposal facilities may have to purchase new scales and hire attendants.
OTHER IMPACTS Implementing diversion programs	Jurisdictions can begin implementing diversion programs.	Jurisdictions can begin implementing diversion programs. Because SRRE revision would not be required, and the other planning/quantification requirements would be reduced, jurisdictions might place more emphasis on implementing diversion and source reduction programs. Source reduction may be more attractive because the difficult and costly quantification requirements would be gone. Program implementation may be more effective due to the formation of regions and less duplication of effort.

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TABLE 1 (Continued)

TOPIC	PRESENT GENERATION-BASED SYSTEM	STAFF PROPOSED SYSTEM
Diversion quantification	Difficult to quantify waste generation, source reduction and diversion. Quality of these types of data may be questionable.	Information would be available on both the total disposal tonnage data (already required by the State Board of Equalization) and waste characterization data for diversion and disposal. There would be less information on source reduction and some private diversion activities. The data gathered would be of higher quality.
Diversion goals	Remain the same for jurisdictions which did not include inerts, agricultural wastes, scrap metals and discarded white-coated major appliances in their baseline, or for jurisdictions which meet the criteria specified in the Board's March 25, 1992 motion and whose petitions are approved by the Board.	Remain the same for jurisdictions which did not include inerts, agricultural wastes, scrap metals and discarded white-coated major appliances in their baseline, or for jurisdictions which meet the criteria specified in the Board's March 25, 1992 motion and whose petitions are approved by the Board. Jurisdictions would get credit for existing diversion, so they would not need to modify programs to reach goals (unless they relied heavily on AB 1820 wastes and could not meet the criteria). The SRREs already contain the projection of disposal tonnages against which diversion goal achievement will be measured. Goals for disposal regions would be the total of all projected disposal tonnages of jurisdictions in the region.
Information for market development, evaluation of diversion programs and a database	Provides information for market development activities and Interim Database. Quality of data may impact market development activities and value of the Interim Database.	The proposed system would require reporting total disposal tonnage, limited disposal characterization, and would institute a State-coordinated system for accurately tracking the diversion information on waste types which is needed for market development and evaluation of diversion programs.
Responsibility for development and identification of markets	Local jurisdictions responsible for developing and identifying markets with continuing assistance from the State.	Local jurisdictions continue to be responsible for developing and identifying markets with continuing assistance from the State.
Local control over diversion programs	Jurisdictions choose local programs.	Jurisdictions would choose local programs to implement.
Waste flow control	Some jurisdictions have instituted or are considering waste flow control programs to control whether they meet 25% and 50% diversion goals.	Jurisdictions less likely to institute waste flow control programs.
Use of waste hierarchy	Information submitted on waste generation, diversion and disposal allows jurisdictions and the Board to evaluate use of the waste hierarchy.	All appropriate diversion activities may count equally toward the diversion goals. However, information on diversion programs other than source reduction will be gathered for market development and program evaluation. The lack of required source reduction data may make it difficult for local jurisdictions and the Board to evaluate source reduction's role within the mandated waste management hierarchy.

TABLE 1 (Continued)

TOPIC	PRESENT GENERATION-BASED SYSTEM	STAFF PROPOSED SYSTEM
IMPACT ON PLANNING DOCUMENTS SRREs and HHWEs	No revision of SRREs for jurisdictions which did not include inerts, agricultural wastes, scrap metals and discarded white-coated major appliances in their baseline, or for jurisdictions which meet the criteria specified in the Board's March 25, 1992 motion and whose petitions are approved by the Board. The number of planning documents is very large 518+ SRREs and 518+ HHWEs. While this number of documents provides a great deal of detail, the costs involved in document preparation and review (at both the local and State level) are considerable. Current statutes and regulations allow local jurisdictions to prepare joint documents. However, each individual jurisdiction is still responsible for meeting the diversion goals which may discourage such joint action. Jurisdictions must submit a final draft of the SRRE with the CIWMP.	No revision of SRREs for jurisdictions which did not include inerts, agricultural wastes, scrap metals and discarded white-coated major appliances in their baseline, or for jurisdictions which meet the criteria specified in the Board's March 25, 1992 motion and whose petitions are approved by the Board. Fewer SRREs would be needed if jurisdictions formed disposal regions. Each disposal region would submit one SRRE for the five-year revision. Costs to write joint documents could be lower. Less time needed for jurisdiction, Local Task Force, and Board review because of reduced number of documents. Review costs at both the local and State level could be reduced. Because the diversion goals would be the responsibility of the disposal region, the formation of disposal regions and submission of joint documents may be more likely. Jurisdictions still must submit a final draft of the SRRE with the CIWMP.
CIWMPs and Siting Elements	56 CIWMPs and 56 Siting Elements are expected (Two counties are submitting a joint CIWMP).	Disposal Regions may include more than one county, so the number of CIWMPs and Siting Elements may be reduced. If two or more counties work together, then they would submit one Regional IWMP (RIWMP).
Annual Reports	No change. Annual reports due each year after submission of CIWMP. Reports must contain quantitative information on the jurisdiction's disposed (all landfill and transformation) and diverted (all source reduction, recycling, and composting) waste stream. Information will be gathered through the monitoring system described by the jurisdiction in the Solid Waste Generation Study, or by additional waste characterization performed by the jurisdiction. Reports also must contain qualitative information on changes to the wastestream and diversion program.	Simplified annual reports due each year after submission of CIWMP. Reports must contain quantitative information on diversion programs (recycling and composting) operated by the jurisdiction. This information will be gathered through a monitoring system designed by the jurisdiction. Limited disposal characterization studies needed only if the projected disposal tonnages are not met. Jurisdictions would not be required to report private diversion activities or source reduction activities. Reports also must contain qualitative information on changes to the wastestream and diversion program.
BOARD GUIDANCE TO LOCAL JURISDICTIONS	The Board could clarify requirements for future waste generation studies and annual reports and develop Board policy statements and/or a model annual report, and model SRRE/CIWMP components.	The Board could clarify requirements for future waste generation studies and annual reports and develop Board policy statements and/or a model annual report and model SRRE/CIWMP components. The Board could suggest changes to legislation to enact the desired system. After appropriate changes in statute, the Board could provide guidance in the form of regulations on the change to a disposal-based reporting system, the formation of disposal regions, and the reduction/redirection of waste quantification and tracking efforts. The Board could continue to provide information on source reduction, public education, and market development programs.

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BOARD STAFF PROPOSAL TO STRENGTHEN THE INTEGRATED WASTE MANAGEMENT ACT OF 1989

INTRODUCTION

Concerns Regarding the Integrated Waste Management Planning Process

Since the passage of the Integrated Waste Management Act (Act) of 1989, as amended, concern has developed among local jurisdictions, the environmental community, the Legislature and the Board about the complexity of the Integrated Waste Management Planning process.

First, there is concern that it is difficult to obtain accurate information on quantities and types of wastes recycled or otherwise diverted and to calculate source reduction. Diversion is difficult to quantify for a number of reasons. There may not be good records of the quantities and types of wastes diverted by past programs. The methods for calculating the amount diverted may differ from program to program. Jurisdictions must rely on the voluntary cooperation of private sector recyclers and volunteer groups for information on existing programs. Many jurisdictions state that it is difficult to quantify source reduction because there is no waste to quantify. Some jurisdictions believe the existing waste generation studies to be incomplete and inaccurate because of difficulties in quantifying diversion. For example, the statewide diversion rate for aluminum cans is estimated to be 88% (Department of Conservation, Biannual Report of Redemption and Recycling Rates, January 1, 1991 to June 30, 1991). However, the Board's interim database shows that jurisdictions have only documented a 57% diversion rate for aluminum cans in solid waste generation studies.

Second, there is concern about the costs to local jurisdictions to perform the required waste management planning process (including waste generation studies) and future monitoring. Many jurisdictions have said that solid waste generation studies and planning activities have been very costly and the measurement of diversion has been the most costly and perhaps the most difficult part of the requirements. In addition, there is a concern that performing annual waste generation studies for future annual reports, if required, may be very costly for local jurisdictions at a time of budget deficits. Changes made since the passage of AB 939 and additional proposed statutory modifications to alter what materials count toward diversion may require recalculation of baseline data and revision of documents prepared by jurisdictions; this will also increase costs.

Third, jurisdictions have said they do not have sufficient information, funds or ability to 1) identify wastesheds and markets for waste materials, which often cross jurisdiction boundaries, and 2) develop markets for waste materials.

Board Activities Related to the Diversion Quantification System

The Board's Integrated Waste Management (IWM) Planning Committee has been considering issues which relate to diversion quantification and what should count toward diversion since late 1991. The Board staff was asked to review and analyze external proposals to modify diversion quantification and to develop a staff proposed diversion quantification system. Staff presented its analysis of proposals and proposed a new quantification system at the May 1992 IWM Planning Committee Meeting. The IWM Planning Committee adopted the staff proposed diversion quantification system in concept and sent its recommendation to the Legislation and Public Affairs Committee. The Legislation and Public Affairs Committee is reviewing several bills currently under consideration in the Legislature which, in part, modify diversion quantification. These bills include AB 2092, AB 2494 and SB 1955.

Additionally, the IWM Planning Committee directed staff to solicit review and comments on the staff's proposed diversion quantification system from jurisdictions and interested parties for consideration at its June 3, 1992 Meeting. Please see the cover letter for more information on submitting written comments and presenting comments at the Committee Meeting.

Comparison of Generation-Based and Disposal-Based Diversion Quantification

The IWM Planning Committee requested that Staff present information on a number of proposals from jurisdictions, interest groups and private citizens to change the existing system for calculating the waste diverted from landfills. Staff consolidated the proposals into two options: maintaining the existing generation-based diversion calculation system and changing to a disposal-based diversion calculation system.

Conclusions Regarding Generation-Based Diversion Calculation

Maintaining a generation-based diversion calculation system would:

- maintain existing diversion goals and would not require costly revisions to Source Reduction and Recycling Elements (SRREs) or other components of County Integrated Waste Management Plans (CIWMPs), (unless required by adoption of the Board motion of March 25, 1992 regarding ag wastes, inerts, scrap metals and

white goods baseline diversion) which would save jurisdictions time and money in the short-term;

- allow jurisdictions to implement diversion programs immediately as no additional planning would be required;
- be more costly for jurisdictions in the long term to quantify diversion and source reduction;
- be least costly to the State over the long term because information would be provided by local jurisdictions on waste characteristics, diversion and source reduction;
- require jurisdictions to provide information on waste characteristics, diversion and source reduction rather than having the State collect this information;
- maintain the existing system for quantifying waste generation, source reduction, and diversion, which are difficult to quantify, and thus maintain data that may be of questionable quality, which could negatively impact local government and Board decisions based on the data;
- allow jurisdictions to choose local programs;
- cause some jurisdictions to institute or consider waste flow control programs; and
- be improved by providing additional Board guidance on annual report requirements and components of CIWMPs.

The generation-based diversion quantification system is complex and costly, but provides more detailed information for use in monitoring waste generation, source reduction and waste diversion. Because of difficulties in obtaining accurate data, the additional costs to obtain the data should be weighed against the risks incurred by making decisions based on potentially questionable data. The costs are variable and range from estimates of no additional cost for Lassen County, which used comparable data from Plumas County, to $2,500,000 for the City of Los Angeles.

Conclusions Regarding Disposal-Based Diversion Calculation

The impacts of changing to a disposal-based diversion calculation would be dependent on the definition of the disposal-based system. There are many definitions of a "disposal-based waste diversion counting" system. The definitions range from:

- a system in which the 25% and 50% solid waste reduction goals are measured against a baseline (1990 or 1991) of the total tons of solid wastes disposed by a jurisdiction; pre-baseline diversion credit is not allowed and post-baseline diversion is not measured directly, nor counted directly;

- a system in which the 25% and 50% solid waste reduction goals are measured against a baseline (1990 or 1991) of the total tons of solid wastes disposed by a jurisdiction plus total tons of wastes diverted by "approved" waste diversion programs; to

- a system in which the 25% and 50% solid waste reduction goals are measured against a baseline (1990 or 1991) of the total waste generated by a jurisdiction, but future measurement is based only on tons disposed at the landfill with pre-baseline diversion credit allowed for the 25% and 50% solid waste reduction goals.

Changing to a disposal-based calculation system would:

- require statutory and regulatory revisions;
- depending on the definition of the system, may require immediate revisions of the SRREs;
- require less quantification of waste generation, source reduction, and other diversion, so it would be less costly to local jurisdictions in the long term (the exact costs are not known because many jurisdictions only recorded costs by totals, not by individual tasks);
- possibly increase costs to the State to gather information on waste generation, source reduction and diversion for use in developing programs related to market development, diversion assistance, research and development, and a database;
- possibly increase record keeping costs at multi-jurisdictional landfills or landfills without scales;
- reduce jurisdictions' choice of diversion programs <u>if</u> the definition of disposal-based included State identification of marketable materials, State mandated waste types and amounts to be diverted and diversion programs to be used to divert the marketable materials; and
- possibly decrease jurisdictions' interest in instituting flow control because they would not be required to track or quantify diversion activities.

A disposal-based diversion calculation would be simpler and generally less costly for local jurisdictions, but it could be more costly for the State if the State needs information on waste generation, source reduction and diversion to run its programs. These cost factors need to be weighed against the reduced amount of information available and reduced ability to monitor the use of the mandated waste hierarchy.

Conclusions Regarding Proposals to Increase State Responsibilities and Increased Use of Regional Integrated Waste Management Planning

The concerns outlined above are also being addressed in bills currently under consideration by the Legislature. The IWM Planning Committee directed Staff to analyze two issues related to integrated waste management plans and waste diversion contained in bills currently under consideration and to present their findings. The first issue is increasing state responsibilities, specifically in the areas of market development, public assistance and education, and source

reduction. The other issue is shifting the focus for integrated waste management from individual jurisdictions to regions.

The most significant proposed change related to increasing state responsibilities would be in holding the State accountable for jurisdictions (or regions) meeting diversion mandates. The State would be accountable for jurisdictions or regions meeting the year 2000 diversion mandate because before local jurisdictions would be responsible for diverting specific waste types the State would have to:

- identify and prioritize "recyclable" waste types;
- include these waste types in regulations;
- determine the diversion goal for each of these waste types; and
- identify or develop the appropriate markets for these waste types.

The Board is currently increasing its activities in market development, but these activities do not include all of those activities specified in proposed legislation (e.g., identify and prioritize "marketable" materials, and to develop statewide markets for these materials).

The other proposed areas of increased state responsibility are state-developed education, information and assistance programs, and source reduction activities. The Board is currently developing public assistance, education, and source reduction-related programs, similar to some, but not all, of those proposed.

The proposal to increase regional waste management planning shifts responsibility for waste diversion program development, implementation and meeting diversion goals from individual jurisdictions to mandatory regions. The definition of regions includes single or multi-county regions, or regions based on a geographically or politically based "wasteshed". Current law allows jurisdictions to jointly develop SRREs, but individual jurisdictions are still responsible for meeting diversion mandates.

Examples of benefits/costs to local jurisdictions of increased state responsibilities and increased use of regions would be:

Benefits

- time savings because of fewer responsibilities for developing markets;
- reduced duplication of integrated waste management planning among similar jurisdictions; and

Costs

- jurisdictions would most likely have to revise already adopted SRREs to accommodate changes in statute and

regulations, which would require an increase in time and money expenditures.

Examples of benefits/costs to the State of increased state responsibilities and increased use of regions would be:

Benefits

- potentially greater statewide diversion because of increased state involvement with market development;
- potentially fewer documents to review if regions were created from groups of individual jurisdictions; and

Costs

- increased staff time and costs to develop markets and identify and prioritize "recyclable" materials.

Increasing state responsibilities and increased regional waste management planning would require both statutory and regulatory revisions. **Either proposal could be incorporated into the current generation-based system for measuring and attaining existing diversion goals, or could be included in a disposal-based system. In either case, both ideas would have benefits as well as costs for both local and state governments.** These benefits and costs would mainly derive from shifting the responsibility for developing and implementing integrated waste management plans from individual jurisdictions to regions, and shifting market development, public assistance and education and source reduction activities from local governments to the State.

Based on the concerns raised about the existing diversion quantification system and its analysis, summarized above, Staff has developed a proposed diversion quantification system.

THE MAJOR POINTS INCLUDED IN STAFF'S PROPOSED SYSTEM

Staff's proposed diversion quantification system was designed by Board staff to address the concerns about the existing diversion quantification system and points raised in the staff's analysis of proposed changes to the system. The design incorporates the following ideas: (1) a disposal-based reporting system, (2) a system allowing the formation of disposal regions which would be responsible for implementing programs and meeting the diversion mandates, and (3) a major reduction in the quantification of diversion by local jurisdictions coupled with continuing State involvement in market development and diversion assistance, and State coordination of a new diversion tracking system.

Disposal-Based Reporting

- Maintain the existing 25% and 50% diversion goals.

- Continue to use the existing SRREs to determine the diversion tonnage required to meet the 1995 and 2000 diversion goals, and to identify the diversion programs to be implemented;
  - Allows jurisdictions to immediately implement diversion programs as no more planning is required;
  - No revision of the SRREs required;
- Change to a disposal-based annual reporting system;
  - Require disposal facility operators to report disposal tonnages by jurisdiction in annual reports submitted either to the local jurisdictions or to the Board;
  - Reporting disposal tonnages may require installation of scales at some disposal facilities which currently have no scales;
  - Jurisdictions must demonstrate that undesirable activities, such as illegal dumping, are not responsible for the decrease in disposal amounts used to meet the diversion goals;
- Disposal Characterization Studies are limited to jurisdictions which fail to meet the diversion goals, and to the five-year revision of the SRREs; and
  - Board staff would develop a simplified uniform methodology for performing disposal characterizations.

<u>Regionalization</u>

- Voluntary regional groups, called Disposal Regions, would be allowed;
  - A region would contain two or more jurisdictions in one or more counties;
- Formation of a disposal region, and allocation of duties and responsibilities would be delineated in a "Disposal Region Contract" via a Joint Powers Authority, Memorandum Of Understanding, Memorandum Of Agreement, or other contract;
  - The Disposal Region Contract would specify how any Board imposed fines for failure to meet the diversion goals would be allocated among the jurisdictions in the disposal region;
  - No revision of the SRREs would be required at the time a disposal region is formed, but the "disposal region contract" would be submitted for Board review and approval;
  - Because the disposal (and, therefore, the diversion tonnages) required to meet the goals for the region would be the same as the sum of the individual jurisdiction tonnages under the current system, the amount of <u>additional required diversion</u> would be the same. By using the solid waste generation projections in the SRREs of the individual jurisdictions to determine the target disposal amounts in 1995 and 2000, jurisdictions in a region could not share any existing diversion credit which is over the diversion goals;
  - If all the regions and remaining individual jurisdictions meet their diversion goals, then the

amount being disposed of Statewide will be reduced by the same amount as if all individual jurisdictions met the goals under the existing system;

- Each disposal region, not individual jurisdictions, would be responsible for meeting the 25% and 50% diversion goals and submitting the annual reports and five-year revision; and
  - If diversion goals were not met and the disposal region fails to be a viable entity, then the ultimate responsibility for paying fines would still reside with the individual jurisdictions in the disposal region.

Continued State Assistance

- Board assistance to local jurisdictions would continue at an enhanced level and would include: the development of model source reduction and education programs and model integrated waste management planning documents, market development activities, and other planned programs;
  - The impact of this assistance will increase as Board programs are fully implemented, and Board contracts are completed;
- Responsibility for meeting the diversion goals would still reside with the local jurisdiction or disposal region, not with the State. In keeping with the philosophy of local control, local jurisdictions would still have the primary responsibility for market development activities which can best be accomplished at the local level. However, the Board should exercise state leadership in promoting market development and the availability of diverted materials in California;
- The Board would coordinate a statewide diversion and disposal tracking system;
- The Board would prepare annual reports, using diversion information reported by private recyclers, composting facilities and local jurisdictions, and the disposal tonnages reported by disposal facility operators;
- The Board would continue to assist local jurisdictions in market development: establishing, stabilizing, and increasing markets for material diverted from landfills; and
- Examples of existing Board programs which focus on market development include the Market Development Zone and Loan programs, tax credits for purchase of equipment using diverted materials, state procurement price preferences for paper and tires, California Materials Exchange Program (CALMAX), and Newsprint minimum content requirements.

Less Local Diversion Reporting

- Because the reporting system and diversion goal attainment would both be based on disposal amounts and not diversion amounts, less diversion quantification would be needed;
- New statutes would require private recyclers and composting facilities to report waste types and amounts bought and sold, by waste type and jurisdiction of origin;

- These annual reports would be in a uniform and simplified format and would be submitted to the Board;
- Any scrap metal dealer, and industrial or commercial entity which sells a by-product of a manufacturing or business process would not be required to submit annual reports to the Board;

- Local jurisdictions or disposal regions would only submit simplified quantitative annual reports on those recycling or composting programs which they operate;
- Local jurisdictions or disposal regions would still need to submit qualitative information on major changes in the wastestream in their annual reports;
- Because of the costs and time involved, no source reduction quantification by local government would be required;
- The Board would consolidate information from all the sources, and publish aggregate diversion and disposal data by jurisdiction or region;
- All proprietary data would remain confidential; and
- Flow control may be less likely because local governments will not be required to quantify private diversion.

ANALYSIS OF STAFF'S PROPOSED SYSTEM

Analytical Criteria

The staff analysis and discussion will center on the following criteria:

a. whether or not the option is achievable by changing regulations alone, and when and how such changes might be most effectively implemented;

b. the timing of changes in relation to the due dates for County Integrated Waste Management Plans (CIWMPs) and the statutory dates of 1995 and 2000 for achieving diversion mandates;

c. what financial impacts would regulatory changes have on local jurisdictions, the State, and the regulated private sector;

d. what other impacts would regulatory changes have on local jurisdictions, the State, and the regulated private sector; and

e. what guidance should the Board give local government on any proposed regulatory changes.

Regulatory and Statutory Changes

To implement this system, changes would be needed in both statute and regulation.

A change to disposal-based waste diversion counting would require at least three statutory modifications to the Public Resources Code (PRC): PRC Section 41032 requires that a revised city SRRE provide information on waste generation, not waste disposed and further specifies the type of information needed, including statistical analysis and characterization of waste constituent materials; PRC section 41332 requires the same type of information for county plans; and, PRC Section 41821 requires information on waste generation be contained in the cities' and counties' annual reports regarding progress in meeting the 25% and 50% diversion goals. These annual reports are to be submitted following Board approval of a SRRE or CIWMP.

Additional statutory changes would be needed regarding:

- allocation of duties among jurisdictions in disposal regions;
- annual diversion reporting to the Board from private recyclers and local jurisdictions;
- annual disposal tonnage reporting to the Board from disposal facility operators;
- Board preparation of annual reports on disposal and diversion;
- waste characterization;
- Environmental Impact Reports for SRREs;
- plan preparation and approval;
- waste diversion and reduction requirements;
- Board approval, deficiencies and other provisions for Board review and enforcement; and
- transformation facilities.

After statutory changes were adopted, regulatory revisions would be necessary. At a minimum, Articles 3.0 (definitions), 6.1 (regarding solid waste generation analyses), 6.2 and 7.0 (regarding SRREs) of the California Code of Regulations would need to be changed.

This attachment describes how the system would work, **but specific statutory and regulatory language would need to be developed prior to implementation.**

Timing of Changes

The changes contained in this proposal would not require a new planning effort or revision of the SRREs, so SRRE diversion programs could be implemented immediately. Unlike other "disposal-based systems", this system could be implemented prior to 1995 with fewer major impacts on local jurisdictions. While the amount of time required to complete the statutory changes is uncertain due to the complexities of the legislative process, it is estimated that the revision of the regulations will require between 12 and 18 months (for staff work, public review, hearings and Office of Administrative Law review and approval).

Fiscal Impacts

The changes would involve an increase in and redirection of Board staff work, possibly requiring additional staff and a number of Board-funded contracts on specific topics. The changes would lower the costs to local jurisdictions and redirect the effort of local jurisdictions away from planning and quantification, and toward program implementation, evaluation, and improvement. This system would result in a reduction in duplication of effort and an increase in system efficiency; therefore, the overall cost of tracking solid waste would be reduced. However, many of the remaining costs for solid waste tracking would be shifted from local jurisdictions to the State. Savings to local jurisdictions should occur, but there may be corresponding increases in local landfill tipping fees to offset the cost to disposal facility operators of tracking and reporting disposal amounts to the Board. Landfill tipping fees may also increase if the per ton surcharge at local landfills is raised to provide the State with the needed funds for expanded programs.

Specific Aspects of the Proposal and their Impacts

Disposal-Based Reporting System

Changing to a disposal-based reporting system would require that landfills and transformation facilities report the tonnages of waste disposed annually (along with an estimate of the corresponding in-place volume for estimating landfill capacity). These disposal amounts would be used by jurisdictions to demonstrate their compliance with the diversion mandates. Disposal data is readily available, because landfill operators must currently report annual tonnage disposed to the State Board of Equalization. Using waste disposal tonnage would simplify data collection and reporting, and reduce costs to local governments.

If the number of tons disposed in a given year is equal to or less than the disposal amount which was projected for that year (under SRRE implementation conditions) in the initial Solid Waste Generation Study in the SRRE, then the jurisdiction will have successfully met the diversion goals.

The projections which are currently in the SRREs could be used, because this system would keep the current 25% and 50% diversion goals (including credit for existing diversion unless otherwise disallowed by statutes or regulations). Jurisdictions would not need to revise their SRREs or change their implementation schedules, except to compensate for the base year exclusion of inert solids, agricultural waste, scrap metals, and white goods (unless the necessary criteria are met). This compensation would involve a revision of the disposal and diversion projections, and perhaps selection of additional programs.

Local jurisdictions have already spent a significant amount of money to comply with the existing law. By keeping the current diversion goals and not requiring SRRE revision, the impact on local jurisdictions would be minimal. Even though this proposal would require changes in both statute and regulation, local jurisdictions could begin implementing diversion programs immediately, without additional financial expenditures on planning documents (particularly important in this time of budget deficits).

Each jurisdiction would be required to submit a letter to Board staff which contains the final version of the solid waste projections, and which fully documents and explains any changes or corrections to the projections contained in the SRRE. The submittal date for this letter could be: 1) when the countywide plans are submitted or revised, 2) at least one year prior to the goal years of 1995 and 2000, or 3) some other specific date to be determined.

The present diversion quantification system does not mandate recovery rates by waste type, but some proposals to change the system do require this. Staff's proposal would not require specific recovery rates for given materials or waste types. Therefore, jurisdictions would be able to adapt diversion programs to their present infrastructure, existing markets, and unique wastestreams. However, the Board could still examine data on the disposed waste stream and the existing markets for each waste type to determine if the maximum feasible diversion level has been reached (regardless of whether the jurisdiction is above or below the statutory goal).

Scales, or another accurate method of determining weight, would be required at each site which receives solid waste for final disposal (landfills and transformation facilities). Operation and record keeping costs at multi-jurisdiction (or multi-Disposal Region) landfills may be increased due to scale installation and operation, and the need to keep each jurisdiction's or Disposal Region's data separate. Under this system and following the existing regulatory procedure, small jurisdictions could still petition the Board for reduced planning requirements, including foregoing the installation of scales, if there is a substitution of disposal volume tracking by vehicle type, and/or reduced diversion goals.

Each jurisdiction or Disposal Region would need to show that all of their active disposal facilities are tracking the origin of the waste delivered in each garbage truck or self-haul load, so that disposed waste tonnage totals for each jurisdiction or Disposal Region using the facility would be available.

In the case of trucks which collect waste from (or transfer stations which receive waste from) more than one jurisdiction or Disposal Region, for each load received the facility operator would determine the ratio of waste contributed by each. If requested by an affected jurisdiction, Board staff could review

this determination. The current system requires the reporting of disposal amounts by jurisdiction, so this is not a new requirement. However, because of the increased importance of the disposal amounts, the amount of waste delivered to each landfill will need to be carefully allocated to each "user" jurisdiction or "user" Disposal Region, so that all of the waste disposed is counted.

The amount of waste sent to transformation facilities would also be reported. Current statute (PRC section 41783) requires that no more than 10% of the 50% goal (2000) be claimed through transformation; tracking transformation amounts would document the amount transformed and diversion claimed by jurisdictions or Disposal Regions.

Each jurisdiction or Disposal Region would be required to show that unpermitted disposal facilities, illegal dumping, backyard incineration, biomass facilities, stockpiling and subsequent disposal of recyclables, or other sites/activities were not responsible for the decrease in solid waste disposed. They could demonstrate this by listing local programs designed to minimize these activities (e.g., the funding of a local enforcement program and/or public education program targeting illegal dumping). The Board could also increase its effort to require Solid Waste Facility Permits (SWFP) for all facilities, which may add to the costs and staff needed in the Board's permitting and compliance programs.

Each landfill and transformation facility in the state would be required to report (once per year) disposal tonnage amounts, by jurisdiction, to the Board, rather than to local jurisdictions and the Local Task Force. The Board would then produce an annual report which included total disposal for each jurisdiction or Disposal Region (for all disposal facilities used). Currently, each of these disposal facilities receives numerous requests from surrounding jurisdictions for the same type of information; this system would simplify and consolidate the present disposal facility reporting system, but these disposal facility reports would be mandatory instead of the current voluntary system. For a landfill which receives waste from only one Disposal Region, only the total disposal tonnage would need to be reported (this information is already required for the $0.75 surcharge per ton). It is probable that the landfills would pass on any additional tracking costs to the jurisdictions.

Allocation of disposal amounts to each jurisdiction at multi-jurisdiction landfills could be very political. Jurisdictions may disagree with the operator or believe that the operator is giving preferential treatment to the primary contractor. If requested by an affected jurisdiction, Board staff would review the methods used to allocate tonnages, but the primary responsibility for accurate data allocations will rest with the jurisdictions and disposal facilities.

Simplified disposal characterization by waste type would only be required if a jurisdiction or Disposal Region was unable to reach a mandated diversion goal, or failed to reduce the disposal tonnages to the level contained in the SRRE projections (under SRRE conditions) for any given year. The jurisdiction or Disposal Region would be required to determine the composition of the disposed wastestream to identify material types that could be targeted for additional diversion. The Board would provide a simplified uniform methodology for these disposal characterizations ("landfill sorts"), so that most jurisdictions or Disposal Regions could perform the work without the expense of a consultant.

For planning purposes, a limited amount of waste disposal characterization would be necessary, and would be accomplished at the five-year revision of the SRRE by local jurisdictions or Disposal Regions. This disposal characterization would be based on waste characterizations conducted at landfills by the jurisdiction or Disposal Region. Again, the Board would provide a simplified uniform methodology for these disposal characterizations ("landfill sorts"), so that most jurisdictions or Disposal Regions could perform the work without the expense of a consultant. Jurisdictions that choose to hire a consultant should also have reduced costs due to the simplified uniform methodology.

If additional information on the disposed waste stream (regional differences, specific waste stream problems, etc.) is needed, then the Board rather than local jurisdictions could conduct disposal characterization at various sites throughout the State (i.e., identified wastesheds).

Fiscal Impacts

The fiscal impacts on local jurisdictions of changing to staff's proposed disposal-based reporting system include:

- Eliminates or greatly reduces the need to revise SRREs or do additional waste management planning. Staff estimates that the "average jurisdiction" costs to develop preliminary draft SRREs (not including the cost of city or county staff time) is between $15,000 and $45,000. A reduction in planning requirements could save jurisdictions a significant portion of subsequent costs;
- Decreases local staff time and costs to track and quantify disposal;
- No change in the implementation schedule;
- Increases disposal facility costs to install scales at some facilities;
- Increases disposal facility costs to track waste disposed by jurisdiction and to prepare annual reports; and
- Possible cost increases to prevent illegal dumping, etc.

The fiscal impacts on the State of changing to staff's proposed disposal-based reporting system include:

- Reduces staff time needed to review local jurisdiction planning documents. Staff estimates that, on average, 90 hours are required to review a SRRE with an average cost of about $2,700. Total staff costs for reviewing all SRREs are estimated to be about $1,400,000. Review of simplified SRREs should reduce staff costs to some degree. Costs will also be reduced (in comparison to some proposals) because fewer SRREs will need to be revised, so fewer reviews will be required;
- Increases staff time to review: final disposal tonnage projection letters, letters to demonstrate accurate disposal tracking by jurisdictions, and landfill-disposed waste apportionment system;
- Increases staff time to permit currently non-permitted facilities;
- Increases staff time to develop a reporting form and uniform sorting method;
- May cause increases in staff time to develop contracts or conduct field work, if any additional disposal characterizations or disposal site visits are needed; and
- Increases staff time to develop annual reports on disposal by jurisdiction.

Other Impacts

- There could be problems associated with landfills assigning disposal tonnages to jurisdictions;
- Simplifies and increases accuracy of the disposal reporting system; and
- Allows for less planning and faster implementation of programs.

Board Guidance

- After the appropriate changes in statute, the Board could clarify the disposal reporting procedures through changes in regulation.

Regionalization

Regional groupings (of multiple jurisdictions in a region, in one or more counties, etc.) would be allowed. A shift to allowing regional goals, rather than individual jurisdiction goals, would reduce duplication of planning, monitoring, and market development efforts, and reduce the cost to local governments. Regional programs could develop and exploit regional markets better than lone jurisdictions. Individual jurisdictions could act alone; there would be no requirement to participate in a disposal region.

Jurisdictions could, on a voluntary basis, enter into a contract (JPA,MOU,MOA,etc.) to act as a "Disposal Region".

Each Disposal Region would be responsible for meeting the 25% and 50% mandated diversion goals, rather than each jurisdiction having individual 25% and 50% goals. The 1995 disposal tonnage projections for each jurisdiction would be added together to yield a Disposal Region's total 1995 disposal tonnage projection.

If the number of tons disposed of in 1995 within the entire Disposal Region was equal to or less than the Disposal Region's total 1995 disposal projection (under SRRE conditions), then the Disposal Region was successful and met the goals. Therefore, the aggregate regional (and Statewide) diversion and disposal totals would be the same as if all California jurisdictions had individually diverted 25% as described in their SRREs.

No revision of the SRREs would be required for the formation of a Disposal Region. The coordination of effort within each Disposal Region would be the sole responsibility of the participating jurisdictions; however, when the SRREs are submitted for the five-year revision, each region would be required to submit one SRRE regardless of the number of jurisdictions in the region.

If a Disposal Region failed to meet the mandated diversion goals, the ultimate responsibility would still reside with the individual jurisdictions, and payment of any fines would be the responsibility of the jurisdictions within the Disposal Region. If goals are not met, fines could still be imposed at the current rate (up to $10,000 per day) for each jurisdiction in the Disposal Region.

At the time of Disposal Region formation, the participating jurisdictions would be required to determine what method would be used to allocate fines to each jurisdiction, and include this determination in the Disposal Region Contract. Disposal Regions might choose to allocate fines: as a flat amount per jurisdiction, apportioned to each jurisdiction in the group based on population, based on the amount of waste disposed by each jurisdiction, or based on the number and type of diversion programs implemented. A copy of this contract must be sent to the Board, along with a clear listing of all jurisdictions in the region, the primary contact person or agency, and a plan detailing the consequences and impacts of unforeseen termination of the Disposal Region contract. To prevent long delays in program implementation due to the regionalization process, each Disposal Region would be required to provide the Board with a copy of the "Disposal Region Contract". The submittal date for the disposal region contract could be: 1) when the countywide plans are submitted or revised, 2) at least one year prior to the goal years of 1995 and 2000, or 3) some other specific date to be determined.

Fiscal Impacts

The fiscal impacts on local jurisdictions of changing to staff's proposed disposal region system include:

- Reduces costs to individual jurisdictions by eliminating duplication;
- Reduces costs to individual jurisdictions by reducing staff time required for waste management planning. Staff estimates that the "average jurisdiction" costs to develop preliminary draft SRREs (not including the cost of city or county staff time) is between $15,000 and $45,000. A reduction in planning requirements could save jurisdictions a significant portion of subsequent costs;
- May increase success of diversion programs by pooling resources;
- May provide greater marketing leverage, and easier market development; and
- May require increases in staff time for coordination of efforts in each Disposal Region.

The fiscal impacts on the State of changing to staff's proposed disposal region system include:

- Reduces staff time to review waste management planning documents due to fewer plans and annual reports to review. Staff estimates that, on average, 90 hours are required to review a SRRE with an average cost of about $2,700. Total staff costs for reviewing all SRREs are estimated to be about $1,400,000. Review of simplified SRREs should reduce staff costs to some degree. The number of submitted and reviewed SRREs will be decreased due to the formation of disposal regions, so fewer reviews will be required. Costs will also be reduced (in comparison to some proposals) because fewer SRREs will need to be revised, so fewer reviews will be required; and
- Requires increases in staff time to review "Disposal Region Contracts".

Other Impacts

- Local politics could prevent the formation of the most effective Disposal Regions.

Board Guidance

- After the appropriate changes in statute, the Board could provide guidance in the form of regulations on the formation of Disposal Regions.

Continued State Assistance and Less Local Diversion Reporting

State assistance toward the attainment of diversion mandates would continue at an enhanced level. Currently, numerous assistance programs and contracts are being developed by Board staff or are in the early stages of implementation (see List 1, page 30). The impact of this assistance will be demonstrated more fully as Board programs are fully implemented, and Board contracts are completed.

The Board would continue to develop model diversion programs (source reduction, education, etc.) which could be adapted to local or Disposal Region conditions. The development, stabilization, and growth of markets for diverted materials would continue to be a major area of effort for the Board. Once the full implementation of these existing programs occurs, the concerns of local government regarding the Board's role in these areas should be minimized.

Information would be gathered through the limited amount of required jurisdiction or disposal region diversion quantification (described below). This information would be used in evaluating markets, for estimating program success, and for other planning activities. The diversion quantification information will not be used to determine if the mandated goals have been met; therefore, the methods in this proposal would suffice, and the amount of detail originally required in the SRREs would no longer be necessary.

The diversion reporting requirements for local jurisdictions would be greatly reduced. The responsibility for meeting the diversion mandates would remain at the local (or Disposal Region) level, but the Board (through the continuing implementation of existing and planned programs) would increase its assistance to local jurisdictions. In keeping with the philosophy of local control, local jurisdictions would still have the primary responsibility for market development activities which can best be accomplished at the local level. However, the Board should exercise state leadership in promoting market development and the availability of diverted materials in California. Board staff would also coordinate the diversion reporting and tracking system.

A new statute would be needed, which would require private recyclers and composting facilities to submit annual reports to the Board on the types and quantities of waste processed (received & sold, including a statement regarding whether the buyer represents an intermediate step or the end use of the material), listed separately for each contributing jurisdiction or Disposal Region. The reports would be similar to the AB 2020 reports required by the Department of Conservation, but would include other waste types. Currently, each of these facilities receives numerous requests and/or surveys from surrounding jurisdictions (or their consultants) for the same type of information. This system would simplify and consolidate the

present reporting system, but the reports would be mandatory instead of the current voluntary system.

A short, simple reporting form and procedures would be developed by Board staff in consultation with Recycling Industry representatives. Private recyclers would be defined in statute or regulation to include those entities which buy or collect, and then sell recycled materials. The definition would not include: (1) Scrap metal dealers, because scrap metal is excluded from base year diversion (unless certain criteria are met), or (2) any private commercial or industrial entity which sells a by-product of its manufacturing or business process, etc.

Recyclers may be more willing to release proprietary information to the Board rather than to numerous jurisdictions and consultants; the information could be handled under the requirements of the Public Records Act (and, if needed, additional statutory provisions or regulations), and only aggregate jurisdiction (or Disposal Region) tonnage data would be released to jurisdictions, not data from individual recyclers. Many private sector recyclers may oppose the reporting system because it would impose additional requirements and require the release of proprietary information.

In the case of unattended diversion facilities which collect from more than one jurisdiction or Disposal Region (drop-off bins in parking lots), the facility operator (or the hauler which collects the material) would estimate the ratio of waste contributed by each jurisdiction.

The Board would produce an annual report based on this information and other pertinent information (e.g., Department of Conservation data, etc.) and distribute this aggregate information to each local jurisdiction. This report could be used by jurisdictions to evaluate program effectiveness, market conditions, and future program needs - without requiring local jurisdictions to quantify private diversion.

Because the quantification of source reduction can be very difficult and costly, source reduction <u>would not</u> be quantified at the local level. Board staff would continue to undertake studies and determine the effectiveness, average recovery rates, and average costs for common source reduction programs (to be included in the Model Source Reduction programs). The savings to jurisdictions and reduced paperwork may make source reduction programs more attractive and more feasible than under the present system.

Local jurisdictions, or disposal regions, would be required to report the types and quantities of wastes diverted for recycling and composting programs which they operate. This program information would probably be available from records that jurisdictions maintain already. Yearly tonnages of wastes diverted by programs funded and/or operated by a jurisdiction or Disposal Region would be submitted in the annual reports required

after approval of the CIWMP; the format would be a simple listing of types and amounts diverted by each diversion program.

This diversion information from jurisdictions and private diversion facilities, when combined with disposal information from disposal facility operators, would allow the Board to assess jurisdiction, region, and Statewide progress toward achieving the diversion mandates. It would also allow the Board to evaluate markets and to track the California wastestream.

Local governments would not be required to quantify private diversion activities. By eliminating the requirement that local jurisdictions quantify private diversion activities, flow control programs may not be perceived as necessary. Jurisdiction imposed flow control may create an artificial monopoly and decrease competition by displacing small haulers and recyclers.

While there would be less information available (especially on source reduction) to be included in the Board's Interim Database and other long-term database information systems, the quality of the data would be better. The uniform reporting requirements for disposal facilities, composting facilities, and private recyclers would probably yield higher quality data than the multitude of methods currently used. The limited disposal characterizations would be simplified and contain uniform methodology for all jurisdictions or Disposal Regions; a uniform methodology would probably yield higher quality data than the comparable jurisdiction methodology sometimes used under the present system. List 2 (page 32) presents information which is considered necessary for the development of market programs. Most of this information is provided in the SRREs which have already been submitted. The proposed system would continue to gather information on changes in the waste stream and local programs, through the annual reports, State coordinated quantification, and limited quantification by jurisdictions (see Table 2, page 33).

The requirements for the quantification of diversion and disposal will be less burdensome than the present system, but Board staff still expects that jurisdictions will provide qualitative information on changes in the waste stream (both disposal and diversion) which would impact the diversion mandates, including changes in the sources of disposed waste (e.g., a major new industry, a closed military base, etc.), and changes in the diversion programs (e.g., a new composting program, the shutdown of the major recycling center, etc.).

Nothing in this proposal would limit the ability of any jurisdiction to do additional planning or waste characterization which it deemed necessary.

The Board's increased role and added responsibilities would require additional staff and additional funding. One possible method of obtaining additional funds for expanded State programs would be to increase the per ton surcharge. It is not clear

whether the reduction in costs to individual jurisdictions would compensate for an increase in the surcharge.

Fiscal Impacts

The fiscal impacts on local jurisdictions of changing to staff's proposed State assistance and local diversion quantification system include:

- Eliminates or greatly reduces need to revise SRREs or do additional planning;
- Decreases cost to track and quantify diversion; and
- Increases diversion facility costs to track materials by jurisdiction and to prepare annual reports.

The fiscal impacts on the State of changing to staff's proposed State assistance and local diversion quantification system include:

- Reduces staff time to review local jurisdiction planning documents;
- Increases staff time for review and compilation of private recycler data, composting facility data, and jurisdiction program data;
- Increases staff time to develop a reporting form for private recyclers, composting facilities, and local diversion programs; and
- Maintains already budgeted and allocated staff time for model programs, market development, and other diversion assistance programs.

Other Impacts

- Complies with requests from jurisdictions to simplify the reporting system for diversion facilities and reduce the costs of diversion quantification;
- Removes the incentive for jurisdictions to adopt flow control;
- Eliminates the burden of quantifying source reduction;
- Provides less diversion information, but does provide the data needed for market development activities; and
- Increases reporting burden on diversion facilities (private recyclers and composting facilities) which may be reluctant to provide proprietary information.

Board Guidance

- After the appropriate changes in statute, the Board could provide guidance in the form of regulations, to jurisdictions on the new system for quantifying diversion. The Board, through policy memos or workshops, could provide additional guidance to jurisdictions on the State's current and growing role in the areas of diversion assistance and market development.

CONCLUSION

Implementation of this proposal would require changes in both statute and regulation: 1) to change to a disposal-based reporting system, while maintaining the original 25% and 50% diversion goals from the current generation-based accounting system which allows for existing diversion credits, 2) to allow for the formation of voluntary regional groups which would be responsible for meeting the mandated diversion goals, 3) to reduce the requirements for diversion quantification by local jurisdictions, and 4) to institute a Statewide disposal and diversion reporting system to be coordinated by the Board.

Because the original diversion goals are retained, the proposal would not require new planning or revision of the SRREs, allowing for immediate implementation of SRRE diversion programs. Information regarding formation of regions, or any changes in the disposal projections (the standard against which success would be measured), would be handled through simple correspondence between local jurisdictions and the Board.

The proposal would redirect, and probably increase, Board staff work. The amount of staff time spent reviewing planning documents would decrease due to fewer and less complex documents, but there would be added effort directed at a Statewide system for tracking disposal, and diversion accomplished by private recyclers, composting facilities, and local programs.

This proposal would lower the costs to local jurisdictions by greatly reducing the staff time required for revised planning, SRRE revision, and diversion quantification. Regional program implementation and regional market development will also yield a decrease in costs due to less duplicated effort.

By eliminating the requirement that local jurisdictions quantify all private diversion activities, flow control programs may not be perceived as necessary.

Because of the fiscal considerations facing local jurisdictions and the State, the proposed system was designed to simplify the system, reduce the amount of duplicated effort, and still maximize diversion consistent with the original intent of AB 939.

While changes in the statutes and regulations may have a significant impact on both local jurisdictions and the Board, the proposed system was designed to minimize those impacts and still yield an integrated system which would maximize diversion consistent with the original intent of AB 939.

It is hoped that this staff proposal will stimulate additional thought and comment, and will result in the formulation of a streamlined, cost-effective system.

LIST 1. BOARD CONTRACT PROPOSALS AND PROGRAMS

The following is a partial list of Board contract proposals and programs that will address the needs of local governmental jurisdictions:

CONTRACTS

The following contracts will use FY 91-92 contract funds to develop models, studies, symposiums, systems, and projects that will provide guidance and assistance to local governments. The contracts will:

- Develop a model siting element that will establish a prototype of the content and format for Counties to use to meet regulatory requirements;
- Develop a model integrated Waste Management Plan that will also establish a prototype of the content and format for Counties to use to meet regulatory requirements;
- Conduct a paper study by 1994 of the paper industry to assess the availability, quality and market for all recycled-content papers;
- Establish a business awards program to stimulate corporate interest in source reduction, recycling and reuse;
- Establish quantification measures for source reduction programs;
- Analyze source reduction policies to promote Source Reduction;
- Analyze regional integrated waste management systems;
- Provide technical assistance for market development;
- Assess secondary materials markets and provide a base year (1990) and projected years (1995 and 2000) to determine the supply and demand of secondary materials in California and Western Region and study the trade flows between California and the Pacific Rim;
- Conduct Keep California Beautiful campaign; and
- Conduct an education symposium by bringing together state and local government representatives, private business and industry and educational representatives to discuss goals and strategies to develop a statewide integrated waste management educational program in California schools.

In addition, staff are in the process of developing concepts for future contract proposals for FY 92-93 that will directly assist and benefit local jurisdictions in meeting waste diversion goals.

PROGRAMS

The Board staff is currently working on numerous on-going programs to assist local governments, including:

- Source Reduction assistance to industry;
- Guidance documents on commercial sector waste diversion programs;
- Source Reduction public eduction campaign;
- Technical assistance to schools in developing waste management programs;
- Waste evaluations for public and private sector enterprises;
- Market development zones, tax incentives, loans, financing programs;
- Recycling Hotline;
- Board studies on future market development;
- Quarterly reports on recycling markets, Calmax materials exchange;
- Periodic statewide workshops for information dissemination;
- Teleconference workshops on MRFs, commercial recycling;
- Developing recycling guides for local agencies;
- Assisting local governments in preparing planning documents;
- HHW grants, public information, technical assistance;
- Used oil grant program; and
- Provide technical consultation on source reduction, composting, and other diversion strategies.

LIST 2. INFORMATION FOR MARKET DEVELOPMENT

Markets Development Branch staff have identified the following information which is needed to best develop market programs:

SRRE INFORMATION

Information from the submitted Source Reduction and Recycling Elements (SRRE's), including:

- Amounts of each material **projected** to be diverted in the short and medium term planning periods and the percent change from current diversion amounts;
- Recycling facilities **currently** in operation with materials handled, tonnages, processes completed, and form at sale;
- Recycling facilities **planned** for construction with materials, tonnages, processing to be done, form to be sold in, implementation date, and if regional, other jurisdictions serving;
- Compost facilities **currently** in operation with materials used, tonnages, and form at sale;
- Compost facilities **planned** for construction with materials, tonnages, and form to be sold in, implementation date, and if regional, other jurisdictions serving;
- Identification of jurisdictions with formal recycled product procurement policies, including a description (i.e., 5% price preference);
- Identification of jurisdictions with flow control ordinances; and
- Identification of jurisdictions which will apply to become a Recycling Market Development Zone.

Other data in the SRREs would need to be compiled or manipulated in other ways to be useful:

- Accurate compiled data regarding the waste generation studies would be very useful in determining the quantity and quality of supply materials available to support secondary material business development ventures throughout California (to supply businesses and investors with information on which to base their investment decisions). This information has not yet been compiled in a fashion to be accessible to the Branch or the private investment community; and
- Information reported for the residential and commercial sources. Materials of particular interest are paint, solvents, tires, paper, oil, plastic and glass.

NON-SRRE INFORMATION

Information which is needed, but not included in the SRREs:

- Information on volumes and prices of materials sold in local and foreign markets prices and potential recycled-content products.

TABLE 2

SUMMARY OF STAFF'S ANALYSIS OF THE PRESENT SYSTEM AND THE STAFF'S PROPOSED SYSTEM IN RELATION TO MARKET DEVELOPMENT INFORMATION

TOPIC	PRESENT GENERATION-BASED SYSTEM	STAFF PROPOSED SYSTEM
DISPOSAL INFORMATION		
Landfills and Transformation Facilities Quantity of Information	Baseline disposal characterization data is contained in the Initial Solid Waste Generation Study within the SRRE each jurisdiction has submitted. In the future, data would be supplied to the jurisdictions under a voluntarily reporting system by landfills and transformation facilities and will be contained in the annual reports submitted by local jurisdictions. Waste disposal characterization studies (sorting conducted at landfills) will not be required annually, unless a lack of accurate information has contributed to the inability of a jurisdiction to meet the goals and objectives in its SRRE and to meet the statutory diversion mandates. A waste disposal characterization study will be required prior to the five-year revision of the SRRE.	Baseline disposal characterization data is contained in the Initial Solid Waste Generation Study within the SRRE each jurisdiction has submitted. In the future, data would be supplied to the Board under a mandatory reporting system by landfills and transformation facilities and will be aggregated and contained in an annual report prepared by the Board. Waste disposal characterization studies (sorting conducted at landfills) will not be required annually, unless a jurisdiction or disposal region fails to meet the statutory diversion mandates, or the disposal tonnages projected in the SRRE for any given year. A simplified uniform waste disposal characterization study will be required prior to the five-year revision of the SRRE.
Quality of Information	Disposal facilities may decline to submit information to local jurisdictions on amounts and origin of solid waste disposed. Because the disposal facility reporting system is not coordinated and uniform, the amounts reported by the separate jurisdictions using the landfill may not add up to the landfill quantity records submitted to the Board of Equalization. Disposal characterization information will be gathered using numerous different sampling methodologies, so the data may not always be easily compared or aggregated.	Disposal facilities would be required to submit information to the Board on amounts and origin of solid waste disposed. Because the disposal facility reporting system will be coordinated and uniform, the amounts disposed by the separate jurisdictions using the landfill will add up to the landfill quantity records submitted to the Board of Equalization. Disposal characterization information will be gathered using a single, simplified uniform sampling methodology, so the data will be easily compared or aggregated.
DIVERSION INFORMATION		
Source Reduction Quantity of Information	Baseline source reduction data is contained in the Initial Solid Waste Generation Study within the SRRE each jurisdiction has submitted. In the future, data would be supplied to the jurisdictions under a voluntarily reporting system by private industry, individuals, and public entities and will be contained in the annual reports submitted by local jurisdictions. In theory, all public and private source reduction must be quantified by local jurisdictions. The Board would conduct studies to determine efficient and effective source reduction programs and typical diversion rates for each. The difficulty and cost of quantifying source reduction may lead some jurisdictions to forego claiming source reduction and therefore escape the quantification requirements. More information on source reduction will be available, but quantification costs may reduce funds available for source reduction program implementation. This may discourage jurisdictions to pursue source reduction.	Baseline source reduction data is contained in the Initial Solid Waste Generation Study within the SRRE each jurisdiction has submitted. Private business and industry would no longer be subjected to numerous requests from nearby jurisdictions to quantify source reduction. No source reduction must be quantified by local jurisdictions. The Board would conduct studies to determine efficient and effective source reduction programs and typical diversion rates for each. Any legitimate diversion activity, including source reduction, which keeps waste from entering landfills will reduce the disposal tonnages, and therefore will count toward the diversion mandates. Less information on source reduction, but without the quantification costs there may be more funds available for source reduction program implementation. This may encourage jurisdictions to pursue source reduction.

TABLE 2 (Continued)

TOPIC	PRESENT GENERATION-BASED SYSTEM	STAFF PROPOSED SYSTEM
Quality of Information	The quality of source reduction data gathered by local jurisdictions varies greatly. Because there is no waste generated it is very difficult to quantify it accurately. This may lead a few jurisdictions to mistakenly claim exaggerated amounts of source reduction, while the majority of jurisdictions under-report source reduction because of the high quantification costs.	No source reduction data would be gathered by local jurisdictions. Jurisdictions would not be prevented from quantifying source reduction.
Recycling Quantity of Information	Jurisdictions are required to report all public and private recycling. Baseline recycling data is contained in the Initial Solid Waste Generation Study within the SRRE each jurisdiction has submitted. In the future, data would be supplied to the jurisdictions under a voluntarily reporting system by private recyclers and will be contained in the annual reports submitted by local jurisdictions. In the future, data would also be supplied to the jurisdictions under a voluntarily reporting system by private business, industry, and individuals and will be contained in the annual reports submitted by local jurisdictions. Recycling characterization studies will not be required annually, unless a lack of accurate information has contributed to the inability of a jurisdiction to meet the goals and objectives in its SRRE and to meet the statutory diversion mandates. A waste diversion study, including recycling data, will be required prior to the five-year revision of the SRRE.	Jurisdictions would not be required to report all public and private recycling. Baseline recycling data is contained in the Initial Solid Waste Generation Study within the SRRE each jurisdiction has submitted. In the future, data would be supplied to the Board under a mandatory reporting system by private recyclers and will be aggregated and contained in an annual report prepared by the Board. Private business and industry, other than recyclers, would no longer be subjected to numerous requests from nearby jurisdictions to quantify recycling activities which are incidental to the operation of their business. Recycling characterization studies will not be required annually, but each local jurisdiction (or region) will be required to report the amounts and types of waste diverted by recycling programs which are operated by the jurisdiction (or region). A waste diversion study, including recycling data, will not be required prior to the five-year revision of the SRRE, because the needed information will be gathered annually by the Board.
Quality of Information	Private recycling facilities may decline to submit information to local jurisdictions on amounts and origin of solid waste recycled. Because the diversion facility reporting system is not coordinated and uniform, the amounts reported by the separate jurisdictions using the recycler may not add up to the material quantity records submitted to the Department of Conservation. Recycling characterization information will be gathered using numerous different sampling methodologies, so the data may not always be easily compared or aggregated.	Private recycling facilities would be required to submit information to the Board on amounts and origin of solid waste recycled. Because the diversion facility reporting system will be coordinated and uniform, the amounts diverted by the separate jurisdictions using the recycler will add up to the material quantity records submitted to the Department of Conservation. Recycling characterization information will be gathered using a single, uniform reporting system, so the data will be easily compared or aggregated.

TABLE 2 (Continued)

TOPIC	PRESENT GENERATION-BASED SYSTEM	STAFF PROPOSED SYSTEM
Composting Quantity of Information	Jurisdictions would be required to report private composting activities, and they would be required to report jurisdiction operated composting programs. Baseline composting data is contained in the Initial Solid Waste Generation Study within the SRRE each jurisdiction has submitted. In the future, data would be supplied to the jurisdictions under a voluntarily reporting system by private permitted composting facilities and will be contained in the annual reports submitted by local jurisdictions. In the future, data would also be supplied to the jurisdictions under a voluntarily reporting system by private business, industry, and individuals who compost and will be contained in the annual reports submitted by local jurisdictions. Composting characterization studies will not be required annually, unless a lack of accurate information has contributed to the inability of a jurisdiction to meet the goals and objectives in its SRRE and to meet the statutory diversion mandates. A waste diversion study, including composting data, will be required prior to the five-year revision of the SRRE.	Jurisdictions would not be required to report private composting activities, but they would be required to report jurisdiction operated composting programs. Baseline composting data is contained in the Initial Solid Waste Generation Study within the SRRE each jurisdiction has submitted. In the future, data would be supplied to the Board under a mandatory reporting system by private permitted composting facilities and will be aggregated and contained in an annual report prepared by the Board. Private business and industry, other than composting facilities, would no longer be subjected to numerous requests from nearby jurisdictions to quantify composting activities which are incidental to the operation of their business. Composting characterization studies will not be required annually, but each local jurisdiction (or region) will be required to report the amounts and types of waste diverted by composting programs which are operated by the jurisdiction (or region). A waste diversion study, including composting data, will not be required prior to the five-year revision of the SRRE because the needed information will be gathered annually by the Board.
Quality of Information	Private composting facilities may decline to submit information to local jurisdictions on amounts and origin of solid waste composted. Because the diversion facility reporting system is not coordinated and uniform, the amounts reported by the separate jurisdictions using the composting facility may not add up to the material quantity actually processed. Composting characterization information will be gathered using numerous different sampling methodologies, so the data may not always be easily compared or aggregated.	Private composting facilities will be required to submit information to the Board on amounts and origin of solid waste composted. Because the diversion facility reporting system will be coordinated and uniform, the amounts diverted by the separate jurisdictions using the composter will add up to the material quantity actually processed. Composting characterization information will be gathered using a single, uniform reporting system, so the data will be easily compared or aggregated.
OTHER MARKET DEVELOPMENT IMPACTS		
Costs at multi-jurisdiction disposal and diversion facilities	Maintain current record keeping at multi-jurisdictional disposal and diversion facilities. Disposal and diversion facilities currently receive requests for information from numerous user jurisdictions; maintaining adequate records and responding to these information requests is voluntary.	Record keeping costs at multi-jurisdictional disposal facilities and multi-jurisdictional diversion facilities, and for multi-jurisdictional haulers might increase due to mandatory reporting to the State. However, the costs might be lower than under the present system because of the simplification of the reporting system, and the reduction in the number of entities requesting information (the Board, rather than numerous jurisdictions).
Information for market development, evaluation of diversion programs and a database	Provides information for market development activities and Interim Database. Questionable Quality of some data may impact market development activities and value of the Interim Database. More information on source reduction and some private diversion activities, but less accurate data.	Provides information for market development activities and Interim Database. The proposed system would require reporting total disposal tonnage, limited disposal characterization, and would institute a State-coordinated system for accurately tracking the diversion information on waste types which is needed for market development and evaluation of diversion programs. Less information on source reduction and some private diversion activities, but more accurate data.

100

TABLE 2 (Continued)

TOPIC	PRESENT GENERATION-BASED SYSTEM	STAFF PROPOSED SYSTEM
Responsibility for development and identification of markets	Local jurisdictions responsible for developing and identifying markets with continuing assistance from the State.	Local jurisdictions continue to be responsible for developing and identifying markets with continuing assistance from the State.
Use of waste hierarchy	Information submitted on waste generation, diversion and disposal allows jurisdictions and the Board to evaluate use of the waste hierarchy.	All appropriate diversion activities may count equally toward the diversion goals. However, information on diversion programs other than source reduction will be gathered for market development and program evaluation. The lack of required source reduction data may make it difficult for local jurisdictions and the Board to evaluate source reduction's role within the mandated waste management hierarchy.
Board Annual Reports on Disposal and Diversion	The Board produces many reports, many of which contain some information on disposal and diversion information from SRREs and other sources.	The Board would produce an annual report containing disposal and diversion information by waste type and jurisdiction (or disposal region), as well as regional and statewide totals. The information would be gathered from the reports submitted by landfills, transformation facilities, private recyclers, composting facilities, and local jurisdictions. Because this information would be gathered in a coordinated and uniform manner, it would be more accurate and valuable for market development activities.
Local Jurisdiction Annual Reports	No change. Annual reports due each year after submission of CIWMP. Reports must contain quantitative information on the jurisdiction's disposed (all landfill and transformation) and diverted (all source reduction, recycling, and composting) waste stream. Information will be gathered through the monitoring system described by the jurisdiction in the Solid Waste Generation Study, or by additional waste characterization performed by the jurisdiction. Reports also must contain qualitative information on changes to the wastestream and diversion program.	Simplified annual reports due each year after submission of CIWMP. Reports must contain quantitative information on diversion programs (recycling and composting) operated by the jurisdiction. This information will be gathered through a monitoring system designed by the jurisdiction. Limited disposal characterization studies needed only if the projected disposal tonnages are not met. Jurisdictions would not be required to report private diversion activities or source reduction activities. Reports also must contain qualitative information on changes to the wastestream and diversion program.

ITEM 7 WAS CONSIDERED AT THE BOARD'S PERMITTING AND ENFORCEMENT COMMITTEE ON 7-8-92.

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 7-8-92 PERMITTING AND ENFORCEMENT COMMITTEE PACKET AND NEED THE STAFF REPORT FOR THIS ITEM, CONTACT JOANNE VORHIES AT (916) 255-2156.

ITEM 8 WAS CONSIDERED AT THE BOARD'S PERMITTING AND ENFORCEMENT COMMITTEE ON 7-15-92.

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 7-15-92 PERMITTING AND ENFORCEMENT COMMITTEE PACKET AND NEED THE STAFF REPORT FOR THIS ITEM, CONTACT JOANNE VORHIES AT (916) 255-2156.

ITEM 9 WAS CONSIDERED AT THE BOARD'S PERMITTING AND ENFORCEMENT COMMITTEE ON 7-15-92.

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 7-15-92 PERMITTING AND ENFORCEMENT COMMITTEE PACKET AND NEED THE STAFF REPORT FOR THIS ITEM, CONTACT JOANNE VORHIES AT (916) 255-2156.

ITEM 10 WAS CONSIDERED AT THE BOARD'S PERMITTING AND ENFORCEMENT COMMITTEE ON 7-15-92.

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 7-15-92 PERMITTING AND ENFORCEMENT COMMITTEE PACKET AND NEED THE STAFF REPORT FOR THIS ITEM, CONTACT JOANNE VORHIES AT (916) 255-2156.

ITEM 11 WAS CONSIDERED AT THE BOARD'S PERMITTING AND ENFORCEMENT COMMITTEE ON 7-15-92.

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 7-15-92 PERMITTING AND ENFORCEMENT COMMITTEE PACKET AND NEED THE STAFF REPORT FOR THIS ITEM, CONTACT JOANNE VORHIES AT (916) 255-2156.

ITEM 12 WAS CONSIDERED AT THE BOARD'S PERMITTING AND ENFORCEMENT COMMITTEE ON 7-15-92.

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 7-15-92 PERMITTING AND ENFORCEMENT COMMITTEE PACKET AND NEED THE STAFF REPORT FOR THIS ITEM, CONTACT JOANNE VORHIES AT (916) 255-2156.

ITEM 13 WAS CONSIDERED AT THE BOARD'S PERMITTING AND ENFORCEMENT COMMITTEE ON 7-15-92.

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 7-15-92 PERMITTING AND ENFORCEMENT COMMITTEE PACKET AND NEED THE STAFF REPORT FOR THIS ITEM, CONTACT JOANNE VORHIES AT (916) 255-2156.

ITEM 14 WAS CONSIDERED AT THE BOARD'S PERMITTING AND ENFORCEMENT COMMITTEE ON 7-15-92.

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 7-15-92 PERMITTING AND ENFORCEMENT COMMITTEE PACKET AND NEED THE STAFF REPORT FOR THIS ITEM, CONTACT JOANNE VORHIES AT (916) 255-2156.

ITEM 15 WAS CONSIDERED AT THE BOARD'S PERMITTING AND ENFORCEMENT COMMITTEE ON 7-15-92.

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 7-15-92 PERMITTING AND ENFORCEMENT COMMITTEE PACKET AND NEED THE STAFF REPORT FOR THIS ITEM, CONTACT JOANNE VORHIES AT (916) 255-2156.

ITEM 16 WAS CONSIDERED AT THE BOARD'S PERMITTING AND ENFORCEMENT COMMITTEE ON 7-15-92.

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 7-15-92 PERMITTING AND ENFORCEMENT COMMITTEE PACKET AND NEED THE STAFF REPORT FOR THIS ITEM, CONTACT JOANNE VORHIES AT (916) 255-2156.

2012 H Street
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Public Relations & Public Affairs

July 15, 1992

The Hannaford Company, Inc.

Hon. Michael Frost, Chairman
California Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, CA 95826

Recycling Credit for Used Tires

Dear Chairman Frost:

On behalf of my client, Manhole Adjusting, Inc. (MAI), I would like to comment on the staff proposal for diversion quantification system. It appears the proposal would simplify and increase the effectiveness of the present waste management planning process. However, further consideration of how it may affect recycling of used tires is appropriate.

Because of its circumstances, MAI has practical experience in many of the aspects of used tires in the waste stream. On May 13, 1992 I wrote a letter, copy enclosed, to the Board, suggesting a process for diversion credits for used tires when asphalt-rubber is utilized by a local agency. Mr. Ralph Chandler responded to me on behalf of the Board by letter, copy enclosed, dated July 6, 1992. The letter contains staff analysis of the law and its questions regarding the MAI proposal. All of this is surrounded by several very cooperative meetings with staff, and I am pleased with the positive attitude of everyone I have come in contact with. In an attempt to be equally positive and cooperative, I would like to suggest that the staff proposal be expanded in a small, but important, manner.

Used tires are a significant part of the waste stream. They amount to approximately one percent, but this is magnified because of the difficulty in disposing them and the nuisance caused if not done in a proper and expensive way. Few disposal facilities accept them. At the same time, used tires are being generated universally throughout the state. The end result is a statewide activity which impacts the waste stream in a significant way at a relatively small number of locations.

Other than transformation, there is only one major activity that will result in recycling used tires. This is in the utilization of asphalt pavement containing recycled rubber tires. MAI produces this pavement and a great deal of information has been provided to the Board on this subject. Federal law requires the use of this pavement and Caltrans now accepts it as a standard type of pavement. It appears there is no reason the combination of these developments won't make the use of the pavement a common occurrence. The questions will be over the time this takes and the ease in following the rules.

Therefore, we would urge the Board to add a provision to the staff proposal that would allow the Board to address specific items in the waste stream on a statewide basis. This would be appropriate for used tires, and there may be other items that create a statewide problem which are difficult to address on a local or regional level. The authority of the Board should be broad enough to allow the state to demonstrate to the federal government the utilization of asphalt pavement containing recycled rubber as mandated in the Intermodal Surface Transportation Efficiency Act of 1991, as well as meeting the intent and purposes of California's laws regarding recycling.

Statutory authority granted to the Board should allow the determination of how to identify the source of the item. Various types of activities should be able to be considered to determine what will best reduce or eliminate the specific item from the waste stream. The proposal MAI submitted for consideration on May 13, 1992 is one possibility. Admittedly, there is no perfect solution, however, this proposal does have simplicity and, hopefully, effectiveness in its favor.

I will be in attendance at the meeting on July 16, 1992 and will be happy to answer any questions.

Respectfully,

Nancy W. Lungren
vice president

cy:
IWMB Members
Wesley Chesbro
Sam Egigian
Jesse R. Huff
Kathy Neal
Paul Relis

continued
cy:

Ralph Chandler
Martha Gildart
Bob Boughton
Lorraine Van Kekerix
Tom Reitz
Claire Miller
Don Dier
Kipp Lipper
John Corcoran
Don Reisner

STATE OF CALIFORNIA

Pete Wilson, Governor

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

July 6, 1992

Ms. Nancy W. Lungren
The Hannaford Company, Inc.
2012 H Street, Suite 103
Sacramento, CA 95814

Dear Ms. Lungren:

Recycling Credit For Used Tires

California Integrated Waste Management Board (CIWMB) staff have received your proposal for allowing recycling credit for using waste tires as an alternative ingredient to paving material.

As stated in the proposal, Asphalt-Rubber (A-R), containing tire buffing or granulated rubber (not crumb rubber), is used as paving material. Approximately 1,600 tires/mile of two-lane road may be utilized in this process.

The proposal requests clarification on whether A-R, if used in local paving projects, will allow a jurisdiction to receive diversion credits. The proposal also asks the CIWMB to allow jurisdictions to receive residual diversion credit for reducing used tires from the solid waste stream, up to the number of used tires produced within a jurisdiction.

The Board staff realizes that the use of A-R for paving material could eliminate many problems associated with legal and/or illegal disposal of tires such as: 1) difficulty in landfilling, since tires occupy a large volume; 2) many landfills no longer accept tires and, thus, tires end up in stockpiles; and 3) stockpiled tires may contribute in the spread of vector born diseases, etc.

Before this proposal can be implemented, there are some solid waste management issues and concerns related to existing regulatory and statutory requirements which need to be addressed.

Under current statute and regulations, a jurisdiction generating and diverting waste tires from its permitted landfill may obtain the diversion credit, while a jurisdiction merely using recycled material (in this case, A-R for paving roads) does not qualify for diversion credit, unless the recycled material used was obtained from the waste tires specifically generated by the jurisdiction. Also, current regulations do not address the issue of residual diversion credits.

In addition, the following conditions must be met before a jurisdiction can count such diversion under current statutes and regulations:

a) A jurisdiction must have "normally disposed of" [as defined in Title 14, California Code of Regulations (14 CCR) section 18720 (a)(44)] tires in permitted solid waste landfills, as of January 1, 1990.

According to the report "Tires As A Fuel Supplement: Feasibility Study", January 1992, prepared by the Board, many landfills do not accept used tires for disposal, which contributes to stockpiling. As specified in Public Resources Code (PRC) section 42830 (a), a waste tire facility where, at any time, 500 or more waste tires are stored or stockpiled, accumulated, or discarded must obtain a waste tire facility permit. Staff is concerned how the requirements under the definition of normally disposed of will be satisfied if the landfill a jurisdiction is using does not accept tires for disposal and tires are stockpiled at an unpermitted facility.

b) A jurisdiction must not double or multiple count solid wastes that are diverted from disposal by recycling, composting, and source reduction [14 CCR section 18722 (n)].

- Local jurisdictions, in conjunction with the Board, may be able to develop a comprehensive tracking system so double counting does not occur. The tracking system necessary to eliminate double or multiple counting could, however, be complicated.

c) According to 14 CCR section 18724 (d), a jurisdiction that seeks to count a specific waste type towards its statutory diversion mandates must identify such waste type in its initial solid waste generation study.

d) According to 14 CCR section 18722 (o), a jurisdiction must prepare a reporting system which will, as accurately as possible, quantify data reported from local governments, special districts, solid waste haulers, solid waste facility operators, scrap dealers, recycling facilities, recycling programs, and source reduction programs. This procedure must be separately outlined in the solid waste generation study.

e) Please be advised that a jurisdiction should claim diversion credit for only that net quantity to which it is entitled. Claiming diversion credit for the total tire weight for the production of A-R would not be accurate, because the total weight of the tire also includes the weight of fabric and

steel material and these materials are not used in making A-R. This can result in over estimating the amount of diversion credit. Therefore, staff suggests a jurisdiction should have a tracking system in place which will separate out:

- The actual percent weight of rubber which is generated from the used tire, and which ultimately will be used in the production of A-R; and

- The percent of steel wire, which would be defined as scrap metal and which may not be allowed to be counted towards diversion credit.

f) After 1995, some jurisdictions will be able to claim up to 10% diversion credit for tires through incineration. This raises two questions if a jurisdiction decides to use both diversion methods:

1) How will the tire tracking system be set up, and by whom?

2) How will the diversion credit be distributed properly between:

a) diversion through incineration (where the whole tire except the steel is converted into fuel), and

b) reprocessing some portion of waste tires into A-R?

The Manhole Adjusting, Inc. proposal contained in your letter does not appear to address all of the statutory and regulatory requirements discussed above. If a jurisdiction does not meet the statutory and regulatory requirements, it will not be able to claim diversion credit for use of tires to produce A-R.

There are two legislative proposals under consideration which, if enacted, could change the current statutory requirements regarding diversion credit. These two bills are Assembly Bill 2494 (Sher) and Senate Bill 1955 (Morgan). These bills propose to change the law <u>from</u> requiring jurisdictions to measure diversion and disposal <u>to</u> requiring jurisdictions to measure only disposal. If such legislation is enacted, jurisdictions would likely be less concerned about receiving diversion credit and would likely place greater emphasis on measuring waste disposal. The Board staff would be required to rewrite the regulations regarding measurement of diversion if the legislation is enacted.

Board staff agree that diversion of tires from landfills is desirable. The Board staff appreciate knowing of potential problems regarding diversion credit for production and use of A-R

and having an opportunity to review your proposal. If you have further questions, please call Yasmin Satter of the Board's staff at (916) 255-2337.

Respectfully,

Ralph E. Chandler
Executive Director

May 13, 1992

Mr. Ralph E. Chandler
Executive Director
Integrated Waste Management Board
8800 Cal Center drive
Sacramento, California 95826

Subject: Recycling credits for used tires

Dear Ralph:

Enclosed for the Board's review is a proposal for determining recycling credits for used tires devised by research staff at Manhole Adjusting Inc. This proposal was presented to a few Southern California government agencies for comment and the feedback has been favorable. These same government planners are desperate for direction from the state regarding acceptable tire recycling programs which qualify for diversion credits.

The question most often asked of MAI's representatives: If asphalt-rubber is used in local paving projects. will the locality be able to receive diversion credits. This is the focus of our concern.

The State is benefitted by the adoption of the A-R paving product by local agencies, as it helps to solve a statewide problem: elimination of unsanitary, unsightly tire stockpiles. Most knowledgeable city planners are comfortable with the asphalt-rubber process not merely because CalTrans has designed specifications for its use and the federal transportation agency has mandated inclusion of tire rubber in federally funded roads, but because asphalt-rubber is a superior pavement product and a sensible use of taxpayers' dollars. To this end, waste tires will be quickly diverted from landfills as more local agencies seek to meet diversion requirements for their asphalt-rubber paving jobs.

I would emphasize that asphalt-rubber is not a generic term to be associated with any version of asphalt-pavement, nor should it be confused with inferior "trashphalt", e.g. porcelain toilets, or PVC (plastic piping) products. Asphalt-rubber is distinguished by its ability to enhance the performance of the pavement, not as a mere filler which compromises the integrity of the road.

Through simple, coordinated efforts with local agencies the IWMB can spur the recycling of waste tires for diversion credits to the point that demand will exceed the supply. It is a win-win situation: better, long-lasting roads and elimination of ugly tire stockpiles. However, the Board should try to understand this proposal from the standpoint of local agencies, cities and counties. If the locality can account for a certain poundage of tire rubber used in a paving job, shouldn't the locality receive diversion credits?

The local agencies want direction and the time for action appears to be now: we encourage the Board to test the diversion credit program with a narrow focus on tires. We invite the Board to set in motion a simple program from which local agencies can successfully recycle tires through the application of asphalt-rubber, and receive diversion credits. From this simple program, other recycling-diversion credit programs can be designed.

We offer this proposal for your comment and hopeful incorporation into a test program for diversion credit application. For further information, please feel free to contact Ms. Donna Carlson or Mr. John Corcoran, MAI, (213) 725-1387. As always, I am happy to respond to any questions or concerns you might have.

Sincerely,

Nancy W. Lungren
vice president

cy: John Corcoran
Don Reisner
Don Dier
Kipp Lipper
IWMB:
Michael Frost
Wesley Chesbro
Sam Egigian
Jesse R. Huff
Kathy Neal
Paul Relis

RECYCLING CREDITS FOR USED TIRES

1. IWMB shall determine, on an annual basis, the estimated number of used tires that will be developed within the state during the coming year.

2. Each local agency with responsibilities to reduce solid waste production will have a percentage of used tires developed within its jurisdiction. The IWMB may establish that percentage by looking to vehicles registered in the local agency as compared to the total vehicles in the state.

3. By using asphalt-rubber pavement, a local agency will be given a credit toward reducing used tires from the solid waste stream up to the number of used tires produced within its jurisdiction (credit may be given for asphalt-rubber pavement used by CalTrans within the local agency's jurisdiction). Residual credits towards future years should be given to allow for larger projects. This may be limited to five years.

4. Large tires for heavy, commercial or construction equipment or vehicles should be addressed separately.

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

Wednesday, July 29, 1992
meeting of the

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

REGULAR MONTHLY BUSINESS MEETING

Wednesday, July 29, 1992
10:00 a.m.

City Hall Council Chambers
333 West Ocean Blvd.
Long Beach, CA 90802

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.

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1. CONSIDERATION OF CONSENT AGENDA ITEMS

2. REPORTS OF THE BOARD'S COMMITTEES

3. CONSIDERATION OF CONTRACTS AND INTERAGENCY AGREEMENTS 1

4. CONSIDERATION OF STATE LEGISLATION - AB 260 (EPPLE); AB 375 (ALLEN); AB 2292 (HANNIGAN); AB 2496 (SHER); AB 2661 (CHANDLER); AB 3001 (CORTESE); AB 3024 (ROYBAL-ALLARD); AB 3117 (BATES); AB 3789 (WOODRUFF); SB 610 (CALDERON); SB 2061 (LESLIE); (LEGISLATION & PUBLIC AFFAIRS COMMITTEE) 2

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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:
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CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

JULY 29, 1992

AGENDA ITEM 3

ITEM: Consideration of Contracts and Interagency Agreements

BACKGROUND:

Staff is proposing that an interagency agreement (IWM-C042) with the CSU Trustees be amended to extend its term to December 31, 1992. Board action is needed to facilitate its approval by the Department of General Services.

ANALYSIS:

In February 1992, the Board approved an amendment to IWM-C042 which provided additional funds ($200,000) for graphic services to be provided on an as-needed basis. The term of the agreement was not extended at that time and in order for the CSU Trustees to provide the graphic services requested by the Board, the agreement must be extended until December 31, 1992.

The total contract amount will not be affected by this amendment.

Prepared by : Dennis Meyers DJM — Phone 255-2634
Reviewed by : Bob Del Agostino — Phone 255-2259
Legal Review : _____ — Date/Time 7-20-92

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

July 29, 1992

Agenda Item #4

ITEM: Consideration of State Legislation

BACKGROUND:

At the July 9, 1992, meeting of the Legislation and Public Affairs Committee (LPAC), Board legislation staff provided the Committee with a status report on 1992 legislation related to integrated waste management. In addition, the LPAC reviewed a number of bills and recommended positions for the Board's consideration. The Committee's recommendations and other actions on state bills are summarized under "Committee Action" below.

COMMITTEE ACTION:

The LPAC reviewed several state bills and recommended positions for eight of the bills. In addition, some bills were forwarded to the full Board without a Committee recommendation, others were presented to the Committee as information items only, and some bills were removed from the LPAC and not discussed. A summary of the Committee's actions and recommendations to the Board on state legislation follows:

- **AB 260 (Epple) -- Transformation Credit: Ash Recycling**
  This bill allows cities and/or counties which manage a specified percentage of their waste at a transformation facility (and which did so as of 1/1/90), to share credit for the diversion of ash from such facilities if specified criteria are met. The bill is currently in the Senate Appropriations Committee.

  LPAC RECOMMENDATION: Forwarded to the Board for a position without recommendation from the LPAC. (Staff expressed a number of concerns about the current version of the bill, but because indications are that the bill will be substantially amended, the LPAC chose to forward the bill to the Board without recommendation.)

- **AB 375 (Allen) -- California Environmental Quality Act**
  The bill requires responsible or public agencies under CEQA to submit to the lead agency complete and detailed performance objectives for mitigation measures which address significant environmental effects of the natural resources affected by the project. This bill is currently in the Senate Appropriations Committee.

  LPAC RECOMMENDATION: (2-0) Defer to Cal/EPA.

- **AB 1122 (Sher) -- Cal/EPA Reorganization**
  Prescribes specific powers and duties to the Cal/EPA relating to their relations with the boards and departments within the agency and creates an environmental enforcement program to increase enforcement action against polluters. The bill is currently in the Senate Appropriations Committee.

  LPAC RECOMMENDATION: No recommendation or action; this was presented to the LPAC as an informational item.

- **AB 1490 (Eastin) -- Department of Conservation**
  AB 1490 would disband the Department of Conservation (DOC) and transfer functions related to mining and geology, oil and gas, geothermal resources, and resource conservation to the State Lands Commission. The bill would also transfer functions related to recycling (Beverage Container Act) to the California Integrated Waste Management Board (CIWMB).

  LPAC RECOMMENDATION: No recommendation or action; this was presented to the LPAC as an informational item.

- **AB 2292 (Hannigan) -- Banned, Unregistered, or Outdated Agricultural Waste**
  The bill expands the definition of "eligible participant" for an existing county agricultural waste collection program. The bill is currently in the Senate Appropriations Committee.

  LPAC RECOMMENDATION: (2-0) Defer to Department of Pesticide Regulation.

- **AB 2466 (Farr) -- Land Use Permits**
  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. The bill is currently in the Senate Appropriations Committee.

  LPAC RECOMMENDATION: No recommendation or action; this was presented to the LPAC as an informational item.

- **AB 2496 (Sher) -- Environmental Advertising**
  The bill revises the definition of "biodegradable" and "photodegradable" for purposes of state environmental advertising law. This bill is currently on the Senate Inactive File.

LPAC RECOMMENDATION: (2-0) Support.

- **AB 2661 (Chandler) Rice Straw**
  AB 2661 would require the CIWMB to evaluate rice straw as landfill cover material or extender by 1/1/94. The bill is currently on the Senate Floor.

  LPAC RECOMMENDATION: (2-0) Support.

- **AB 3001 (Cortese) -- Siting Elements/Conformance Procedures.**
  Limits solid waste facility conformance findings to land disposal and transformation facilities and limits solid waste facilities required to be included in the siting element (of the Countywide Integrated Waste Management Plan) to disposal and transformation only. The bill is currently in the Senate Appropriations Committee.

  LPAC RECOMMENDATION: (2-0) Support, if Amended.

- **AB 3024 (Roybal-Allard) -- Project Site Demographics**
  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. The bill is currently in the Senate Appropriations Committee.

  LPAC RECOMMENDATION: (2-0) Support.

- **AB 3117 (Bates) -- Minimum Content/Paper and Plastic Bags**
  The bill would make several legislative findings and declarations regarding the reduction in use, reuse, and recycling of paper bags. One finding directs the CIWMB to communicate the legislative declarations and findings to AB 3117 to cities and counties. The bill has been vetoed by the Governor.

  LPAC RECOMMENDATION: (2-0) Neutral.

- **AB 3322 (Sher) -- Permits**
  Requires the CIWMB and local enforcement agencies to establish a program to expedite the review of solid waste facility permits in order to reduce unnecessary delay. The bill is currently in the Senate Appropriations Committee.

  LPAC RECOMMENDATION: This bill was removed from the LPAC agenda.

- **AB 3789 (Woodruff) -- Cement Kiln Dust**
  Requires Cal/EPA to contract for a study to determine if specified criteria in hazardous waste regulations should apply to cementitious wastes. Also requires the Secretary of Environmental Protection to appoint a technical advisory committee to assist in the selection or the contractor and to provide technical assistance during the study. The bill is currently in the Senate Appropriations Committee.

  LPAC RECOMMENDATION: (2-0) Defer to Cal/EPA.

- **SB 51 (Torres) -- Cal/EPA**
  Enacts the Pollution Prevention Act of 1991. The bill also makes statutory changes to conform to the GRP No. 1 of 1991. The bill is currently in the Assembly Environmental Safety & Toxics Material Committee.

  LPAC RECOMMENDATION: No recommendation or action; this bill was presented as an informational item to the Committee.

- **SB 610 (Calderon) -- Solid Waste Facilities**
  Requires that financial assurance mechanisms for solid waste disposal facilities, for closure/postclosure maintenance costs, be the same as authorized by any federal financial assurance regulations.

  LPAC RECOMMENDATION: Referred to the full Board without recommendation.

- **SB 1565 (no author) -- Resources: Fees and Revenues**
  Would transfer $2.248 million from the CIWMB (from the Integrated Waste Management Account) to the Water Protection Fund at the SWRCB. The bill is currently on the Assembly Floor.

  LPAC RECOMMENDATION: This bill was removed from the LPAC agenda.

- **SB 1596 (Maddy) -- Environmental Permits**
  Establishes an Office of Permit Oversight within the Cal/EPA, and would allow pre-certification programs and "bubble permits" to expedite the review of environmental permits. The bill is currently in the Assembly Natural Resources Committee.

  LPAC RECOMMENDATION: This bill was removed from the LPAC agenda.

- **SB 2061 (Leslie) -- Training and Technical Assistance for Locals. Solid Waste Facilities: Wood Waste**
  Requires the CIWMB, when providing training and technical assistance and guidance to local jurisdiction, 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. In addition, the bill requires the CIWMB to adopt regulations for the operation of solid waste facilities that accept only nonhazardous wood waste, as specified, by January 1, 1994. The bill is currently in the Assembly Natural Resources Committee.

  LPAC RECOMMENDATION: (2-0) Support if Amended.

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) Summary listing and status report for 1992 legislation.

2) Analyses and copies of bills: AB 260 (Epple), AB 375 (Allen), AB 2292 (Hannigan), AB 2496 (Sher), AB 2661 (Chandler), AB 3001 (Cortese), AB 3024 (Roybal-Allard), AB 3117 (Bates), AB 3789 (Woodruff), SB 610 (Calderon), SB 2061 (Leslie).

Prepared by: Legislative Staff Phone: 255-2206

Reviewed by: Dorothy Fettig Phone: 255-2208

Legislative and Public Affairs Committee

BILL REPORT

Board for 7/29/92 Board Meeting California Integrated Waste Management Board	Author Epple	Bill Number AB 260
Sponsor	Related Bills	Date Amended July 19, 1992

BILL SUMMARY

AB 260 qualifies cities or counties which as of January 1, 1990 disposed of 75% or more of their solid waste by transformation, to request that the California Integrated Waste Management Board reduce their waste diversion requirements, if specified additional conditions are met by such cities or counties.

BACKGROUND

The recent amendments to AB 260 (Epple) reflect the author's continuing efforts to assist the City of Lakewood to comply with the waste diversion requirements of AB 939 of 1989. Lakewood disposes of the vast majority of its solid waste at the SERRF waste-to-energy facility in Long Beach; because of this, the city may be unable to meet the law's 25% and 50% waste diversion requirements. Lakewood has adopted a Source Reduction and Recycling Element (SRRE), and has communicated with CIWMB staff on a number of occasions about the feasibility under the law of "sharing" diversion credit for recycled ash from SERRF -- Lakewood has been interested in pursuing ash credit because of their concern that without such credit they will not meet the diversion requirements.

Lakewood had not pursued the current law provision which allows jurisdictions which use waste-to-energy facilities to petition the Board for a reduction in the diversion requirements, because they do not feel that they can meet the conditions for use of this process which are established in current law. With the revisions to the eligibility requirements for this diversion reduction provision which are proposed in the current version of AB 260, Lakewood believes that they could petition the Board for a reduction.

EXISTING LAW

Current law requires that cities and counties divert 25% of solid waste from disposal or transformation facilities by 1995 (through source reduction, recycling and composting) and 50% by the year 2000. Current law contains provisions concerning the use of transformation, as follows:

DEPARTMENTS THAT MAY BE AFFECTED

Committee Recomendation	Committee Chair	Date

1) Cities and counties can utilize transformation to account for not more than 10% of the year-2000 requirement that 50% of solid waste be diverted from disposal. In order to be eligible for this 10% credit, specified conditions must be met (including that the transformation project uses front-end methods to remove recyclables prior to incineration, that the ash from such facilities is routinely tested and disposed of as a hazardous waste if it tests hazardous, and that a public hearing for specified purposes is held in the jurisdiction).

2) The California Integrated Waste Management Board (CIWMB) is authorized to reduce the 25% and 50% diversion goals for cities and counties which on or before January 1, 1989 disposed of 75% or more of their solid waste by transformation, if two specific conditions are met (that attainment of the goals would impair contracts to furnish solid waste for fuel, and that attainment of the goals would interfere with repayment of debt incurred to finance or refinance the transformation project).

3) "Transformation" is defined for the purposes of the Integrated Waste Management Act as "incineration, pyrolysis, distillation, gasification, or biological conversion other than composting".

ANALYSIS

AB 260 revises the current law provision which authorizes the Board to lower the diversion requirements for cities or counties which were disposing of 75% or more of their solid waste by transformation as of January 1, 1989, as follows:

1) Advances by one year (from January 1, 1989 to January 1, 1990) the date which determines jurisdictions' eligibility for a reduction in diversion requirements for transformation.

2) Changes the current law requirement that 2 specific conditions be met to qualify for a reduction, to a requirement that one of these conditions be met.

3) Defines "substantial impairment of the obligations or terms of a contract" (for purposes of the condition that attainment of the waste diversion goals would result in substantial impairment of contracts to furnish solid waste for fuel) as including an increase of 15% in the costs to a city to meet the AB 939 diversion requirements.

COMMENTS

CIWMB Staff Concerns

Board staff have a number of concerns about the sharing of ash recycling credit by cities/counties which are not the host jurisdiction for the waste-to-energy facility which generates the ash. The concern is that under AB 939, diversion credit accrues to the jurisdiction which directly diverts material from land disposal. The ash from a transformation facility is generated in the jurisdiction hosting that facility (in other words, for the SERRF facility, Long Beach is the generator of the ash) and therefore any credit for recycling or reuse of that ash would accrue to that host jurisdiction, rather than to jurisdictions which dispose of their solid waste at the transformation facility.

The issues are similar to discussions which have occurred concerning credit for sludge which is recycled from a waste-water treatment plant, or tires which are used in a modified asphalt application or which are burned in a tires-to-energy facility (and from which ash or other residue is subsequently recycled). Staff point out that there are a number of inherent difficulties in authorizing multiple jurisdictions to claim diversion credit for recycling of residues from a central facility (i.e. waste-water treatment, waste-to-energy, etc.), ranging from "double counting" diversion, to the complexity of determining how any such credit should be divided among the jurisdictions using the central facility. In addition, equity questions for the jurisdiction where such facilities are located are unresolved.

The recent amendments to the bill remove all reference to sharing of diversion credit for ash recycling and thus remove the staff concerns outlined above.

Impact of Disposal-Based Reporting System

It should be pointed out if current law is revised to require jurisdictions and the Board to track diversion progress through a "disposal-based" reporting system, rather than with the current law system of tracking diversion directly, the issues raised by the prior version of this bill (and in other discussions concerning the sharing of diversion credit from shared facilities) will be resolved, because it will no longer be necessary for jurisdictions to track diversion programs. The Board's staff proposal for revising AB 939 recommends a shift to disposal-based reporting, as do AB 2494 (Sher) and SB 1955 (Morgan).

Impact on Other Jurisdictions

Board staff have conducted a preliminary review of jurisdictions which send waste to one of the three waste-to-energy facilities which were operating in the state in 1989 (and which are therefore impacted by the current law provision authorizing reductions in the diversion mandates for jurisdictions which send waste to such facilities). It appears that applying the reduction provision as contained in current law, no jurisdiction in the state is eligible.

Board staff believe that the language proposed by Lakewood in the current version of AB 260 would enable only Lakewood (and no other city/county) to qualify for a potential reduction (based on Board approval of such a request). This appears to be primarily due to the fact that as of January 1, 1990, no other jurisdictions were sending 75% or more of their waste to a waste-to-energy facility. In addition, many communities which send waste to these facilities do not have contracts requiring them to do so (contracts in existence as of 1/1/90 are one of the eligibility requirements for the transformation-related diversion reduction). It should be noted that under current law (or as proposed for revision by AB 260), the host communities for the three existing transformation facilities (Long Beach, Commerce and Stanislaus County) are not eligible for diversion requirement reductions.

Staff have also noted that some of the language in the current version of AB 260 may be unnecessarily restrictive; in particular, the reference to the need for a city to have entered into a contract for a term of "20 years with a joint powers authority operating a transformation facility" may jeopardize the eligibility of a city with a lesser-term contract. It may be more appropriate to reference contracts which extend to the current planning period of the year 2000 (although, as noted earlier, no other cities may be eligible in any case, due to the 75% waste disposed requirement).

LEGISLATIVE HISTORY

AB 260 was introduced on January 7, 1991 and has passed the Assembly Local Government Committee (consent), the Assembly Floor (75-0), and the Senate Governmental Organization Committee (7-0). The bill is currently on the Senate Appropriations Committee; (no date set). (The prior versions of the bill did not relate to integrated waste management issues, so only the latest vote is relevant to the current bill.)

FISCAL IMPACT

The bill should not result in increased costs to the Board, as the Board is required under current law to review and act upon requests by jurisdictions for transformation-related reductions in the waste diversion requirements.

Legislative and Public Affairs Committee

BILL REPORT

Board ~~for 7/29/92 Board meeting~~ California Integrated Waste Management Board	Author Allen	Bill Number AB 375
Sponsor	Related Bills AB 3076	Date Amended July 6, 1992

BILL SUMMARY

AB 375 would place new requirements on government agencies under the California Environmental Quality Act (CEQA) for monitoring mitigation measures.

BACKGROUND

The author has introduced this bill to authorize substitution of permit conditions for separate reporting or monitoring programs as a means for mitigation monitoring. The author believes that existing law is ambiguous as to whether the present requirement, that an agency adopt a mitigation reporting or monitoring program, can be met through stringent conditions of approval. According to the author, the bill also requires responsible agencies to provide the lead agency with detailed information on recommended mitigation measures so that the lead agency will be able to include these measures as permit conditions.

EXISTING LAW

(1) Lead agencies (the public agency with primary responsibility for permitting or implementation of a project) under CEQA are required to insure that projects which they approve mitigate or avoid significant effects on the environment.

(2) Section 21081.6 of the Public Resources Code requires that, for those changes which have been required by or incorporated into the project at the request of the agency having jurisdiction over the resource affected by the project, the public agency must, if so requested by the lead agency, prepare and submit a proposed reporting or monitoring program.

ANALYSIS

AB 375 would require lead agencies to adopt mitigation measures as a condition of project approval as part of the reporting or monitoring program required under existing law (for those projects where mitigation is necessary). The conditions for project approval may be set forth in referenced documents which address required mitigation measures.

DEPARTMENTS THAT MAY BE AFFECTED

Department of Toxic Substances Control, State Water Resources Control Board, Department of Pesticide ~~Regulation, and the Air Resources Board~~

Committee Recomendation	Committee Chair	Date
Defer to Cal/EPA		7/21

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In addition, the responsible agency or public agency having jurisdiction over natural resources affected by the project, would be required to submit to the lead agency complete and detailed performance objectives for mitigation measures prior to the close of the public review period for the draft environmental impact report (EIR) or mitigated negative declaration. The bill would declare that an agency's compliance or noncompliance with the bill's requirement to prescribe performance objectives would not limit their authority to approve a project.

The CIWMB is primarily affected by AB 375 in our role as a responsible agency under CEQA (30-day comment period) by being required to submit to the lead agency complete and detailed performance objectives for mitigation measures.

COMMENTS

The bill would inappropriately require the CIWMB, as a responsible agency, to adopt performance objectives for individual facilities within the 30 day comment period. The CIWMB could not reasonably be asked to apply performance objectives to individual facilities, given the technical constraints (i.e., a site's unique geology), within this short timeframe. This requirement should be deleted from the bill.

Moreover, this section could increase the CIWMB's liability by mandating that the responsible agency specify the manner of compliance for mitigation measures. If the mitigation measure fails, the CIWMB could be open to legal action. The bill, by requiring the CIWMB to adopt complete and detailed objectives for each mitigation measure, would result in significant workload increases and is impractical given the rapid changes in solid waste facility technology. Finally, the responsibility for proposing mitigation measures could be indirectly transferred to the CIWMB if the project proponent fails to propose acceptable mitigation measures.

AMENDMENTS

The bill should be amended to delete the requirement that responsible agencies prepare complete and detailed performance objectives for each mitigation measure.

LEGISLATIVE HISTORY

AB 375 was introduced on January 30, 1991 and passed the Assembly Committee on Natural Resources (10-0) the following year on January 13, the Assembly Ways and Means Committee (13-6) on January 15, the

Assembly Floor (60-16) on January 30, the Senate Government Organization Committee (8-0) on July 2, 1992. The bill is presently in the Senate Appropriations Committee.

FISCAL IMPACT

The bill would impose significant costs from $140,000 (2 PY) to $280,000 (4 PY) annually to the CIWMB's Integrated Waste Management Account for preparing specification and performance objectives (through the adoption of regulations) for mitigation measures. The bill would also impose increased, undetermined costs to LEAs for complying with the CEQA requirements of this bill.

Legislative and Public Affairs Committee

BILL REPORT

Board for 7/29/92 Board Meeting California Integrated Waste Management Board	Author Hannigan	Bill Number AB 2292
Sponsor	Related Bills	Date Amended As Amended June 16, 1992

BILL SUMMARY

AB 2292 expands the list of eligible participants in an existing county program for the collection of banned, unregistered or outdated pesticides. It also extends the program's sunset date by one year from Jan. 1, 1993 to Jan. 1, 1994.

BACKGROUND

The existing authority to operate a county collection program for farmers' banned, unregistered or outdated pesticides was established by AB 563 of 1990 (Hannigan). The current program provides a means for farmers who store not more than 500 kilograms of this waste to dispose of it in an appropriate manner and encourages participation by allowing short-term amnesty from state hazardous waste fee and permit requirements.

Since the law's enactment, several counties have established this type of agricultural waste collection program. Now other persons and entities besides farmers wish to participate. To accommodate these additional participants, this bill extends the authority for the program for one year, from January 1, 1993 to January 1, 1994.

EXISTING LAW

Provisions of current law:

1) Authorize counties to develop and establish programs for the collection of banned, unregistered or outdated pesticides from farmers. This authority sunsets Jan. 1, 1993.

2) Define "banned or unregistered agricultural waste" as a hazardous waste per Health and Safety Code Section 25117, and "outdated agricultural waste" as an economic poison which can be classified as a retrograde material per Health and Safety Code Section 25121.5.

3) Define "eligible participant" as any person who operates a farm for the purpose of cultivating the soil or raising any agricultural or horticultural commodity and who stores not more than 500 kilograms of banned, unregistered, or outdated agricultural waste (as defined).

DEPARTMENTS THAT MAY BE AFFECTED

Committee Recommendation	Committee Chair	Date
Defer to Department of Pesticide Regulation for position		7/21

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4) Specify requirements for the transportation of pesticide waste to and from collection sites and provides that a violation of these provisions is a crime.

5) Give counties the authority to charge a fee to eligible participants to cover costs of the program, and require, when feasible, that waste collected be recycled.

6) Exempt eligible participants from specified state hazardous waste fee and permit requirements.

ANALYSIS

AB 2292 would:

1) Expand the definition of "eligible participant" to include persons who operate an agricultural pest control business, an agricultural pesticide dealership, a park, a cemetery, or a golf course; a governmental agency which performs pest control work; and a business concern which primarily conducts operations relating to agriculture. All eligible participants may not store more than 500 kilograms of banned, unregistered or outdated agricultural waste.

2) Extend the program's sunset date by one year from Jan. 1, 1993 to Jan. 1, 1994.

COMMENTS

The provisions of this bill have no direct impact on the Board and its programs. It would not affect the Board's Permitting and Compliance Division since the regulatory control for these collection programs is under the jurisdiction of the Department of Toxics Substances Control and county hazardous waste management offices. It would not affect the Board's Research and Technology Development Division unless banned, unregistered or outdated agricultural waste become part of the Board's special wastes program before the county collection program in AB 2292 sunsets on Jan. 1, 1994.

LEGISLATIVE HISTORY

AB 2292 was introduced on Jan. 7, 1992. It passed the Assembly Environmental Safety and Toxic Materials Committee (11-0) on March 10, 1992, the Assembly Ways and Means Committee (22-0) on March 25, 1992, the Assembly Floor (75-0) on April 2, 1992, and the Senate Toxics and Public Safety Management Committee (4-0) on June 22, 1992. It goes next to the Senate Appropriations Committee.

SUPPORT

Agricultural Council of California
California Agricultural Aircraft Association
California Agricultural Commissioners and Sealers Association
California Chamber of Commerce
California Farm Bureau Federation
City and County of San Diego
California Seed Association
Western Agricultural Chemical Association
San Benito County Farm Bureau
Santa Clara County Farm Bureau

OPPOSE

None

FISCAL IMPACT

The bill imposes no fiscal impact on the CIWMB.

Legislative and Public Affairs Committee

BILL REPORT

Board ~~for 7/29/92 Board Meeting~~ California Integrated Waste Management Board	Author Sher	Bill Number AB 2496
Sponsor	Related Bills	Date Amended June 16, 1992

BILL SUMMARY

AB 2496 would change the definition of "biodegradable" and "photodegradable" for the purposes of environmental advertising.

EXISTING LAW

Under current law relating to environmental advertising claims:

1) "Biodegradable" means that a material has the proven capability to decompose in the most common environment where the material is disposed within one year through natural biological processes into nontoxic carbonaceous soil, water, or carbon dioxide; and,

2) "Photodegradable" means that a material has the proven capability to decompose in the most common environment where the material is disposed within one year through physical processes, such as exposure to heat and light, into nontoxic carbonaceous soil, water, or carbon dioxide.

ANALYSIS

AB 2496 would alter the definition of "biodegradable" and "photodegradable" by changing the timeframes in both from one to three years.

COMMENT

Currently, it is unlawful for a person to represent that any consumer good which it manufactures or distributes is biodegradable or photodegradable (or meets other environmental standards) unless that good meets the definitions specified in statute. This bill would give manufacturers the opportunity to advertise a consumer good as biodegradable or photodegradable if it decomposes, as specified, within three years, rather than one.

According to California Integrated Waste Management Board (CIWMB) staff, the time change in these proposed definitions would make little difference and would permit few additional materials to be labeled as biodegradable or photodegradable. Most compostable materials will decompose well within a year, and a variety of materials might decompose within three years if subjected to

DEPARTMENTS THAT MAY BE AFFECTED

Committee Recomendation	Committee Chair	Date
Support		7/21

intensive treatment. However, even materials commonly believed to be fully biodegradable may remain fairly intact for decades under common landfill conditions -- such as the story of the 50 year old newspaper recovered from a landfill with clearly readable type.

Both definitions in AB 2496 refer to decomposition in "the most common environment where the material is disposed," which is likely to be a landfill. Few materials actually decompose in a landfill in one year, or even three years, due to the absence of air, water, and sunlight.

Enforcement. Under current law, the Board is not involved in making any determinations related to a material being biodegradable or photodegradable for purposes of using these terms in environmental advertising claims, nor in any enforcement, and would not become so involved under the bill.

LEGISLATIVE HISTORY

AB 2496 passed the Assembly Committee on Consumer Protection and Governmental Efficiency (11-0) on May 6, 1992, passed the Assembly Floor (75-0) on May 14, 1992, passed the Senate Business and Professions Committee (7-0) on June 29, 1992, and the Senate Floor (37-0) on July 2, 1992. The bill is currently on the Assembly Inactive File.

FISCAL IMPACT

AB 2496 would not impose any costs upon the Board.

Legislative and Public Affairs Committee

BILL REPORT

Board for 7/29/92 Board Meeting California Integrated Waste Management Board	Author Chandler and Connelly	Bill Number AB 2661
Sponsor	Related Bills	Date Amended As amended June 6, 1992

BILL SUMMARY

AB 2661 would require the California Integrated Waste Management Board (CIWMB), by January 1, 1994, to evaluate rice straw as a solid waste landfill cover material and to include the results of this evaluation in the Board's annual report to the Legislature.

BACKGROUND

AB 1378 (Chapter 564, Statutes of 1991) by Assemblyman Connelly, which required the phaseout of rice straw burning in the Sacramento Valley Air Basin, also required that a list of priority goals be established for the development of feasible and cost effective alternatives to rice straw burning. That bill also required a report to the Legislature by September 1, 1995 including recommendations on alternatives to rice straw burning.

EXISTING LAW

Existing law requires the Board to evaluate, by January 1, 1993, compost, co-compost, and chemically fixed sewage sludge for use as solid waste landfill cover materials or extenders for currently used cover material.

ANALYSIS

AB 2661 would:

1) Require the Board to evaluate rice straw as a solid waste landfill cover material or for use as an extender for currently used cover material, would require the evaluation to be completed by January 1, 1994, and would require the Board to include the results in its annual report;

2) Add rice straw to the types of waste included in the definition of "compost product";

3) Require the Department of Forestry and Fire Protection, the Department of Parks and Recreation, and the Department of General Services to initiate programs to restore public lands that use compost, co-compost, rice straw and chemically fixed sewage sludge, and to use those materials wherever possible;

DEPARTMENTS THAT MAY BE AFFECTED
Department of Forestry & Fire Protection, Department of Parks & Recreation, Department of General Services

Committee Recomendation	Committee Chair	Date
Support		7/21

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4) Declare that, due to the phasedown of rice straw burning, rice straw may present a new soid waste disposal problem;

5) Declare that the state should assist local governments and growers in diverting rice straw from landfills by researching and developing diversion options; and,

6) State as the intent of the Legislature that all feasible alternatives to rice straw burning and options for diverting rice straw from landfills be encouraged.

COMMENTS

It has been suggested that one reason growers have relied on burning to clear their fields of rice straw is that the high flammability of the straw serves the growers' needs to fully clear their fields. Section 17682 of Title 14 of the California Code of Regulations requires that cover material be placed over all surfaces at a landfill, in part, to prevent and control landfill fires. It would appear, then, that rice straw may not be able to serve the purpose of fire prevention, and could, in fact, exacerbate the problem. However, a study could confirm the potential usefulness of rice straw as cover material or extender.

The Board currently establishes standards and monitors the demonstration of new materials proposed as cover material or extender material, upon the request of an operator. The operator conducts the study and bears all expense. To date, there have not been any operator requests to perform demonstration tests on rice straw for use as cover material or extender.

In addition, the Board currently has a contract to evaluate compost, co-compost, and sewage sludge for use as landfill cover or extender, as required by current law. Staff believe this contract could be amended to include rice straw as one of the materials for evaluation at no additional cost.

LEGISLATIVE HISTORY

AB 2661 passed the Assembly Natural Resources Committee (15-0) on April 6, 1992, the Assembly Ways and Means Committee (23-0) on May 13, 1992, the Assembly (73-0) on May 21, 1992, and the Senate Governmental Organization Committee (10-0) on June 23, 1992. The bill is currently in the Senate Appropriations Committee.

FISCAL IMPACT

The bill would impose minimal, absorbable, costs upon the Board.

Legislative and Public Affairs Committee

BILL REPORT

Board ~~for 7/29/92 Board Meeting~~ California Integrated Waste Management Board	Author Cortese	Bill Number AB 3001
Sponsor	Related Bills	Date Amended June 10, 1992

BILL SUMMARY

AB 3001 would specify procedures for amending countywide siting elements to include new solid waste disposal or transformation facilities. The bill would also delete the current law requirement that solid waste disposal, transfer, waste processing, and transformation facilities be found to be in conformance with a California Integrated Waste Management Board (CIWMB) approved countywide integrated waste management plan (CoIWMP) and would instead require, after a plan has been approved by the Board, that no person may establish a new solid waste facility unless the facility meets specified criteria.

BACKGROUND

This bill 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 approved countywide siting element. In addition, only establishment of facilities is addressed; significant expansions are not.

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.

DEPARTMENTS THAT MAY BE AFFECTED

Committee Recomendation	Committee Chair	Date
Support, if amended		7/21

EXISTING LAW

Under current law:

1) The CIWMB 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 from the Local Enforcement Agency (LEA). Prior to the approval of CoIWMPs, one element for the CIWMB 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 by the Board of CoIWMPs.)

2) During the Gap, the establishment of solid waste facilities is prohibited 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 materials recovery facility (MRF) or transfer station, the site identification and description must be submitted to the Local Task Force for review and comment.

3) After CoIWMPs are approved by the CIWMB, the establishment of sites for solid waste disposal, transfer stations, and waste processing or resource recovery facilities are prohibited unless the facility is in conformance with the CIWMB approved CoIWMP.

4) 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 would revise the requirements for reviewing amendments to countywide siting elements and for making conformance findings for the siting of solid waste facilities. Specifically, this bill would:

1) Allow any person or public agency proposing the development of a solid waste disposal or transformation facility to initiate an amendment to the countywide siting element by submitting a site identification and description to the county board of supervisors.

2) Require the county, within 20 days of receipt by the board of supervisors, to submit the site identification and description of the proposed facility to the cities within the county, and require each city to act upon the proposed

amendment within 90 days of receipt. If the city fails the act within that time period, the amendment would be deemed to have been approved by that city.

3) Require a city or county which disapproves a proposed amendment to mail notice of its decision within 10 days of the decision to the proponent, stating the reasons for its disapproval.

4) Prohibit disapproval of a proposed amendment unless the city or county determines, based on substantial evidence in the record, that the amendment would cause one or more significant adverse impacts within its jurisdiction.

5) Allow the proponent for a proposed amendment, which has been disapproved by a city or county or for which the Board has nonconcurred in the issuance, modification or revision of a facilities permit, to file a writ of mandate with superior court for review of the disapproval or decision.

6) Delete the provision in current law which prohibits the establishment of a site for a solid waste facility which is not in conformance with a Board-approved countywide integrated waste management plan; and, prohibit, instead, the establishment of a new solid waste facility unless the facility meets one of the following criteria:

   a) the facility is a disposal facility or transformation facility which is identified in an approved countywide siting element or amendment; or,

   b) the facility is a materials recovery facility (MRF), composting facility, processing facility, or transfer station for which a site identification and description has been submitted to the Local Task Force for review and comment.

8) Define composting facility, MRF, processing facility, transfer station, and transformation facility only for the purposes of the findings required pursuant to 6) above.

9) Require that the person or public agency proposing to establish a solid waste facility (MRF, composting, processing, or transfer station) submit a site identification and description to the local task force for review and comment, and would require the task force to comment on the facility within 90 days in writing. The bill would also require the task force to transmit its comments to the proponent of the facility, the county, and all the cities within the county. The comments would be required, at a minimum, to include:

a) the relationship between the proposed facility and the implementation schedule (for the 25% and 50% waste diversion goals); and,

b) the regional impact of the facility.

10) Delete the Board's authority to exempt solid waste facilities from the requirements of #6 above (conformance findings).

SPECIFIED COMMENTS

CIWMB Staff Concerns

Board staff have noted that the bill may have a significant impact on the Board's current policies regarding countywide planning for, and establishment of, solid waste facilities in the state. By deleting the requirement that facilities other than disposal and transformation be in conformance with a CIWMB-approved countywide integrated waste management plan, the bill will require the Board to rewrite the current draft countywide siting element regulations (which will be before the Board within the next few months). The current draft requires counties to identify all proposed facilities in an attempt to integrate the integrated waste management planning process with its implementation via facility siting.

Due to the potential for delaying Board adoption and Office of Administrative Law (OAL) approval of the countywide siting element regulations, the bill would also have an impact on local governments. Until these regulations are finalized, jurisdictions will be unable to prepare and submit their CoIWMPs. Pursuant to recently enacted law (AB 2092, Sher), CoIWMPs are to be submitted either 12 or 18 months from the time that the Office of Administrative Law (OAL) approves the regulations for the siting elements and CoIWMPs (depending upon whether a county has less than, or more than, eight years remaining landfill capacity).

The June 10, 1992 amendments to the bill address some of staff's concerns regarding the need for the solid waste facility siting process (for all facility types) to include a review of the relationship between proposed facilities and approved CoIWMPs, most notably with the programs and facilities proposed by jurisdictions to meet the waste diversion mandates. These new provisions are essentially the same as the current law "Gap" provisions governing conformance findings before CoIWMPs are approved by the Board; the bill now extends similar provisions to the post-Gap period. One important distinction is that during the Gap period, current law provides the Board with authority to object to solid waste facility permits if the Board determines (based on substantial evidence in the record) that "issuance of the permit would prevent or substantially impair achievement of the requirements prescribed in Section 41780 . . ." (the waste

diversion requirements). After CoIWMPs have been approved by the Board, this authority to disapprove permits based upon "prevent or impair" findings would no longer be available to the Board.

Staff does, however, have remaining concerns relating to the appropriateness of deleting the requirement that facilities other than land disposal and transformation be in conformance with the CoIWMPs. Staff is also concerned about the intent of the bill to remove the authority of the Board to require that all solid waste facilities be included in the siting element of the countywide plans.

Integrated Waste Management Planning

It is staff's view that AB 939 envisioned an integrated waste management planning and implementation process, with cities and counties being required to meet waste diversion goals through aggressive pursuit of programs and facilities. Integral to local governments' ability to meet the AB 939 challenge will be the establishment of many facilities designed to pull materials out of the waste stream and put them to new use -- facilities such as materials recovery facilities, transfer and processing facilities, and composting facilities. Ideally, the siting elements and the permitting process provide procedural steps for ensuring that jurisdictions' diversion plans are implemented.

Under the current version of AB 3001, there would be no requirement for jurisdictions to undertake a meaningful review (linked to a plan amendment or conformance process) for proposed solid waste facilities to make sure that they "make sense" in terms of the county's plans for meeting the diversion requirements; these additional facilities won't be required to be included in the plans at all. In the absence of these facilities being included in the CoIWMPs, the Board will be making decisions to approve or disapprove county plans based upon very limited information as to how jurisdictions' plans for diverting waste will be realized (via facility siting).

SUGGESTED AMENDMENTS

Board staff have developed suggested amendments for AB 3001 (see attachment) which provide an alternate plan amendment and conformance process for facilities other than land disposal and transformation; for these other facilities, jurisdictions could develop a local approval process which does not require a vote by the county and a majority of the cities with the majority of the population (such as approval by the Local Task Force or other locally-designated body). In developing these amendments, staff recognized the need to distinguish between land dipsosal/transformation and other solid waste facility types, and to not subject these facilities to the city/county, majority/majority, vote required for land disposal. However, staff did seek to keep these facilities in the context of the CoIWMP process.

Staff also strongly suggests that the definitions on page 5, lines 3 through 20 be deleted, as definitions should be established for the entirety of Division 30 of the Public Resources Code, rather than on a section by section basis (or for one subdivision of a section, as proposed by this bill). The terms "processing facility" and "transfer station" which are defined in this bill for the purposes of conformance findings only, are defined in a different manner elsewhere in the law.

LEGISLATIVE HISTORY

This bill was introduced on February 19, 1992, and has passed the Assembly Natural Resources Committee (11-0) on April 6, the Assembly Ways and Means Committee (21-0) on May 6, the Assembly Floor (75-0) on May 14, 1992, and the Senate Governmental Organization Committee (8-0) on June 16, 1992. The bill is currently in the Senate Appropriations Committee (no date set).

Support: Browning-Ferris Industries
California Refuse Removal Council
The Gualco Group
Waste Management of North America, Inc.
League of California Cities

Oppose: None known

FISCAL IMPACT

The bill would result in costs to the CIWMB to revise and adopt regulations for the countywide siting elements.

Attachment: Proposed Amendments to AB 3001

Revised Draft Language for AB 3001
July 20, 1992

Amendment 1

On page 2, line 1, after "SECTION 1." add the following uncodified intent language:

It is the intent of the Legislature in enacting this chapter to provide for the orderly establishment of solid waste facilities which are consistent with countywide integrated waste management plans. In order to assure that solid waste facilities are developed to implement integrated solid waste management systems and diversion programs, such facilities should be identified in the countywide plans. However, the Legislature also recognizes that under some circumstances, local governments may need to have alternative methods to provide for the expeditious incorporation of facilities into countywide plans. Such circumstances would include the need to quickly establish facilities which are needed to meet the diversion goals established by the Integrated Waste Management Act of 1989. The intent of this chapter, therefore, is to provide mechanisms for the incorporation of solid waste facilities into countywide integrated waste management plans without undo time delays, while recognizing the need for public input and planning flexibility.

SEC.2.

Amendment 2

On page 3, line 8, strike out "SEC.2." and insert:

SEC.3.

Amendment 3

On page 3, line 19, after "development", insert:

or significant expansion

Amendment 4

On page 3, line 26, after "city", insert:

and the county

Amendment 5

On page 4, line 16, strike out "SEC.3." and insert:

(g) Notwithstanding subdivision (a), any amendments to a countywide siting element for facilities, other than solid waste disposal and transformation facilities, shall be deemed to have been locally approved if the proposed facility meets the requirements of Section 50001.1. The county shall periodically, at such intervals as may be determined appropriate by the county, but not less frequently than annually, revise the element to incorporate amendments authorized pursuant to this subdivision.

SEC.4.

Amendment 6

On page 4, line 29, strike out "solid waste facility," strike out lines 30 through 40, inclusive, on page 5, strike out lines 1 through 38, and insert:

disposal facility, as defined in Section 40121, or a transformation facility, as defined in Section 40201, unless the disposal or transformation facility is identified in a countywide siting element or amendment thereto, which has been approved pursuant to Section 41721 or 41721.5.

Section 50001.1 is added to the Public Resources Code, to read:

50001.1. (a) After a countywide integrated waste management plan has been approved by the California Integrated Waste Management Board pursuant to Division 30 (commencing with Section 40000), no person shall establish a new solid waste transfer or processing station or a composting facility unless the facility meets one of the following:

(1) The facility is identified in a countywide siting element or amendment thereto, which has been approved pursuant to Section 41721 or 41721.5.

(2) The locally designated authority determines that the facility meets all of the following:

(A) The siting criteria contained in the siting element;

(B) The goals and objectives of the source reduction and recycling elements adopted by both the jurisdiction where the facility is proposed to be located and those jurisdictions which will use the facility; and,

(C) The goals and objectives of the countywide integrated waste management plan.

(b) For the purposes of this section and section 41721.5, "locally designated authority" means the person or persons to which the county and all of the cities within the county have delegated authority to make specified determinations regarding solid waste facilities pursuant to this section.

Amendment 7

On page 5, line 39, strike out "SEC.4." and insert:

SEC.5.

Amendment 8

On page 6, line 4, strike out "SEC.5." and insert:

SEC.6.

Amendment 9

On page 6, line 26, strike out "SEC.6." and insert:

SEC.7.

Legislative and Public Affairs Committee

BILL REPORT

Board for 7/29/92 Board Meeting California Integrated Waste Management Board	Author Roybal-Allard	Bill Number AB 3024
Sponsor CA Rural Legal Assistance Foundation	Related Bills	Date Amended June 30, 1992

SUMMARY

AB 3024 would prohibit public agencies from accepting as complete, or approving, specified project applications submitted on or after January 1, 1993 unless a description of the project site demographics has been submitted by the applicant and a copy is filed with the Office of Planning and Research (OPR).

BACKGROUND

AB 3024 is similar to AB 937 (Roybal-Allard) of 1991. The Governor vetoed AB 937, and stated in his veto message, "Although I am sympathetic to the concerns that these facilities are sited near low income and minority communities, I believe that this possibility is minimized by the extensive environmental studies that must be completed under the California Environmental Quality Act (CEQA), and the public hearings required by law on any such siting decision."

EXISTING LAW

Under existing law:

1) CEQA requires a lead agency to determine whether a project will have a significant impact on the environment, and if so, requires the preparation of an environmental impact report (EIR). The EIR must include a description of the environmental setting and any inconsistencies between the proposed project and applicable general plans. A "negative declaration" may be prepared if it is determined that there would not be a significant environmental impact.

2) CEQA also requires that all significant environmental impacts be mitigated, that the least environmentally damaging project alternative be selected, or that findings of overriding considerations be made if a project is approved despite significant environmental impacts. Although an EIR may contain information about a project's economic and social effects, CEQA guidelines prohibit consideration of economic or social effects of a project as a "significant environmental impact".

DEPARTMENTS THAT MAY BE AFFECTED

All Cal/EPA Agencies

Committee Recomendation	Committee Chair	Date
Support		7/21

ANALYSIS

AB 3024 would:

1) Prohibit a public agency from accepting as complete, or approving, an application submitted on or after January 1, 1993 for a "potentially high-impact development project" unless a description of the project site demographics has been submitted by the applicant and a copy is filed with OPR.

2) Define a "potentially high-impact development project" as:

   a) Hazardous waste facilities, including small or large treatment facilities, small or large storage facilities, or disposal facilities;

   b) Facilities with actual or possible toxic air emissions; and,

   c) Solid waste facilities.

3) Allow the demographics description to be presented on a one-page chart with a breakdown for all the following areas:

   a) The census tract in which the project is located;

   b) All contiguous census tracts;

   c) The municipality, if any, in which the project is located;

   d) The county in which the project is located; and

   e) The State of California

3) Allow the project site demographics description to be prepared using only the most recent publicly available data provided by the United States Census Bureau, and to include a breakdown of population by race and ethnicity, percentages of persons under five years of age and over 65 years of age, the percent below the poverty level, and the primary languages spoken by percentage.

5) Require a notice to be issued indicating the demographics statement has been issued and is available for public review.

COMMENT

In its 1987 report entitled "Toxic Wastes and Race," the (United Church of Christ) Commission on Race and Justice concluded that "race proved to be the most significant among variables tested in association with the location of commercial hazardous waste facilities"; and that "communities with the greatest number of commercial hazardous waste facilities had the highest composition of racial and ethnic residents." In addition, the Commission found that three out of every five Black and Hispanic Americans live in communities with uncontrolled toxic waste sites; and, that Los Angeles has more Hispanics living in communities with uncontrolled toxic waste sites than any other metropolitan area in the United States.

In 1990, the federal General Accounting Office (GAO) published a study which concluded that projects with potentially high environmental impacts are typically sited in low income and minority communities. It found that the overconcentration of high-impact sites not only degrades the quality of life in these communities and their prospects for redevelopment, but also presents higher health risks for residents.

In February 1992, the United States Environmental Protection Agency (US EPA) released a draft report entitled, "Environmental Equity: Reducing Risk for All Communities." The report's first recommendation was that the EPA should increase the priority that it gives to issues of environmental equity (the distribution of environmental risks across population groups). The second recommendation was that the "EPA should establish and maintain information which provides an objective basis for assessment of risks by income and race, commencing with developing a research and data collection plan."

The author's office points out that AB 3024 is consistent with the findings and recommendations of the US EPA. In addition, the bill would not require a project applicant to undertake any independent demographic studies, but merely to prepare a one-page chart using information available at minimal cost from the Census Bureau. And, finally, the bill would not require a lead agency to take any action in response to the data.

In requiring the reporting of the percentages of persons under five years of age and over 65, the bill addresses the EPA concern for "at risk" populations-- those persons who may be more susceptible to environmental hazards.

The bill would also require reporting of the primary languages spoken in the area of a proposed site. This requirement reflects a recent court ruling which supports the translation of public documents to aid in public participation in the CEQA process. The court found "that the strong emphasis in CEQA on environmental decisionmaking by public officials which involves and informs members of the public would have justified the Spanish translation of an extended summary of the FSEIR, public meeting notices, and public hearing testimony in this case. The residents of Kettleman City, almost 40 percent of whom were monolingual in Spanish, expressed continuous and strong interest in participating in the CEQA review process for the incinerator project at the CWM's (Chemical Waste Management's) Kettleman City Facility, just four miles from their homes. Their meaningful involvement in the CEQA review process was effectively precluded by the absence of the Spanish translation." (El Pueblo Para el Aire y Agua Limpio v. County of Kings, Sacramento Superior Court, December 30, 1991, emphasis added.)

The Solid Waste Association of North America (SWANA), one of the opponents of this measure, states that "while there may be examples of hazardous waste facilities being sited near low income communities, SWANA is not aware of any examples that can be sited regarding solid waste facilities. (emphasis added) In fact, only two new sanitary landfills have been sited in the state in the past decade: one in San Joaquin County and another in Kern County. Neither pose a threat or are near low income residential property. Several other facilities are currently going through the permitting and environmental review process, Eagle Mountain located in Riverside County, Rail-Cycle located in San Bernadino County, and Keller Canyon located in Contra Costa County. None of these facilities are located near low income or minority residential areas."

The availability of the data required by AB 3024 would assist in, at least, confirming or denying the existence of any demographic trends in the siting of development projects with "potentially high impacts."

LEGISLATIVE HISTORY

AB 3024 passed the Assembly Committee on Local Government (7-3) on April 8, 1992, the Assembly Ways and Means Committee (14-8) on May 20, 1992, the Assembly Floor (44-30) on May 27, 1992, and the Senate Local Government Committee (5-3) on June 24, 1992. The bill is currently in the Senate Appropriations Committee.

Support:	California Rural Legal Assistance Foundation; South Coast Air Quality Management District; and EDGE: The Alliance of Ethnic and Environmental Organizations (including the California Council of Urban Leagues, the Chinese American Citizens Alliance, the Earth Institute/Urban Habitat Program, the Environmental Defense Fund, the Japanese American Citizens League, the Latino Issues Forum, the Natural Resources Defense Council, the Planning and Conservation League, and the Sierra Club.)
Opposition:	California Council on Environmental and Economic Balance; SWANA

FISCAL IMPACT

AB 3024 would not impose any costs on the Board.

Legislative and Public Affairs Committee

BILL REPORT

Board for 7/29/92 Board Meeting California Integrated Waste Management Board	Author Bates	Bill Number AB 3117
Sponsor	Related Bills	Date Amended May 11, 1992

BILL SUMMARY

AB 3117 would enact the Grocery Bag Recycling and Recovered Materials Market Development Act stating legislative intent regarding the reduction in use, reuse, and recycling of paper bags.

BACKGROUND

According to the author's office, paper and plastic grocery bags comprise approximately 3.5 tons of waste annually in California, most of which is either landfilled or littered. The author has introduced AB 3117 to encourage consumers to reduce the need for disposable bags by utilizing reusable bags; reusing kraft paper bags more than once; and recycling paper bags along with cardboard boxes once they have been worn out.

AB 3117 is a modified reintroduction of AB 1353 (Bates) that failed passage in the Assembly Natural Resources Committee in January 1992, AB 1353 would have required supermarkets to offer a five-cent credit towards any purchase from that supermarket for each paper or plastic bag, or clamshell container, returned by the customer.

EXISTING LAW

- There is presently no law that specifically addresses the recycling and reuse of paper bags. However, SB 2092 (Chapter 1452, Statutes of 1990) requires that all trash bags, of specified thickness, sold in California be produced with specified percentages of recycled postconsumer materials. This law requires, by January 1, 1994, that trash bags (of 1.0 mil or greater thickness) sold in the state contain 10% recycled postconsumer material and 30% postconsumer material by January 1, 1995 (.75 mil or greater thickness).

ANALYSIS

AB 3117 would enact the Grocery Bag Recycling and Recovered Materials Market Development Act (Act) and include within that program broad legislative intent language regarding the reduction

DEPARTMENTS THAT MAY BE AFFECTED

Committee Recomendation	Committee Chair	Date
Neutral		7/21

in use, reuse, and recycling of kraft paper grocery and consumer bags. Specifically, the bill encourages consumers to return their reusable bags to retail stores to reduce the need for disposable bags; recommends the reuse of kraft paper bags for their original purpose by returning them to the store and reusing them as much as possible; and advocates the recycling of kraft paper bags with corrugated cardboard.

The CIWMB would be requested to communicate the findings and declarations of the Act to cities and counties responsible for implementing the waste management laws. AB 3117 would also state that the matters of the Act were of statewide interest and would occupy the whole field of regulation of paper grocery bag recovery and reuse. This language would preclude local governments from creating programs to regulate paper grocery bag recovery and reuse.

COMMENTS

This bill, in effect, would create the shell of a program by simply naming the law and stating broad legislative intent language. A previous amended version of the bill (April 21, 1992) would have created a program, administered by the California Integrate waste Management Board (CIWMB), requiring every manufacturer of grocery bags sold in the state to meet specific minimum content or reuse requirements by January 1, 1994. This language was later removed form the bill because of fiscal concerns, leaving only the title of the Act and legislative intent language.

The CIWMB's only role in AB 3117 would be to communicate the legislative intent language to those cities and counties responsible for implementing the integrated waste management laws.

The bill may set an inappropriate precedent by allowing for the enactment (placing a foothold in law) of noncontroversial portions of a law; thereby, setting the stage for enactment of controversial portions of a program at a later date. A better approach would be to consider a program in its' entirety. This will allow judgment to be rendered on the merits of a complete program.

LEGISLATIVE HISTORY

The bill was introduced on February 20, passed the Assembly Natural Resources Committee (8-2) on April 20, Assembly Ways and Means Committee (withdrawn from Committee) on May 14, Assembly

Floor (46-28) on May 26, Senate Government Organization Committee (consent), and the Senate Floor (29-0). The Assembly concurred in the Senate amendments on June 28, 1992 and the bill was enrolled.

On July 14, 1992 the Governor vetoed AB 3117, stating that the bill was unecessary. He went on to say that it was inappropriate, in the absence of a statewide solution to the recycling grocery bags, for legislation to preclude local recycling activities in this area. Moreover, the Governor was unwilling to enact legislation that merely provided legislative intent as a means to addresing the significant problem of encouraging more recycling.

Support: Sierra Club, Californians Against Waste, California Grocers Association, American Paper Institute, Willamette Paper Company, Longview Paper Company, Georgia-Pacific Corporation, and the Equitable Bag Company.

Oppose: None known.

FISCAL IMPACT

This bill would impose minor, absorbable costs to the CIWMB for communicating the legislative intent language to cities and counties.

Legislative and Public Affairs Committee

BILL REPORT

Board for 7/29/92 Board Meeting California Integrated Waste Management Board	Author Woodruff	Bill Number AB 3789
Sponsor	Related Bills	Date Amended July 13, 1992

BILL SUMMARY

AB 3789 requires Cal/EPA to contract for a study to determine if corrosivity criteria in state hazardous waste regulations should apply to cementitious wastes, such as portland cement and cement kiln dust. Until the study is completed or until January 1, 1994, whichever occurs first, the Department of Toxics Substances Control (DTSC) would be required to suspend use of corrosivity criteria for purposes of determining if cementitious wastes are a hazardous waste. It also requires Cal/EPA to appoint a technical advisory committee to assist in the selection of the contractor for this study and to provide technical assistance during the study.

BACKGROUND

In earlier versions, this bill would have exempted cement kiln dust from state regulation as a hazardous waste. However, as a result of discussions among the author's office, the California Cement Manufacturers Environmental Coalition (sponsors of the bill), and the DTSC, it became clear that there was not sufficient information available to determine if such an exemption was justified.

Part of the problem is the difficulty in determining the Ph -- a measure of corrosivity -- of cement kiln dust. The test for pH now used by DTSC is poorly adapted to measuring the corrosivity of solids like cement kiln dust that absorb or react with water, and appears to give unreliable and possibly invalid results.

A USEPA study is currently underway to determine if cement kiln dust should be regulated as a hazardous waste under federal law. That study is expected to be finished in early 1993. In the meantime, cement kiln dust is classified as a non-RCRA (Resource Conservation and Recovery Act) waste, and therefore is not regulated as a hazardous waste under federal law. Its status under state law is also undetermined. The study proposed in AB 3789 is intended to develop a valid and reliable test for the pH of cement kiln dust and ultimately to determine the regulatory status of cement kiln dust under state law.

DEPARTMENTS THAT MAY BE AFFECTED

Committee Recomendation	Committee Chair	Date
Defer to Cal/EPA for position		7/21

EXISTING LAW

Provisions of current law:

1) Prohibit any person from managing hazardous waste except as provided in the statutes governing hazardous waste and the regulations adopted by the Department of Toxic Substances Control.

2) Require DTSC to adopt a list of hazardous wastes and to develop and adopt regulations and guidelines for the identification of hazardous waste.

ANALYSIS

AB 3789:

1) Requires Cal/EPA to contract for a study to determine if specified criteria and testing protocols in state hazardous waste regulations should apply to cementitious wastes (such as portland cement and cement kiln dust).

2) Until the study is completed or until January 1, 1994, whichever occurs first, directs the Department of Toxic Substances Control to suspend use of the corrosivity criteria in state hazardous waste regulations for purposes of determining if cementitious wastes are a hazardous waste.

3) Requires Cal/EPA to appoint a technical advisory committee to assist in the selection of the contractor and to provide technical assistance during the study.

4) Specifies that the committee shall include a representative of each of the following: Cal/EPA, DTSC, State Water Resources Control Board, California Integrated Waste Management Board, the state's cement industry, and an environmental organization. All committee members must be technically qualified in the field of environmental science, chemistry, or biochemistry.

5) States legislative intent that the study be funded solely from funds provided by private industry in an amount not to exceed $70,000.

COMMENTS

The Board staff see a need for the study proposed in AB 3789, which would assist in determining the most appropriate diversion

alternatives and strategies for cementitious waste streams. However, Board permitting staff have expressed concerns about disposal of cementitious wastes into solid waste facilities if the study results in a non-hazardous classification for cementitious wastes. According to the bill's sponsor, cementitious wastes are normally reused in the cement kiln, sold as a byproduct, or disposed of at the cement manufacturing site (at facilities regulated by the regional water quality control boards). Cement manufacturers favor the study proposed in AB 3789 to clearly determine the level of regulation with which they must comply.

If, as a result of the AB 3789 study it is determined that cement kiln dust can be disposed of as a solid waste, Board staff suggest that it would be useful for the CIWMB to be named as a permitting agency along with the regional water quality control boards in order to monitor the disposal of this waste.

LEGISLATIVE HISTORY

AB 3789 was introduced on February 21, 1992. It passed the Assembly Environmental Safety Committee (10-0) on May 5, 1992, the Assembly Ways and Means Committee (22-0) on May 20, 1992, the Assembly Floor (75-0) on May 27, 1992, and the Senate Toxics and Public Safety Management Committee (7-0) on June 29, 1992. It will be heard next by the Senate Appropriations Committee.

SUPPORT

California Cement Manufacturers Environmental Coalition (sponsors)
California Cement Industry

OPPOSE

None

FISCAL IMPACT

Costs to the Board include those to participate on the technical advisory committee. Unknown permitting and compliance costs could be incurred based on future decisions to dispose of cementitious wastes at class III landfills not currently accepting such wastes, if the study proposed by AB 3789 determines that these wastes are non-hazardous.

Legislative and Public Affairs Committee

BILL REPORT

Board	Author	Bill Number
California Integrated Waste Management Board	Calderon	SB 610
Sponsor	**Related Bills**	**Date Amended**
		July 6, 1992

BILL SUMMARY

SB 610 authorizes municipal disposal sites to provide evidence to the California Integrated Waste Management Board (CIWMB) of financial ability to meet closure and postclosure maintenance costs through the use of a number of mechanisms.

BACKGROUND

The Board has adopted regulations for closure/postclosure plans and financial assurances for closure/postclosure costs (14 California Code of Regulations 18250-18297). The regulations allow the following as acceptable financial assurance mechanisms: trust fund, letter of credit, surety bond, government securities, financial means test or corporate guarantee, enterprise fund for local government and pledge of revenue for local government. Waste Management Inc. (the sponsor of SB 610) has requested that the Board's regulations be revised to include insurance as a financial assurance mechanism to cover closure/postclosure maintenance costs.

Because of this request, Board staff met with representatives of the Department of Insurance (DOI) to discuss the appropriateness of allowing insurance to be used as a financial assurance mechanism for these purposes. It is staff's understanding that DOI indicates that an insurance policy guaranteeing performance is a surety policy, and would be required to be written through an authorized surety company as a surety bond. The Board is awaiting further clarification on this point from DOI.

EXISTING LAW

Provisions of current law require that:

1) The CIWMB adopt standards and regulations by January 1, 1991, requiring that operators of solid waste disposal facilities provide assurance of adequate financial ability to respond to liability claims which occur before closure.

2) Solid waste landfill owners/operators establish a trust fund or other equivalent financial arrangement acceptable to the Board, and deposit sufficient funds to ensure adequate resources for closure and postclosure maintenance.

DEPARTMENTS THAT MAY BE AFFECTED

Committee Recomendation	Committee Chair	Date

3) The CIWMB only approve closure and postclosure maintenance plans which include an acceptable mechanism for providing the funds needed to implement the plans.

4) The Board adopt and amend regulations specifying closure plan and postclosure maintenance plan adoption procedures and uniform closure and postclosure standards.

ANALYSIS

As recently amended, SB 610 revises current law which requires that evidence of financial ability for closure/postclosure costs be in the form of a trust fund or other financial arrangement acceptable to the CIWMB, to instead:

1) Require that evidence be provided of sufficient financial ability to meet closure/postclosure maintenance costs.

2) Authorize owners/operators of "municipal disposal sites" to provide evidence of financial ability through the use of any mechanism set forth in any federal regulations relating to financial assurance mechanisms for closure/postclosure costs, or through the use of any other mechanism approved by the CIWMB.

3) Authorize the CIWMB to reasonably limit the use of financial assurance mechanisms to ensure adequate protection of public health and safety and the environment.

COMMENTS

Effect of SB 610

SB 610 authorizes evidence of financial ability for closure/postclosure costs to be provided in a number of ways, including as authorized in any federal regulations which address these issues. It is staff's understanding that this language was requested by Waste Management Inc. because federal regulations governing closure/postclosure coverage for hazardous waste facilities and solid waste facilities, authorize the use of insurance as evidence of financial ability. The language in the bill would have the effect of negating the Board's regulations which specify the acceptable mechanisms, and instead authorizing landfill owners/operators to use any mechanism allowed by any federal regulations, unless the Board limits the use of these mechanisms through subsequent regulations.

Use of Terms

SB 610 uses the term "municipal disposal site" rather than "solid waste landfill"; this term is not used elsewhere in the article concerning financial ability for closure/postclosure.

SUGGESTED AMENDMENTS

Staff would suggest that the bill be amended to clarify terms, to require (rather than authorize) that evidence of financial ability be provided, and to specify the particular federal regulations that are being referenced (the bill currently refers to "...any federal regulations which are designed to provide financial assurance mechanisms...").

LEGISLATIVE HISTORY

SB 610 was introduced on March 4, 1991 and has passed the Senate Governmental Organization Committee (10-0), the Senate Appropriations Committee (section 28.8), the Senate Floor (35-0), the Assembly Natural Resources Committee (11-0). The bill is currently in the Assembly Ways & Means Committee (no date set).

FISCAL IMPACT

SB 610 would result in minor, absorbable costs to the CIWMB to revise the regulations governing mechanisms for providing evidence of financial assurance for closure/postclosure maintenance costs.

Legislative and Public Affairs Committee

BILL REPORT

Board for 7/29/92 Board Meeting California Integrated Waste Management Board	Author Leslie	Bill Number SB 2061
Sponsor Regional Council of Rural Counties	Related Bills	Date Amended June 23, 1992

BILL SUMMARY

SB 2061 would require the California Integrated Waste Management Board (CIWMB) to adopt specified regulations for nonhazardous woodwaste landfills.

BACKGROUND

The sponsor of SB 2061, the Regional Council of Rural Counties, has introduced this measure to assist small rural counties in complying with the requirements of the CIWMB's integrated waste management law, especially the planning and permitting requirements. The Timber Association of California is also working with the sponsor and has proposed the language requiring the CIWMB to adopt regulations for woodwaste landfills. The Timber Association believes that the operation of solid waste landfills that accept only nonhazardous woodwaste have a lower potential for impairing the environment that municipal solid waste landfills.

The sponsor is also considering adding amendments to SB 2061 to relax the financial responsibility requirements for the closure and postclosure maintenance of landfills for small, rural local governments.

EXISTING LAW

- Existing law (Section 41782 of the Public Resources Code) authorizes the CIWMB to provide reductions in the planning requirements for cities and counties, if the CIWMB determines that these local governments cannot feasibly meet the requirements, due to a local government's (1) small geographic size or low population density; and (2) small quantity of solid waste generated. Instead, these local governments will be asked to comply with less comprehensive planning requirements.

- The CIWMB is required to prepare an annual report (Section 40507 of the PRC) to the Legislature by March 31 of each year summarizing progress made by the CIWMB in implementing

DEPARTMENTS THAT MAY BE AFFECTED

Committee Recomendation	Committee Chair	Date
Support, if amended		7/24

the integrated waste management laws. The annual report covers a wide range of policy issues and topics related to solid waste management.

ANALYSIS

SB 2061 would require the CIWMB to adopt regulations by January 1, 1994, that are less stringent than regulations governing solid waste facilities, for the operation of facilities that accept only nonhazardous woodwaste. In drafting the regulations, the CIWMB would be required to recognize that nonhazardous woodwaste facilities have a lower potential for causing environmental damage and may distinguish between the woodwaste facilities by the type and volume of woodwaste accepted.

In addition, the bill would require the CIWMB when providing technical assistance, guidance, or training to local enforcement agencies to pay special attention to those cities and counties that qualify for a reduction in the diversion requirements (i.e., low population or small waste volume). SB 2061 would also require the CIWMB, in the annual report, to include recommendations for giving technical assistance, together with proposals for regulations, to assist those cities and counties that qualify for reductions in integrated waste management requirements, so that these local governments can comply with the solid waste management laws.

COMMENTS

SB 2061 would make several changes to increase technical assistance and training for those small cities and counties that currently qualify for a reduction in planning requirements. The bill would also focus a portion of the CIWMB's annual report on the problems faced by small cities and counties in complying with the integrated waste management laws. This part of SB 2061 is consistent with activities already being undertaken by the CIWMB to help rural jurisdictions meet the requirements of existing law.

However, the portion of SB 2061 dealing with nonhazardous woodwaste landfills raises some concerns. Although the Board staff agree that the present landfill operation regulations could be tailored to recognize the differences between municipal and woodwaste landfills, they do not concur with the contention stated in SB 2061 that woodwaste landfills pose less of an environmental threat. The CIWMB staff believe that a reworking of the language in SB 2061 could address both the CIWMB staff concerns while still achieving the sponsor's goal.

AMENDMENTS

The bill should be amended as follows:

1. The legislative intent language, stating that nonhazardous woodwaste landfills pose a lower potential for environmental damage, should be deleted.

2. The statement in SB 2061, regarding woodwaste regulations, requiring the CIWMB to adopt regulations which are "less stringent that regulations generally governing solid waste facilities" should be removed from the bill and replaced with a requirement that the CIWMB adopt regulations "recognizing the differences between the regulations generally governing solid waste landfills and those needed for wood waste facilities".

3. The bill should be amended to require regulations to be adopted for solid waste "landfills" instead of solid waste "facilities" (i.e, transfer stations, incinerators, etc.).

4. The requirement that woodwaste regulations may distinguish between facilities based on type and volume of waste accepted should be removed from the bill.

LEGISLATIVE HISTORY

SB 2061 was introduced on February 21, 1991 and passed the Senate Government Organization Committee (9-0) on April 8, the Senate Appropriations Committee (Rule 28.8) on May 4, the Senate Floor (35-0) on May 14, and is set for hearing in the Assembly Natural Resources Committee on August 3, 1992.

Support: None known

Oppose: None known

FISCAL ANALYSIS

This bill would result in half-year costs of $52,500 (1.5 PY) in FY 1992-93 and FY 1993-94 for adopting regulations for nonhazardous woodwaste facilities.

SB 2061 (as amended June 23, 1992)

1. On page 5, line 13, amend to read:

"43020.1 ~~(a) The Legislature hereby finds and declares that the operation of solid waste facilities which accept only nonhazardous wood waste have a lower potential for adversely affecting the environment as compared to most other solid waste facilities.~~

~~(b)~~ On or before January 1, 1994, the board shall adopt regulations for the operation of solid waste landfills ~~facilities~~ which accept only nonhazardous wood waste. The regulations shall recognize that the operational requirements which apply to solid waste landfills accepting only nonhazardous wood waste may differ from the operational requirements which apply to other categories of solid waste landfills, such as those used for the disposal of municipal solid waste ~~which are less stringent than regulations generally governing solid waste facilities, in recognition of their lower potential for causing environmental damage. The regulations may distinguish between these solid waste facilities based on the type and volume of wood waste accepted~~."

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

July 29, 1992

Agenda Item #5

ITEM: Consideration of Federal Legislation

COMMITTEE ACTION:

This item was brought to the July 9 meeting of the Legislation and Public Affairs Committee for informational purposes only.

BACKGROUND:

Two federal bills, HR 3865 (Swift) and S 976 (Baucus), are the vehicles for the reauthorization of the Resource Conservation and Recovery Act (RCRA) this year. The RCRA reauthorization bills will impact virtually all of the California Integrated Waste Management Board's (CIWMB) programs and activities, as well as create some new solid waste management programs. Although it is not certain whether reauthorization of RCRA will, in fact, occur this year, it is clear that considerable Congressional activity is being devoted to reworking both S 976 and HR 3865. Additionally, while the full RCRA package may not ultimately advance, it appears likely that portions of the package, such as the provisions on state planning requirements, interstate transport of waste, scrap tires and batteries, may advance to the President's desk in separate legislation.

The Legislative Office has done a preliminary analysis of the March 27, 1992 Senate Environment and Public Works Committee draft version of S 976 to determine the bill's effect on the CIWMB. An S 976 "markup vehicle" was then amended on April 30, May 13 and May 20, 1992 by the committee. The Legislative Office has circulated the reprint of S 976 (incorporating all three sets of markups) to the appropriate staff for comment and plans to report on the bill's provisions at August meetings of the Board's committees. The bill goes next to the Senate Floor, where action is uncertain and further amendments may be offered.

Legislative staff has also done a preliminary analysis of the April 2, 1992 House Transportation and Hazardous Materials Subcommittee version of HR 3865. The House bill has since been reduced in scope and further amended by the House Committee on Energy & Commerce during markups held between June 18 and July 2, 1992. On July 2, the committee approved the bill on a 28-15 vote. Nine Democrats and six Republicans voted against the bill; 18 Democrats and 10 Republicans supported it. California's four members of the 53-member committee voted as follows: Waxman (D-Los Angeles), Moorhead (R-Glendale), and Dannemeyer (R-Fullerton), opposed; Lehman (D-Fresno), support. The bill

appears to have a tough road ahead because environmental groups feel it is too weak and industry opposes its regulatory burdens. (See attachment #1 for summary of amendments to HR 3865 prior to the full committee vote.) Legislative staff made presentations to the Board's committees on the provisions in HR 3865 in July and will return when necessary with updates.

As a result of the considerable federal activity this year, the Governor's Washington, D.C. Office hired Bob Hurley to work exclusively on RCRA reauthorization legislation. Mr. Hurley was formerly with the Senate Environment and Public Works Committee. The Legislative Office has been working with the Governor's Washington, D.C. Office, Cal/EPA, and other affected state agencies to develop coordinated comments on the two federal bills.

On June 8, staff representing all Board Divisions, and the Legislative, Legal, and Strategic Planning & Policy Development offices participated in a conference call with Bob Hurley, The Governor's Washington, D.C. office and Cal/EPA legislative staff to offer comments on key issues in HR 3865 prior to markups. Subjects covered in the call included State Planning Requirements, Scrap Tires, Permits, and Batteries.

Dorothy Fettig and Caren Trgovcich traveled to Washington, D.C. June 17-19, 1992 to meet with Senate and House staff and express California's concerns about the RCRA bills. Legislative staff have developed generic amendment language on Planning & permitting provisions in HR 3865 for Bob Hurley to lobby. (See attachment #2)

At Cal/EPA's request, Legislative staff prepared a brief memo from Ralph Chandler to Secretary Strock on key concerns with the RCRA bills in preparation for Mr. Strock's meeting with U.S. EPA Administrator William K. Reilly on July 17, 1992 in San Francisco (see attachment #3).

ANALYSIS:

The Legislative Office is continuing to review the latest versions of the two RCRA reauthorization bills. The two federal bills are similar in most respects and address many of the same general policy issues. However, they do differ in their breadth and approach to these policy areas. For example, each bill approaches the minimum content and recycling issues differently, with HR 3865 being more comprehensive and compatible to California's programs. Also, S 976 does not include programs for

plastic recycling codes or beneficial reuse of foundry sand as HR 3865 does. Conversely, HR 3865 lacks programs on reduction of metals in packaging, used oil management, regulation on Indian lands, and federal procurement of recycled goods which are included in the Senate bill.

STAFF COMMENTS:

The Legislative Office will continue to work toward a more in-depth analysis of S 976 and HR 3865, with the assistance of staff. A more thorough fiscal assessment and responses to future amendments will be required as well.

The Legislative Office made presentations to the CIWMB's Integrated Waste Management Planning, Market Development, Permitting and Enforcement, and Policy, Research & Technical Assistance Committees in July on HR 3865 and will return to those committees in August for presentations on S 976. Legislative staff also plan to bring an updated analysis of both RCRA bills to the August 18 meeting of the Legislation and Public Affairs Committee for purposes of recommending a position to the Board at its August meeting.

A separate Senate bill on interstate transport of waste S 2877 (Coats, R-IN and Baucus, D-MT), was scheduled to be heard on the Senate Floor the week of July 20 and rumors of attempts to add on provisions from the stalled Senate RCRA bill were rampant. In preparation for that possibility and as requested by our contract lobbyist on RCRA, legislative staff worked with Board technical staff to raise concerns about Senate language and propose generic amendments (see attachment #4). As this item went to print, we had not yet been informed as to the action taken on S 2877.

As suggested by several Board members at Board committee presentations on RCRA, legislative staff also plan to put together a matrix which compares all enacted state legislation (including bills signed from the 1991-1992 session) to the provisions in both RCRA bills. The purpose of this exercise will be to better determine and focus on priority issues for Board members as the RCRA reauthorization process most likely continues into 1993.

Even if RCRA bills are not acted upon by Congress before they adjourn this year (probably in October), the exercise of getting staff and Board Member input on RCRA issues will put the Board in a better position for taking prompt action next year.

ATTACHMENTS:

1) Summary of amendments to HR 3865 prior to full committee vote.

2) CIWMB legislative staff's proposed amendment language to HR 3865.

3) Memo to Cal/EPA Secretary Strock

4) A summary list and status report on pending federal solid waste legislation.

Prepared by: Pat Chartrand and Michelle Fadelli **Phone:** 255-2209 255-2668

Reviewed by: Dorothy Fettig **Phone:** 255-2208

Attachment #1

UPDATE ON HR 3865 - HOUSE RCRA BILL

On July 2, 1992, the House Committee on Energy and Commerce voted 28-15 to approve HR 3865 and send it to the House floor. Nine Democrats and six Republicans opposed the bill; 18 Democrats and 10 Republicans supported it. California's four representatives on the 53-member committee voted as follows: Waxman (D-Los Angeles), Moorhead (R-Glendale), and Dannemeyer (R-Fullerton), no; Lehman (D-Fresno), aye.

Opposition to the bill came from both Democrats, who felt the bill was not strong enough (especially after dropping hazardous waste provisions), and Republicans, who contended that it would impose unnecessary regulatory burdens on Americans. Environmental opponents predict a floor battle to include controversial toxics use reduction language and other amendments. US-EPA also opposed the measure.

Support for the bill came from members of the committee who argued that attention should be focused on what the legislation <u>would</u> accomplish, particularly in the area of scrap tire management, minimum content standards for newsprint, battery disposal, interstate transport of waste, plastic recycling codes, environmental labeling, and diversion requirements for municipal waste.

Key Amendments Adopted During Markup Sessions June 18-July 2, 1992

1. **Environmental Protection Standard** (amendment offered by Rep. Don Ritter, R-PA)

   Original bill language stated that regulations promulgated under Subtitle D "shall provide for the protection of human health and the environment" and did not include language that allowed the US-EPA Administrator to consider "practical capability" of facilities when developing such regulations. The amendment adopted by the committee states that the Administrator also "may take into consideration the circumstances presented by the category of solid waste."

   <u>Pros</u>: Language provides needed flexibility to US-EPA in developing regulatory standards. Otherwise, Subtitle D wastes would be held to the same strict standard as hazardous wastes under Subtitle C.

2. **Recycling** (amendments offered by Rep. Al Swift, D-WA)

   Amendments adopted retain the multiple options strategy, which gives packagers various compliance options, but applies only to bottles, jars, and cans. Options and recovery rates were revised. Under the revised language, packagers would be required to meet at least one of the following requirements:

Industry-wide recovery rates -- Set at 65 percent for aluminum, 40 percent for glass, 40 percent for steel, and 25 percent for plastic.

Company-specific programs -- Under which a packager must recycle at the above recovery rate materials that are the same as the material from which their package is made. The materials must have been diverted or separated from a municipal landfill, incinerator, or composting unit.

Recycled content option -- Under which a package must be made of materials that contain at least 25 percent postconsumer material, or a higher percentage that may be established by the Environmental Protection Agency.

Refillability or reuse option -- Under which a package must be designed to be refilled or reused for its original purpose at least five times, and at least 50 percent of all such packages must be refilled or reused.

Source reduction option -- Under which a package must be reduced in volume or weight by at least 15 percent compared to a package used for the same purpose and made of the same material used one year earlier, or by 20 percent compared to a package used for the same purpose one year earlier but made of a different material.

The new language would also allow the US-EPA Administrator to establish higher recycled content rates or recovery rates. In establishing such standards, US-EPA would be required to consider technological feasibility, economic impact on packagers, solid waste management costs, protection of the environment, and energy conservation.

The bill would also require US-EPA to publish recovery rates achieved for each category of packaging. It would exempt packages that hold drugs, cosmetics, medical devices, biological products, and pesticides. It would also require state and local governments to consider food safety concerns and requirements of the Food, Drug, and Cosmetic Act when developing packaging laws and regulations.

Pros: Although provisions only apply to cans, bottles, and jars, new recovery rates are set above what industries are currently meeting.

Cons: Leaves unrestricted packaging such as paperboard and plastic wraps. Could encourage packagers to shift to packaging that doesn't have to meet the requirements. Possible adverse impact on small business.

3. **Minimum Content Standards for Newsprint** (amendment offered by Rep. John Dingell, D-MI)

Amendment would require newspapers with circulation of 200,000 or more to meet 35 percent recycled content standards by 1995 and 50 percent recycled content standards by 2002. Newspapers who failed to comply would be hit with a $25 per ton fee on the amount of newsprint not in compliance. In addition, a newspaper would be required to publish prominently on its front page a notice stating that the newsprint on which the paper is published does not meet the federal government's required percentage of recycled content.

Pros: Addresses a glut of recycled newsprint collected by localities who lack a market. Since newspapers account for 50-80 percent of curbside recycling programs, strong measures are needed to spur demand for the glut in supply.

Cons: Mandated standards could have adverse effects on voluntary goals set by industry in states that are on different schedules than that set by federal mandate. Runs counter to bill's multiple options approach.

4. **Other Amendments**

Amendments add new requirements for US-EPA, after consultation with the Federal Trade Commission, to promulgate regulations containing standards and criteria for **environmental marketing claims**. Standards set by US-EPA would be enforced by the FTC. Under the new language, the standards must include criteria for the following terms: source reduced, refillable, reusable, recyclable, recycled content, compostable, ozone neutral, non-toxic, photodegradable, biodegradable, degradable, and decomposable.

The committee also adopted broader language on recycling batteries, as well as revisions to language on plastics recycling codes.

Attachment #2

STATE OF CALIFORNIA

Pete Wilson, Governor

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

PROPOSED AMENDMENT TO HR 3865 - RCRA REAUTHORIZATION
HOUSE COMMITTEE ON ENERGY AND COMMERCE - MARKUP VEHICLE
JUNE 9, 1992

PLANNING

Proposal: California proposes that any state which currently meets minimum specified criteria related to integrated waste management planning shall be allowed to operate under its own laws and shall not be subject to the state planning requirements outlined in Title I.

Rationale: California's Integrated Waste Management Act (IWMA) is one of the most comprehensive and progressive in the nation, and serves as a model for other states. California mandates the diversion of 25% of solid waste from landfills by 1995 and 50% by the year 2000. An estimated $30 million has already been spent on planning, primarily by local governments, in order to meet the mandates.

Proposed Amendment: Insert where appropriate:

> "Any state which has adopted integrated waste management laws and planning requirements which are at least as stringent as the minimum requirements contained in Section 102, as determined by the Administrator, shall be deemed to have met the requirements of sections 102, 103, and 104. The Administrator shall make such determination within 120 days after receipt of a request by the affected state."

STATE OF CALIFORNIA Pete Wilson, Governor

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
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PROPOSED AMENDMENT TO HR 3865 - RCRA REAUTHORIZATION
HOUSE COMMITTEE ON ENERGY AND COMMERCE - MARKUP VEHICLE
JUNE 9, 1992

LIFE CYCLE COSTS

Proposal: California proposes to eliminate all references to "life-cycle cost" in Title I - Solid Waste Management Planning.

Rationale: Section 101 -- Federal Guidelines for Plans, Section 4002(d)(2), defines "life cycle cost" as a standard methodology for measuring the cost of a waste management system over the lifetime of the system (page 5, lines 3 through 6). According to USEPA, such methodology is still being developed. Therefore, it is premature to force state and local governments to expend the resources associated with these efforts until the viability of such models can be established.

Proposed Amendments:

Strike lines 3 through 25 on page 5; strike lines 1 through 7 on page 6; change "(3)" on line 8 of page 6 to "(2)"; change "(4)" on line 14 of page 6 to "(3)".

Insert "and" after "year;" on line 23 of page 10; strike lines 24 and 25 on page 10; strike lines 1 through 3 on page 11; change "(C)" on line 4 of page 11 to "(B)"; strike "and (B)" on line 7 of page 11.

Add a "." to the end of line 6 on page 12; strike lines 7 and 8 of page 12.

STATE OF CALIFORNIA

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PROPOSED AMENDMENT TO HR 3865 - RCRA REAUTHORIZATION
HOUSE COMMITTEE ON ENERGY AND COMMERCE - MARKUP VEHICLE
JUNE 9, 1992

DISPOSAL-BASED QUANTIFICATION

Proposal: California proposes that any quantification of waste for the purposes of the waste inventory required by section 4011(a) be obtained through "disposal-based" measurement rather than "generation-based".

Rationale: California currently operates under "generation-based" diversion quantification. Our experience shows that this system is extremely costly for local governments, and will be far more costly at the local level in the long term than disposal-based measurement. Local governments complain that their resources are being consumed by excessive "counting" with limited funds remaining for program operations. In addition, some diversion (such as diversion achieved through source reduction) is virtually impossible to quantify. While disposal-based measurement may result in some increased costs at the state level, it is widely believed that disposal-based quantification will be far simpler and more cost-effective overall than generation-based.

Proposed Amendment: On page 4, line 14, after "generated" insert "or disposed". On page 10, line 5, after "generated" insert "or disposed". On page 22, line 23, after "generated" insert "or disposed".

On page 6, after the period insert "Compliance may be measured at landfills or transformation facilities according to disposal-based quantification."

STATE OF CALIFORNIA Pete Wilson, Governor

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8800 Cal Center Drive
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PROPOSED AMENDMENT TO HR 3865 - RCRA REAUTHORIZATION
HOUSE COMMITTEE ON ENERGY AND COMMERCE - MARKUP VEHICLE
JUNE 9, 1992

PRIOR AUTHORIZATION UNDER SUBTITLE D

Proposal: California proposes that those states which obtain program approval by USEPA to permit and regulate landfills under the current law should be allowed to operate under that approval and should not be required to apply for reapproval for at least five years.

Rationale: California, along with a handful of other states, is currently obtaining approval of its landfill permitting and regulating programs under USEPA's pilot program. Costs of this effort range between one half and one million dollars. Staff estimates that the costs of bringing CA law into a word-for-word match with the proposed changes to federal law could reach $15 million.

Proposed Amendments: Insert where appropriate:

> "Any state which has an application pending as of (insert appropriate date) pursuant to 40 CFR Part 257-258 shall not be subject to Section 206 for a period of 60 months, if such application is approved by the Administrator."

STATE OF CALIFORNIA

Pete Wilson, Governor

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

PROPOSED AMENDMENT TO HR 3865 - RCRA REAUTHORIZATION
HOUSE COMMITTEE ON ENERGY AND COMMERCE - MARKUP VEHICLE
JUNE 9, 1992

PERMIT TERMS

Proposal: As an alternative to fixed permit terms in Section 206 (page 70, lines 18 through 20), California proposes to allow permits to be reviewed, and if necessary, revised every five years.

Rationale: California believes that permits should not automatically expire at the end of ten years (or any number of years). The resulting resubmittal and approval of environmental documents, such as the California Environmental Quality Act review process (California' version of NEPA), would be an overwhelming and expensive task for States. In addition, a definite permit expiration date may force the shut down of waste facilities. Under current California law, permits are automatically reviewed, and if necessary, revised every five years.

Proposed Amendment: Strike "for a fixed term not to exceed 10 years." on page 70, lines 19-20, and insert instead "reviewed and if necessary, revised at least once every five years."

STATE OF CALIFORNIA

Pete Wilson, Governor

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PROPOSED AMENDMENT TO HR 3865 - RCRA REAUTHORIZATION
HOUSE COMMITTEE ON ENERGY AND COMMERCE - MARKUP VEHICLE
JUNE 9, 1992

SOURCE SEPARATED WASTE

Proposal: California proposes to amend Sections 102 (Minimum Requirements for State Plans), 204 (Composting Regulations) and 301 (Definitions) to allow flexibility in the separation of solid wastes, either at curbside locations or at materials recovery facilities (MRFs).

Rationale: In California, materials recovery facilities (MRFs) are widely used by communities to separate mixed solid waste for recycling and composting purposes. The bias in HR 3865 toward the curbside separation of solid waste would be disastrous for MRFs by requiring the removal of the very materials needed for their operation. Many cities and counties in California that operate MRFs will be economically affected by this bill. Moreover, a guaranteed flow of recyclable materials to MRFs is central to securing any bond financing or bank loans.

Proposed Amendments:

Page 10, line 13, after "source separation", insert "or separation at a central facility". Page 10, line 14, insert an "s" at the end of "method".

Page 11, line 19, delete the period (.) after "generation" and insert "or at a central facility."

Page 57, line 1, delete the comma (,) after "generation" and insert "or separated at a central facility,"

Page 57, line 4, delete the colon (:) after "generation" and insert "or separated at a central facility:"

Page 58, line 2, delete the period (.) after "generation" and insert "or at a central facility."

Page 58, line 14, insert after "separated", "or central facility separated"

Page 65, line 24, insert after "separated", "or central facility separated"

Page 76, line 19, delete the period (.) after "generation" and insert "or at a central facility."

Page 78, line 24, insert after "source separated", "or central facility separated"

Page 79, line 2, delete the period (.) after "generation" and insert "or separated at a central facility."

Attachment 3

State of California

California Environmental Protection Agency

MEMORANDUM

To: James M. Strock
Secretary for
Environmental Protection

Date: July 16, 1992

From: Ralph E. Chandler, Executive Director
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Subject: CONCERNS WITH RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) REAUTHORIZATION BILLS - HR 3865 (SWIFT, D-WA) AND S 976 (BAUCUS, D-MT)

As you know, over the last three months, CIWMB legislative staff have worked closely with Governor Wilson's Washington, D.C. office to analyze the House and Senate RCRA reauthorization bills. Our guiding principle during this process has been the effect of the federal language on implementation of California's comprehensive Integrated Waste Management Act of 1989.

Our key concerns are the significant state and local costs associated with both bills and the potential for disruption of the Board's existing programs, particularly in the areas of planning, permitting, and scrap tire management.

As directed by the Governor's Office and their contract lobbyist on RCRA issues, CIWMB legislative staff have developed proposed amendment language and begun the process of building coalitions with other states who share our concerns. The Governor's Office has also asked legislative staff to draft a letter from Governor Wilson to other governors on the fiscal impact issue, as well as a joint letter to be signed by the CIWMB, the League of California Cities, the California State Association of Counties (CSAC), and the Solid Waste Association of North America (SWANA) on shared concerns.

What follows is a summary of the CIWMB's major objections and proposed amendments to HR 3865 and S 976:

1. PLANNING

California's Integrated Waste Management Act is one of the most comprehensive and progressive in the nation, and serves as a model for other states. California <u>mandates</u> the diversion of 25 percent of solid waste from landfills by 1995 and 50 percent by the year 2000. An estimated $30 million has already been spent

on planning, primarily by local governments, in order to meet the mandates.

California proposes that any state which currently meets minimum specified criteria related to integrated waste management planning, as determined by the USEPA Administrator, be allowed to operate under its own laws and not be subject to state planning requirements under RCRA reauthorization.

2. PERMITTING

California, along with a handful of other states, is currently obtaining approval of its landfill permitting and regulatory programs under USEPA's pilot program. CIWMB staff estimates that the costs of bringing California law into exact conformance with the proposed changes to federal law would cost millions of dollars. California also has concerns with language in both federal bills that places fixed permit terms of ten years on solid waste facilities. The resulting resubmittal and approval of environmental documents would be an overwhelming and expensive task for states and solid waste facility operators, and could jeopardize landfill disposal capacity by subjecting often-controversial land disposal sites to full approval every ten years (California law requires that permits be reviewed every five years and revised if necessary).

California proposes that those states which obtain program approval from USEPA to permit and regulate landfills under current law be allowed to operate under that approval and not be required to apply for reapproval for at least five years. In addition, California proposes to allow permits to be reviewed, and if necessary, revised every five years.

3. SCRAP TIRE MANAGEMENT

The requirements in both bills that tires be shredded prior to landfilling, and that tire stockpiles be eliminated by 2005, are just a few of the provisions that would severely impact California's comprehensive waste tire and tire recycling programs. Shredding tires requires that a specific process be used when other processes for volume reduction are available (such as baling), and discourages development of more cost effective technologies for the handling and disposal of waste tires. Mandatory elimination of tire piles may encourage landfilling rather than the recycling and reuse of scrap tires; a requirement that stockpiles meet technical health and safety standards would be preferable. California's experience thus far is that markets exist for tires and many new markets are being developed. Many of the facilities that use tires require a very large supply (i.e., a stockpile), so it is inappropriate to require the elimination of piles if that entails shredding and landfilling. Tires can, and should, be recycled or reused.

California proposes that states with comprehensive waste tire and tire recycling programs be granted state equivalency by the USEPA Administrator, as long as such programs meet minimum requirements for waste tire facility permits, enforcement, recycling, storage, and waste to energy uses.

Due to the anticipated high costs of implementing the proposed RCRA reauthorization language and its interference with existing California programs, I expect the California Integrated Waste Management Board to take an "oppose, unless amended" position on HR 3865 and S 976 in the near future.

Attachment 8

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 would amend 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 states 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, its 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 would amend 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, D-Ohio, and Dan Schaefer, R-Colo., 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-Maine, 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. That debate, which flared up in March, will likely generate guidance as to whether recycling should be stimulated from the supply standpoint or from the demand end, as this bill proposes.

Status: The bill was introduced on June 25, 1991. It is too early to determine whether the legislation will 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: The House Energy and Commerce Committee began markups on June 18, 1992 and concluded them on July 2. Republicans and some Democrats successfully turned back several key environmentalist-supported provisions, including a moratorium on incinerators, tougher recycling rules for packaging, new regulations on industrial waste and a requirement that states meet certain recycling requirements or enact a deposit system on beverage containers. They successfully pushed through an amendment that would give the USEPA flexibility in governing municipal waste. Also approved was a provision that would remove from the legislation broad disclosure requirements of the executive branch related to making rules to enforce the bill. One measure that cleared committee with more bipartisan support would allow governors to block out-of-state municipal waste from being shipped into their state in certain circumstances. Several Democrats noted that the bill had been narrowed to exclude regulation of hazardous waste and that provisions on industrial waste -- the largest source of waste -- in addition to a bottle deposit system and recycling of packaging had been defeated or watered down. They promised to fight for these measures when the bill reaches the House floor. A coalition of 12 environmental groups said the bill was too weak to be effective, saying it failed to regulate industrial waste and didn't go far enough to encourage recycling.

Outlook: Most lawmakers want to send a RCRA reauthorization bill to President Bush in 1992, but few seem to have much enthusiasm for the legislation and a floor fight is expected over provisions advocated by environmentalists. Many observers say the bill has a tough road ahead as the session dwindles down, and some are pessimistic it will clear the House.

Status: The bill was introduced on November 22, 1991. After several public hearings, the bill was marked up on March 23-26, 1992 in the House Energy and Commerce Subcommittee on Transportation and Hazardous Materials and reported out on a 16-1 vote on March 26, 1992. After removing

provisions related to hazardous waste and generally narrowing the bill's focus, the House Energy and Commerce Committee began considering the bill on June 18, 1992 and approved the bill 28-15 on July 2, 1992. HR 3865 goes next to the House floor.

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: This bill has been amended into the Senate RCRA reauthorization measure; therefore, no further action is expected on S 615.

Status: The bill was introduced on March 12, 1991. It was approved as an amendment to S 976, the Senate RCRA reauthorization measure, during full committee markups on April 30, 1992.

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 don't appear to be any Administration objections to the legislation.

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 the 1976 Resource Conservation and Recovery Act (RCRA), the nation's comprehensive law for

solid waste management, 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 and 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. Republicans are prepared to fight against the bill, claiming it will impose untenable costs on industry. According to Senate Majority Leader George Mitchell, D-Maine, 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. Senators marked up the bill in the Environment and Public Works Committee on April 30, May 13 and May 20, 1992. S 976 goes next to the Senate Floor.

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 author's staff is enlisting cosponsors for the bill, and is directing constituents interested in its passage to contact members of Congress. They expect a companion bill on the House side to be introduced 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. It was referred to the Senate Committee on Finance. The committee's International Trade Subcommittee held a public hearing on the bill on October 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: Originally, the author had plans to get this bill incorporated into the Senate RCRA reauthorization bill, S 976, but that didn't happen. Chances of the bill's passage are unclear now.

Status: The bill was introduced on May 15, 1991. The Senate Environment and Public Works Committee's Environmental Protection Subcommittee held a field hearing on the measure on July 25, 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. Tribes could operate commercial hazardous and solid waste dumps on reservations as long as EPA deemed the sites acceptable by federal standards. The legislation would authorize $25 million a year through fiscal year 1997 to provide technical assistance to these tribes. Tribal governments would be permitted to establish their own standards as long as they are equal to or stricter than federal requirements. The legislation would also allow tribal governments to store hazardous and solid waste from other states provided the states they are located in allow it. Existing tribal "open dumps" must be upgraded or closed. Also, under the bill, Native American tribal governments responsible for waste dump sites that violate federal standards must submit to EPA remediation plans designed to bring sites into compliance within five years. These governments would be immune from civil lawsuits for 24 months to give them time while they are putting their plans into action. The legislation would establish technical assistance programs for tribal governments, was well as Alaska Native Village and Regional Corporations to deal with solid and hazardous waste issues on these lands. The legislation would establish criminal penalties for parties that dump waste on tribal lands illegally. It would require tribal governments that want to put together their own remediation plans to submit them within one year after discovering that their dumps do not adhere to federal standards. Tribes that don't want to formulate their own plans must indicate their intent to the EPA within 180

days after knowledge of noncompliance. The plan would require tribes to get dumps up to federal standards within five years, and grant them immunity from civil suits for two years after submitting their plans.

Outlook: The measure, recently revised to allay concerns expressed earlier this year by committee members such as Sen. Dennis DeConcini (D-AZ), appears to enjoy a higher level of support than it did prior to the July 2 markup. The author will still push S 1687 as a stand-alone measure.

Status: The bill was introduced on August 2, 1991. The Senate Select Committee on Indian Affairs approved S 1687 on July 2, 1992. It will now be referred to the Senate Environment and Public Works Committee for possible attachment to the RCRA reauthorization bills.

Bill No: **S 2877 D. Coats (R-IN)**
Subject: **Interstate Transportation on Municipal Waste Act of 1992**
This bill would allow state governors to freeze the disposal of out-of-state waste at 1991 or 1992 levels, whichever is smaller. The bill is necessary because the U.S. Supreme Court recently ruled that trash, as a saleable commodity, falls under the interstate commerce clause of the Constitution and cannot be locally regulated. The bill is similar to an amendment included in the Senate version of the RCRA reauthorization effort.

Outlook: According to the author's staff, the legislative outlook is very positive. A bill with similar waste provisions passed the Senate in 1990 (HR 5311). Although that bill was signed into law, the waste provisions were shelved in conference at the request of Eastern senators whose states would be hurt by the restrictions. Support has broadened since then.

Status: The bill was introduced on June 18, 1992. Senate floor debate was scheduled for July 20, 1992.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

July 29, 1992

AGENDA ITEM #6

ITEM: Review and consideration of the Board's proposed Market Development Strategy.

COMMITTEE ACTION:

This item was considered by both the Market Development Committee and the Board in June. The Board directed staff to make specified changes. A revised strategy was then "approved in principle" at the July 1 Market Development Committee meeting, and staff were directed to continue working with Committee advisors to make specified changes prior to resubmittal to the Board.

BACKGROUND:

In the Board's 1991 Annual Report, a commitment was made to complete a California Market Development Plan during 1992. The plan is to provide a coordinated vision for all the Board's efforts concerning market development.

The market development strategy presented in this item consists of a mission statement, broad goals and strategies. It has been significantly revised and restructured since the June Board meeting. This strategy forms the backbone of the overall plan, defining the general directions to be taken, and providing a basis for evaluating the effectiveness of ongoing market development efforts. Staff is currently developing specific objectives to be achieved, and analyzing ongoing and potential new staff programs, contracts and legislation.

To develop recommendations for new activities, staff will conduct workshops on each material type during August, September and October. From the results of each workshop, staff will formulate action plans for each material. Recommendations from these action plans will ultimately be prioritized and combined with the other components discussed above to form the California Market Development Plan. This process is intended to be complete by December to allow ample time for review and public comment prior to inclusion in the Board's 1992 Annual Report, due to the legislature in March.

Three secondary material types have been singled out as high priorities to be part of a "Fast Track Strategy." For these three materials --mixed paper, compostables and HDPE/mixed plastics-- the Market Development Committee will hold workshops and action plans will be given top priority in the California Market Development Plan.

ANALYSIS:

The Market Development Strategy has been developed through close collaboration between staff of the Market Development Branch, Strategic Planning and Policy Development Office, and Market Development Committee Advisors. This collaboration will continue throughout the preparation of the plan.

STAFF COMMENTS:

Staff recommends: 1) The Board approve the market development strategy; and 2) Direct staff to continue to work with the Market Development Committee on the California Market Development Plan.

ATTACHMENTS:

1. Proposed Market Development Strategy

Prepared by: Bill Huston, Tim Dunn, Ed Boisson — Phone 255-2394, 255-2398, 255-2204

Approved by: Tom Rietz, John Smith — 255-2384, 255-2401

Legal Review: MCM — Date/Time 7/22/92 - 5:20pm

ATTACHMENT 1 MARKET DEVELOPMENT STRATEGY

MARKET DEVELOPMENT MISSION

Establish and maintain market conditions in which secondary materials generated in California are efficiently recycled into new products.

MARKET DEVELOPMENT GOALS AND STRATEGIES

GOAL #1 Increase market demand for materials supplied by California's recycling programs.

Strategies:

- Assist and encourage existing California businesses to increase their use of secondary materials by expanding operations, or by replacing primary raw materials with secondary materials in existing operations.

- Assist and encourage the development of new California businesses which consume secondary materials.

- Assist and encourage the development of alternative uses for secondary materials which currently have limited market value.

GOAL #2 Increase the demand for recycled content products.

Strategies:

- Increase federal, State and local procurement of recycled content products.

- Promote the use of recycled content products among industry and the public through education, advertisement, labeling and other mechanisms.

GOAL #3 Promote the development of efficient local waste diversion systems.

Strategies:

- Provide technical assistance to local agencies to encourage development of self-sustaining recycling operations which are responsive to market conditions.

- Provide information and assistance to facilitate marketing of secondary materials.

GOAL #4 Promote the long-term competitiveness of secondary material collection and use.

Strategies:

- Establish an appropriate mix of incentives, information systems and regulation to increase the collection and use of secondary materials.

- Identify and eliminate inefficiencies within each secondary material market.

- Sponsor research and development to increase the efficiency and competitiveness of secondary materials collection and use.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

JULY 29, 1992

AGENDA ITEM 7

ITEM: Consideration and possible adoption of the California Integrated Waste Management Board Staff's proposal to strengthen the Integrated Waste Management Act of 1989

COMMITTEE ACTION:

The Planning Committee voted to adopt, in concept, the Staff's proposal to strengthen the Integrated Waste Management Act at its May 5, 1992 meeting and to refer it to the Legislation and Public Affairs Committee. On July 2, 1992, the Planning Committee directed Staff to present this agenda item for discussion at the July 16, 1992 Board Meeting and for consideration and possible adoption at the July 29, 1992 Board Meeting. At the July 16, 1992 Board Meeting, the Board:

- directed staff to be prepared to respond to questions related to regionalization and present the item for consideration and possible adoption at the July 29, 1992 Board Meeting; and
- directed the Board's Legislative Office to begin preparing draft statutory language which incorporates the concepts within the Staff proposal.

BACKGROUND:

Since the passage of the Integrated Waste Management Act (Act) of 1989, as amended, concern has developed among local jurisdictions, the environmental community, the Legislature and the Board about the complexity of the Integrated Waste Management Planning process including:

- the difficulty in obtaining accurate information on quantities and types of wastes recycled or otherwise diverted and calculating source reduction;
- the costs to local jurisdictions to perform the required waste management planning process (including waste generation studies) and future monitoring; and
- the need to identify wastesheds and markets for waste materials, which often cross jurisdiction boundaries; and
- the need to develop markets for waste materials.

Staff was asked to define, analyze and present its preferred option for changes to the existing diversion calculation system

in response to the issues identified above. The Staff proposal was mailed to approximately 1600 individuals or entities, including all local jurisdictions, prior to May 25, 1992. The Staff proposal was also distributed to Board Staff. Comments from all interested parties were due no later than Thursday, June 11, 1992. 79 comment letters were received. Staff presented a brief summary of the comments at the June 16, 1992 Planning Committee Meeting.

At the Planning Committee Meeting on July 2, 1992, Staff was directed to revise the proposal based on comment letters and develop Staff recommendations for presentation and discussion at the July 16, 1992 Board Meeting. The Planning Committee also directed that Board consideration and adoption of the Staff's proposed system be scheduled for the July 29, 1992 Board Meeting.

ANALYSIS:

Staff's Proposed System to Strengthen the Integrated Waste Management Act of 1989

Staff was asked to define, analyze and present its preferred option for changes to the existing diversion calculation system in response to the issues identified above.

Staff's proposed revised diversion quantification system (Attachment 1) was designed by Board Staff to address the following ideas: (1) a disposal-based reporting system; (2) a major reduction in the quantification of diversion by local jurisdictions; (3) a system allowing the formation of waste management planning regions which would be responsible for implementing programs and meeting the diversion mandates; and (4) continuing State involvement in market development and assistance. The major points included in Staff's proposed system are described below.

Disposal-based Reporting

- Continue to use the existing SRREs to determine the reduction in disposal tonnage required to meet the 1995 and 2000 diversion goals, and the programs to be implemented.
  - Allows jurisdictions to immediately implement programs.
  - No revision of the SRREs required.
- Change to a disposal-based annual reporting system.
  - Require disposal facility operators to report disposal tonnages by jurisdiction in periodic reports submitted to the county in which the facility is located.

- o Disposal tonnage may be reported by weight or volume.
- o Disposal Characterization Studies are limited to jurisdictions which fail to meet the diversion goals, and to the five-year revision of the SRREs.
  - o Board Staff would develop a simplified uniform methodology for performing disposal characterizations.

Less Local Diversion Reporting

- o Because the reporting system and diversion goal attainment are both based on disposal amounts and not diversion amounts, less diversion quantification would be needed.
- o New statutes would require private recyclers and composting facilities to report waste types and amounts sold in a "final transaction", by county of origin.
  - o "Final transactions" would include sales to end processors for remanufacturing, sales which result in the material being exported from California or the ultimate disposal of the material.
  - o These periodic reports would be in a uniform and simplified format and would be submitted to the county.
  - o Any industrial or commercial entity which sells a by-product of a manufacturing or business process would not be required to submit periodic reports.
- o Local jurisdictions or waste management planning regions would submit simplified quantitative periodic reports to the county on those recycling or composting programs which they operate.
- o Local jurisdictions or waste management planning regions would still need to submit qualitative information on major changes in the wastestream in their annual reports.
- o Because of the costs and time involved, no source reduction quantification by local government would be required.
- o The Board would receive copies of aggregate diversion and disposal data from the counties for inclusion in the Board database.
- o All proprietary data would remain confidential.

Regionalization

- o Voluntary regional groups, called Waste Management Planning Regions, would be allowed.
  - o A region would contain two or more jurisdictions in one or more counties.
- o Formation of a region, and allocation of duties and responsibilities would be delineated in a "Waste Management Planning Region Contract" via a Joint Powers Authority, Memorandum Of Understanding, Memorandum Of Agreement, etc.

- The contract would specify how any Board imposed fines for failure to meet the diversion goals would be allocated among the jurisdictions in the region.
- No revision of the SRREs would be required at the time a region is formed.

- Each region, not individual jurisdictions, would be responsible for meeting the 25% and 50% mandates by reducing disposal to the sum of the individual disposal goals of all member jurisdictions.
- Each region would be responsible for submitting annual reports and five-year SRRE revisions.

Continued State Assistance

- Board assistance to local jurisdictions would continue and would include: the development of model source reduction and education programs and model integrated waste management planning documents; market development activities; and other planned programs.
  - The impact of this assistance will increase as Board programs are fully implemented, and Board contracts are completed.

STAFF COMMENTS:

Staff recommends that the Board adopt the revised staff proposal to strengthen the Integrated Waste Management Act of 1989.

ATTACHMENTS:

Attachment 1 Revised Board Staff Proposal and Options to Strengthen the Integrated Waste Management Act of 1989

Prepared by:	John Sitts	Phone:	255-2335
	John Nuffer	Phone:	255-2310
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Reviewed by:	Tom Rietz	Phone:	255-2384
Legal review:		Date/Time:	7/20/92 - 2:45 p

REVISED BOARD STAFF PROPOSAL AND OPTIONS TO STRENGTHEN THE INTEGRATED WASTE MANAGEMENT ACT OF 1989

BOARD MEETING - JULY 29, 1992

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EXECUTIVE SUMMARY

PURPOSE

The purpose of this document is to: 1) discuss the major concerns regarding the existing integrated waste management planning system; and 2) discuss a proposed system which was developed by Board staff, including options to modify the proposal which were developed as a result of comments from local jurisdictions and other interested parties.

BRIEF OUTLINE OF CURRENT SYSTEM

The current system requires individual jurisdictions to quantify all waste disposal at landfill and transformation facilities, and all waste diversion accomplished by public or private source reduction, recycling, and composting programs or activities. These disposal and diversion amounts are both used to determine compliance with the 25% and 50% diversion mandates. Local jurisdictions must request the voluntary release of this information from disposal and diversion facilities, and other private and public sector entities.

While the current system does allow individual jurisdictions to work together for program implementation and in document preparation to some extent, it does not allow for regional fulfillment of the diversion mandates. Each jurisdiction is required to divert 25% and 50% of the waste it generates.

Under the current system, local jurisdictions are responsible for developing and identifying markets. The State also has a major role in assisting local government with market development.

CONCERNS REGARDING THE CURRENT SYSTEM

Since the passage of the Integrated Waste Management Act (Act) of 1989, as amended, concern has developed among local jurisdictions, the environmental community, the Legislature and the Board about the complexity of the Integrated Waste Management Planning process.

First, there is concern that it is too difficult to obtain accurate information on quantities and types of wastes recycled or otherwise diverted and to calculate source reduction. Second, there is concern about the costs to local jurisdictions to perform the required waste management planning process (including waste generation studies) and future monitoring. Third, jurisdictions have said they do not have sufficient information, funds or ability to 1) identify wastesheds and markets for waste

materials, which often cross jurisdiction boundaries, and 2) to develop markets for waste materials.

BOARD ACTIVITIES RELATED TO THE DIVERSION QUANTIFICATION SYSTEM

The Board's Integrated Waste Management (IWM) Planning Committee has been considering issues which relate to diversion quantification and what should count toward diversion since late 1991. The Board staff were asked to review and analyze external proposals to modify diversion quantification and to develop a staff proposed diversion quantification system. Staff presented its analysis of proposals and proposed a new system at the May 1992 IWM Planning Committee Meeting. The IWM Planning Committee adopted the staff proposed diversion quantification system in concept and sent its recommendation to the Legislation and Public Affairs Committee.

The Committee also directed staff to solicit comments on the staff proposed system from local jurisdictions and other interested parties. In late May, 1992 the staff proposal was mailed approximately 1600 parties including all local jurisdictions. Staff presented a summary of comments received from interested parties at the June, 1992 The IWM Planning Committee meeting.

The following is an outline of the staff proposal. It represents changes recommended by staff to address comments received, additional staff analysis, and continuing discussions with interested parties. Changes are indicated as follows: additions are <u>underlined</u>, deletions are indicated by ~~strikeout~~.

OUTLINE OF THE REVISED STAFF PROPOSED SYSTEM

The proposed system is designed to reduce the planning and reporting effort currently required of local jurisdictions, so that time, effort, and funds can be directed at diversion program implementation without any further delays and without SRRE revision. Changes would be needed in both statute and regulation to implement the staff proposed system.

Staff's proposed diversion quantification system is designed as follows:

Disposal-based reporting

The proposal would:

- continue to use the existing SRREs to determine the reduction in disposal tonnage required to meet the 1995 and 2000 goals;

- allow jurisdictions to immediately implement programs without SRRE revision or added solid waste management planning;

- change to a disposal-based ~~annual~~ periodic reporting system in which disposal facility operators would be required to report disposal tonnages by jurisdiction to the ~~Board~~ county, the county then forwards a report to the Board and to the cities; and

- require simplified disposal characterization studies ~~only~~ if jurisdictions fail to meet the diversion goals, and at the time of the five-year revision of the SRREs or CIWMPs.

Reduction in Local Diversion Reporting

The proposal would:

- require local jurisdictions or regions to submit simplified quantitative ~~annual~~ periodic reports on those recycling or composting programs which they operate;

- require private recyclers and composting facilities to report, to the ~~Board~~ county, waste types and amounts by ~~jurisdiction~~ county, the county would then forward the report to the Board and the cities;

- exempt ~~Scrap metal dealers, and~~ industrial/commercial entities which sell by-products of manufacturing or business processes from the reporting requirement;

- ~~require the Board to consolidate information from all the sources of diversion data, and publish aggregate diversion and disposal information for each jurisdiction or region;~~ and

- remove the requirement that source reduction be quantified by local government.

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Regionalization

The proposal would:

- allow voluntary regional groups, called ~~Disposal~~ Waste Management Planning Regions containing ~~two or more jurisdictions in one or more counties~~ two or more cities within the same county, entire county including all its cities, two or more counties, or a county unincorporated area with one or more cities;

- require submission and Board approval of specific portions of a "~~Disposal~~ Waste Management Planning Region Contract" ~~containing~~ including a delineation of duties, responsibilities, and the method of allocation for any Board imposed fines to jurisdictions within the disposal region;

- allow the ~~disposal~~ waste management planning region, not the individual jurisdictions, to meet the diversion tonnage goals and to submit annual reports and the five-year revision of the SRRE; and

- not require revision of the SRREs or interrupt diversion program implementation to establish regions.

Increased or Continued State Assistance

The proposal would:

- allow Board assistance to local jurisdictions to continue, including: the development of model source reduction and education programs and model integrated waste management planning documents, market development activities, and other planned programs. The impact of this ongoing assistance will increase as Board programs are fully implemented, and Board contracts are completed;

- ~~keep the responsibility for meeting the diversion goals with the local jurisdiction or disposal region, not with the State; and~~

- ~~include a new Board-coordinated statewide diversion and disposal tracking system.~~

CONCLUSION

This system represents a coordinated effort among Board staff to address the concerns of local jurisdictions, formulate solutions, and mitigate as many of the negative impacts as possible.

Under this system, the cost to local jurisdictions should be greatly reduced, and the jurisdictions could concentrate their efforts on diversion program **implementation** rather than on reporting requirements.

Implementation of this proposal would require changes in both statute and regulation: 1) to change to a disposal based reporting system, while maintaining the original 25 and 50 percent diversion mandates from the current generation-based system; 2) to reduce the requirements for diversion quantification by local jurisdictions and to mandate some level of disposal and diversion reporting by private recyclers, composting facilities, and by local jurisdictions for their own recycling and composting programs; and 3) to allow of the formation of voluntary regional groups which would be responsible for meeting regional diversion mandates.

INTRODUCTION

PURPOSE

The purpose of this document is to: 1) discuss the major concerns regarding the existing integrated waste management planning system; and 2) discuss a proposed system which was developed by Board staff, including options to modify the proposal which were developed as a result of comments from local jurisdictions and other interested parties.

CONCERNS REGARDING THE INTEGRATED WASTE MANAGEMENT PLANNING PROCESS

Since the passage of the Integrated Waste Management Act (Act) of 1989, as amended, concern has developed among local jurisdictions, the environmental community, the Legislature and the Board about the complexity of the Integrated Waste Management Planning process.

First, there is concern that it is difficult to obtain accurate information on quantities and types of wastes recycled or otherwise diverted and to calculate source reduction. Diversion is difficult to quantify for a number of reasons. There may not be good records of the quantities and types of wastes diverted by past programs. The methods for calculating the amount diverted may differ from program to program. Jurisdictions must rely on the voluntary cooperation of private sector recyclers and volunteer groups for information on existing programs. Many jurisdictions state that it is difficult to quantify source reduction because there is no waste to quantify. Some jurisdictions believe the existing waste generation studies to be incomplete and inaccurate because of difficulties in quantifying diversion.

Second, there is concern about the costs to local jurisdictions to perform the required waste management planning process (including waste generation studies) and future monitoring. Many jurisdictions have said that solid waste generation studies and planning activities have been very costly and the measurement of diversion has been the most costly and perhaps the most difficult part of the requirements. There is a concern that performing waste generation studies for future annual reports and SRRE revisions, may be very costly for local jurisdictions at a time of budget deficits. Changes made since the passage of AB 939 and additional proposed statutory modifications to alter what materials count toward diversion may require recalculation of baseline data and revision of documents prepared by jurisdictions; this will also increase costs.

Third, jurisdictions have said they do not have sufficient information, funds, or ability to 1) identify wastesheds and markets for waste materials, which often cross jurisdiction boundaries; and 2) develop markets for waste materials.

Fourth, many jurisdictions have stated a shift to allowing regional goals, rather than individual jurisdiction goals, would reduce duplication of planning, monitoring, and market development efforts, and reduce the cost to local governments. Research and Technology Development Division staff in the Special Studies Section surveyed 26 counties throughout the state in February, 1992. The survey indicated that 21 of the 26 counties (81%) either currently utilize, or propose to utilize, a regional approach for solid waste management. Planning and Assistance Division staff in the Local Assistance Branch and Special Studies Section staff have been told that the current statutory requirements are an impediment to the successful implementation of regional solutions to solid waste management problems. Individual jurisdictions may not be able to realize economy of scale benefits which could result from regional planning and implementation of regional waste management solutions.

BOARD ACTIVITIES RELATED TO THE DIVERSION QUANTIFICATION SYSTEM

Since late 1991 the Board's Integrated Waste Management (IWM) Planning Committee has been considering issues which relate to diversion quantification and what should count toward diversion. The Board staff were asked to review and analyze external proposals to modify diversion quantification and to develop a staff proposed diversion quantification system. Staff presented its analysis of proposals and proposed a new quantification system at the May 1992 IWM Planning Committee Meeting. The IWM Planning Committee adopted the staff proposed diversion quantification system in concept and sent its recommendation to the Legislation and Public Affairs Committee.

Additionally, the IWM Planning Committee directed staff to solicit review and comments on the staff's proposed diversion quantification system from jurisdictions and other interested parties. In late May the staff proposal was mailed to approximately 1600 individuals or entities, including all local jurisdictions. The Planning Committee was then presented with a summary of comments received from interested parties at its June 16, 1992 meeting (Attachment 1).

As a result of comments received, additional staff analysis, and continuing discussions with interested parties, the staff proposal has been revised. The revision contained in this document addresses the four major components of the staff proposal: disposal-based reporting; reduced diversion tracking; regionalization; and increased state role.

BRIEF OUTLINE OF STAFF PROPOSED SYSTEM

Board staff's proposed diversion quantification system was designed to address the following ideas: (1) a disposal-based reporting system; (2) a major reduction in the quantification of diversion by local jurisdictions; (3) a system allowing the formation of disposal regions which would be responsible for implementing programs and meeting the diversion mandates; and (4) continuing State involvement in market development and assistance.

The proposed system incorporates many of the ideas from jurisdictions and interested parties submitted to the Board in 1991. It also represents a coordinated effort among Board staff to address the concerns of local jurisdictions, formulate solutions, and mitigate as many of the negative impacts as possible. The options presented in this document were developed based on comments received on the original staff proposal as well as additional concepts generated by staff. It further defines the original proposal and illustrates potential courses of action.

Unlike other "disposal-based systems", this system could be implemented prior to 1995 with fewer major impacts on local jurisdictions and still maximize diversion consistent with the original intent of AB 939.

Staff anticipates that the proposed system would reduce duplication of effort and increase system efficiency. Therefore, the overall cost of tracking solid waste should be reduced. Local landfill tipping fees could increase if landfill operators are not currently required to document disposal and they increase fees to offset the increased tracking costs.

Changes would be needed in both statute and regulation to implement the staff proposed system. While the amount of time required to complete the statutory changes is uncertain due to the complexities of the legislative process, staff estimates that the revision of the regulations will require between 12 and 18 months. This is the approximate time required to develop regulations under the Office of Administrative Law procedures. These changes may involve an increase in, and redirection of, Board staff work.

In conclusion, implementation of this proposal would require changes in both statute and regulation: 1) to change to a disposal-based reporting system, while maintaining the original 25% and 50% diversion mandates from the current generation-based accounting system which includes all allowable existing diversion credits; 2) to reduce the requirements for diversion quantification by local jurisdictions and to mandate some level of disposal and diversion reporting; and 3) to allow for the

formation of voluntary regional groups which would be responsible for meeting the mandated diversion mandates. No statutory or regulatory changes would be needed to continue to develop Board programs in market development, public education and assistance to local jurisdictions.

ORGANIZATION OF THE STAFF ANALYSIS

The revised staff proposal includes four major components: 1) disposal-based reporting; 2) reduced diversion tracking; 3) regionalization; and 4) increased state assistance. The analysis of each of the first three components contains:

- Issues of concern with the existing system;
- Summary of the draft staff proposal to address the issues of concern;
- Public comments on the draft staff proposal;
- Options for modifying the draft staff proposal; and
- Staff's recommendation of an option to modify the draft staff proposal

The analysis of the fourth component, increased state assistance, contains the sections listed in the bullets above, except for the options. Most of the comments were in the form of suggested areas of emphasis, so the nature of the comments does not lend itself to an option format.

I. DISPOSAL-BASED REPORTING

ISSUES OF CONCERN WITH EXISTING SYSTEM

The major issues of concern with the current system include: the costs and difficulty of quantifying diversion; the difficulty in allocating disposal tonnages to the appropriate jurisdiction; the difficulty in demonstrating compliance with the diversion mandates; and the costs for monitoring and tracking waste for future annual reports and SRRE revisions.

STAFF PROPOSAL TO ADDRESS ISSUES OF CONCERN

The original staff proposal would modify statutes regarding the switch to a Disposal-Based Reporting system.

This section describes the major points of the disposal-based reporting system, and contains clarifications on certain aspects of the proposal which were requested in comment letters. Subsequent sections summarize public comments and present options for modifying the proposal.

Issues regarding Disposal-Based Reporting

1) Diversion Mandates:

- Disposal amounts would be used to demonstrate jurisdiction or Waste Management Planning Region compliance with the diversion mandates (Please see Section III. for a discussion of Regionalization);

- If the number of tons disposed in 1995 (or 2000) is equal to or less than the disposal amount which was projected for 1995 (or 2000) in the initial Solid Waste Generation Study in the SRRE (the projections in the SRRE must be consistent with the 25% and 50% diversion mandates), then the jurisdiction will have successfully met the diversion goals;

- In each goal year (1995 and 2000), the projections would need to be adjusted to reflect the actual population growth which has occurred, as well as other factors which affect the generation of solid waste, such as economic changes. The current generation-based system also includes provisions requiring projection adjustments. Under either system, the Board would need to conduct a study of the factors which affect the generation and disposal of solid waste;

- If a jurisdiction's locally adopted SRRE does not contain adequate projections of disposal tonnages, then the

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jurisdiction would have two options. The jurisdiction could submit a letter to Board staff and to the county. This letter would contain the final version of the solid waste projections, and would fully document and explain any changes, adjustments, or corrections to the original projections. Alternatively, the jurisdiction could include the required information in the SRRE prior to its inclusion in the countywide plan;

- All existing diversion would count (except for base-year diversion of inert solids, scrap metals, white goods, and agricultural waste which does not meet the criteria set forth in the Board Motion of March 25, 1992 and subsequent regulations); and

- All future diversion from disposal facilities would count toward the diversion mandates. Any new diversion of any material which reduces the amount of waste disposed will count toward the diversion mandates. This diversion could include source reduction and new diversion of inert solids, scrap metals, white goods, or agricultural waste from disposal.

2) Disposal Tonnages Tracking and Allocation to Jurisdictions:

- Because the diversion mandates will be based only on the amount of waste disposed, it is very important that there is an accurate method for tracking disposal amounts and allocating the correct amount of disposal to each jurisdiction;

- The current system requires the reporting of disposal amounts by jurisdiction, so disposal tracking is not a new requirement. However, because of the increased importance of the disposal amounts, the amount of waste delivered to each landfill will need to be carefully allocated to each "user" jurisdiction or "user" Waste Management Planning Region, so that all of the waste disposed is counted. Under the current system disposal allocation is accomplished at the local (usually county) level and requires a high degree of cooperation between jurisdictions. There has been some disagreement between jurisdictions about allocation of base-year disposal data. In 1995, when jurisdictions must achieve the diversion mandates or risk potential fines, there may be more disagreement between jurisdictions. While a significant number of comments suggested that disposal allocation be left up to the local jurisdictions, staff believe that a uniform system is needed because compliance with the mandates will be based solely on disposal data;

- The proposal would require that landfills and transformation facilities report the amount of waste disposed by

jurisdiction or Waste Management Planning Region. An estimate of the corresponding in-place volume would also be required, as it is under the present system, for landfill capacity planning. An accurate method of determining weight or volume would be required at each site which receives solid waste for final disposal. Acceptable conversion factors between weight and volume would be specified during the regulatory process. The regulations would also specify acceptable methods for jurisdictions to use to determine site specific conversion factors;

- Current statute (PRC section 41783) requires that no more than 10% of the 50% goal (2000) be claimed through transformation; tracking transformation amounts would document the amount transformed and diversion claimed by jurisdictions or Waste Management Planning Regions. It is not within the scope of this proposal to change the amount of transformation which may count toward the diversion mandates; and

- After consulting with facility operators and other affected parties, the Board would provide a simplified uniform reporting form for any disposal tracking system implemented (this form would be provided in hard copy, and also in electronic format compatible with common spreadsheet, word processor, and database programs). Several comments emphasized the importance of uniform reporting.

3) Planning Process:

- Jurisdictions would not need to revise their SRREs or change their implementation schedules as a result of this proposal. If a jurisdiction's projections needed adjustment, then the jurisdiction would need to submit a letter containing the changes to Board staff and the county;

- As a result of a Board motion on March 25, 1992, some SRREs may need to be revised to adjust for the base year exclusion of inert solids, agricultural waste, scrap metals, and white goods unless the necessary criteria set forth in proposed regulations which are currently being drafted are met. It is important to note that the Board Motion of March 25, 1992 which involves the exclusion of inert solids, scrap metals, white goods, and agricultural wastes from the base-year diversion level is not a part of this proposal, nor is it within the scope of this proposal to modify how these materials are treated. Regulations are being developed in a separate process;

- The Board would not specify recovery rates for materials or mandate specific diversion programs, so jurisdictions would

be able to adapt diversion programs to their present infrastructure, existing markets, and unique wastestreams;

- Future waste characterization would be a simplified disposal characterization by waste type and would be required if a jurisdiction or Waste Management Planning Region (if regionalization is allowed) failed to reduce the disposal tonnages to the level contained in the SRRE projections for 1995 or 2000. Through the waste disposal characterization, the jurisdiction or Waste Management Planning Region would determine the composition of the disposed wastestream, so that additional material types could be targeted for diversion;

- In a non-goal year, if a jurisdiction's annual report indicates that a lack of adequate disposal characterization data is responsible for a lack of program implementation or success, then the jurisdiction may be required to perform a simplified disposal characterization;

- For planning purposes, a limited amount of future waste <u>disposal</u> characterization would be necessary, and would be accomplished at the five-year revision of the SRRE by local jurisdictions or Waste Management Planning Regions; and

- The Board would provide a simplified uniform methodology for the future disposal characterizations ("landfill sorts"), so that many jurisdictions or Waste Management Planning Regions could perform the work without the expense of a consultant. Several comments emphasized the need for a simplified uniform sampling methodology.

4) Other Issues

- Unpermitted disposal facilities, illegal dumping, backyard incineration, biomass facilities, stockpiling and subsequent disposal of recyclables, or other sites/activities could contribute to the decrease in solid waste disposed. However, jurisdictions already have programs designed to minimize these activities (e.g., the funding of a local enforcement program and/or public education program targeting illegal dumping). A significant number of comments expressed reservations regarding any quantification of these activities, and the potential for another "bean-counting" exercise. These activities also affect the current system, but were not considered in the current regulations. The Board does not consider these activities legitimate diversion;

- To fully track disposal tonnages, the Board would need to continue efforts to ensure that those disposal facilities which currently require Solid Waste Facility Permits (SWFP)

obtain them. Any additional disposal at unpermitted disposal facilities will result in a decrease in disposal at permitted facilities. This provision in no way seeks to require permits from other types of facilities which are not currently required to possess them; and

- To implement this system, changes would be needed in both statute and regulation. The amount of time required to complete the statutory changes is uncertain due to the complexities of the legislative process. Staff estimates that the revision of the regulations will require between 12 and 18 months.

PUBLIC COMMENTS ON DRAFT STAFF PROPOSAL

- Approximately 40% of the comments expressed support for disposal-based reporting as described in the staff proposal;

- Another 36% requested significant changes to, and/or clarification of, the disposal-based reporting system. This group did not specify support for or against the staff proposal, but were in favor of the concept of disposal-based reporting;

- A significant number of comments stated that tracking the source of waste by jurisdiction at landfills is extremely difficult, if not impossible;

- A significant number of comments expressed the concern that tracking would be too expensive for disposal facility operators; and

- A large number of the comments requested that local governments be allowed to make the allocation of waste disposal amounts to each jurisdiction, then these allocated amounts would be used to determine compliance with the diversion mandates.

For a more detailed listing of comments, refer to Attachment 1.

OPTIONS FOR MODIFYING THE STAFF PROPOSAL

As a result of submitted comments and additional staff analysis, two options were identified which involve different approaches to the waste disposal tracking and allocation methodology. A number of the comments stated that the system in the original proposal was too restrictive, took too much control away from the local jurisdictions, and would be an unreasonable burden on disposal facility operators.

Each of the two options specify a method for allocating the tonnages of waste disposed to the appropriate user jurisdiction or Waste Management Planning Region. The main difference between the options is the required frequency of data collection.

There are several features common to both options:

- Haulers and transfer station operators would be required to, when requested, inform disposal facility operators of the jurisdiction(s) of origin of the waste they deliver (as accurately as possible);

- The hauler would also provide an estimate of the waste contributed by each jurisdiction in cases where trucks collect waste from (or transfer stations which receive waste from) more than one jurisdiction or Waste Management Planning Region;

- Each landfill and transformation facility operator in the state would be required to report disposal tonnage amounts by jurisdiction (or region) to the County in which the facility is located. The County could then produce a monthly, quarterly, or annual report (based on the local situation and needs) which includes total disposal for each jurisdiction or Waste Management Planning Region for all disposal facilities used (in general, counties already play a major role in the allocation of waste to jurisdictions). The County would provide these reports to all jurisdictions which dispose of waste within the county and to the Board;

- Currently, disposal facilities receive numerous requests from surrounding jurisdictions for the same type of information; this system would simplify and consolidate the present disposal facility reporting system, but disposal facility reports would be mandatory instead of the current voluntary system;

- For a landfill which receives waste from only one jurisdiction or one Waste Management Planning Region, only the total disposal tonnage would need to be reported (information on the total tonnages disposed is already required for the $0.75 surcharge per ton); and

- If through the statutory and regulatory process, it is determined that disposal information is needed by source of waste (residential/commercial/industrial), then the truck type would be identified as part of the tracking or survey process based on local conditions and experience (for example, the following could be used: residential = rear-loaders and side-loaders, commercial = front-loaders, industrial = roll-off bins).

DISPOSAL-OPTION 1: ALLOCATION OF DISPOSAL TONNAGES BASED ON PERIODIC TRACKING SURVEYS OF DISPOSED WASTE CONDUCTED AT ALL DISPOSAL FACILITIES

- On a periodic basis, all active disposal facilities (landfills and transformation facilities) would need to track the origin of the waste delivered in each refuse truck and self-haul load, by jurisdiction or Waste Management Planning Region. The frequency of the periodic surveys would be locally selected from a list of Board approved options which possibly could include: one day per week of operation (up to 52 days per year), one week per two month period of operation (72 days per year), or other survey frequencies. The actual list of acceptable sampling frequencies would be specified in the regulatory process. The results of the survey period would be used to allocate disposal tonnages to the user jurisdictions for all of the waste disposed of during that time interval. For example, (tons disposed by a jurisdiction in 1 week period) divided by (7 days per week) multiplied by (the number of days in the two month period) would equal the amount of waste disposed of by that jurisdiction during that two-month period.

Implementation Issues

- This option would be less costly for disposal facility operators due to less frequent tracking, and therefore less paperwork;

- This option could create less disruption of traffic flow at the gate (fewer survey/tracking days per year);

- This option could produce less accurate disposal data, but if the survey period is randomly selected then the accuracy of the data collected should be adequate;

- This option would be more flexible by allowing for selection of survey period by local jurisdictions or the county based on local conditions; and

- Periodic surveys would require landfills which currently do not have attendants to only acquire them for the duration of the surveys in order to monitor disposal.

DISPOSAL-OPTION 2: ALLOCATION OF DISPOSAL TONNAGES BASED ON SYSTEMATIC DAILY TRACKING OF DISPOSED WASTE AT ALL DISPOSAL FACILITIES

- On a daily basis, all active disposal facilities (landfills and transformation facilities) would need to track the origin of the waste delivered in each refuse truck and self-haul load, by jurisdiction or Waste Management Planning Region. This tracking would be required for every day of operation (up to 365 days per year).

Implementation Issues

- Option 2 would be the more costly option for disposal facility operators;
- This option could create significant disruption of traffic flow at the gate (365 days per year);
- This option could produce more accurate data, because data would be collected every day;
- The burden could be so great that some disposal facilities would be unable or unwilling to participate fully;
- A result of this proposal, there would be less local control of tracking process due to mandated daily tracking; and
- Daily tracking would require landfills which currently do not have full-time attendants to acquire them, in order to monitor disposal every day.

Summary: The effects of both options would be to institute a disposal tonnage tracking system for use under a disposal-based reporting system. Option 1 should be more cost-effective and Option 2 could produce more accurate data.

RECOMMENDATION

Staff recommends option 1, Allocation of Disposal Tonnages Based on Periodic Tracking Surveys of Disposed Waste conducted at All Disposal Facilities.

II. REDUCED DIVERSION TRACKING BY LOCAL JURISDICTIONS

ISSUES OF CONCERN WITH EXISTING SYSTEM

The major issues of concern with the existing system include: the costs and difficulty of quantifying diversion (especially source reduction); the difficulty in demonstrating compliance with the diversion mandates; and the costs for monitoring and tracking waste for future annual reports and SRRE revisions.

STAFF PROPOSAL TO ADDRESS ISSUES OF CONCERN

The original proposal would modify statutes to reduce the diversion tracking required of local jurisdictions.

This section describes the major points of the proposed system and contains clarifications on certain aspects of the proposal which were requested in comment letters. Subsequent sections summarize public comments and present options for modifying the proposal.

Issues regarding Reduced Diversion Tracking

1) Diversion Mandates:

- Because the staff proposal would institute a disposal-based reporting system for measuring the progress toward the 25% and 50% diversion mandates, diversion data would not be used to determine if jurisdictions meet their goals, therefore, the amount of detail originally required in the SRREs would no longer be necessary; and

- Limited diversion information would still be needed for evaluating markets, for estimating program success, and for other planning activities.

2) Diversion Tonnage Tracking and Allocation to Jurisdictions:

- The diversion reporting requirements for local jurisdictions would be greatly reduced;

- Local jurisdictions, or Waste Management Planning Regions, would be required to report the types and quantities of wastes diverted for recycling and composting programs which they directly fund or operate. This program information may be available from records that jurisdictions already maintain. Yearly tonnages of wastes diverted by programs funded and/or operated by a jurisdiction or Waste Management Planning Region would be submitted in the annual reports

required after approval of the CIWMP. Staff is considering a simple format listing the types and amounts diverted by each diversion program;

- Because the quantification of source reduction can be very difficult and costly, source reduction would not be quantified at the local level. Source reduction would still count toward the mandates because it will reduce the amount of disposal. Board staff would continue to undertake studies and determine the effectiveness, average recovery rates, and average costs for common source reduction programs. A large number of the comments suggested that the savings to jurisdictions in reduced quantification and paperwork may make source reduction programs more attractive and more feasible than under the present system;

- Local governments would not be required to quantify private diversion activities;

- There would be no requirement to allocate diversion to specific jurisdictions, eliminating this difficulty currently encountered by regional diversion facilities;

- Private recyclers and composting facility operators would be required to submit reports on the amount of each material they process. The report would identify the county of origin of the diverted materials. Under the present system, recyclers and composters receive numerous requests and/or surveys from surrounding jurisdictions and their consultants for the same type of information (but the requests also want information broken down by city). This system would simplify and consolidate the present reporting system, but the reports would be mandatory instead of the current voluntary system;

- Private recyclers would be defined in statute or regulation to include those entities whose primary business is buying or collecting, and then selling recycled materials. The definition would not include the generators of materials (e.g., private commercial or industrial entities which sell a by-product of an on-site manufacturing or business process). A significant number of comments suggested that scrap metal dealers should not be exempt from the reporting requirements;

- The reports that recyclers and composting facilities would be required to submit would be similar to the AB 2020 reports required by the Department of Conservation, but would include other waste types. A short, simple reporting form (in both hard copy and electronic format) and procedures would be developed by Board staff in consultation with Recycling Industry representatives;

- Any proprietary information collected would be handled under the requirements of the Public Records Act (and, if needed, additional statutory provisions or regulations). To avoid disclosure of proprietary information, only aggregate county tonnage data would be released to jurisdictions, not data from individual recyclers;

- The diversion information from jurisdictions and private diversion facilities, when combined with disposal information from disposal facility operators, would allow the Board, and local jurisdictions, to assess countywide, regional, and Statewide progress toward achieving the diversion mandates. It would also allow the Board to evaluate markets, do additional research and development, and to track the California wastestream;

- While there would be less information available (especially on source reduction) to be included in the Board's Interim Database and other long-term database information systems, the quality of the data would be more consistent. The uniform reporting requirements for disposal facilities, composting facilities, and private recyclers would probably yield higher quality data than the multitude of methods currently used; and

- Nothing in this proposal would limit the ability of any jurisdiction to do additional planning, diversion tracking or waste disposal characterization which it deemed necessary.

- To implement this system, changes would be needed in both statute and regulation. The amount of time required to complete the statutory changes is uncertain due to the complexities of the legislative process. Staff estimates that the revision of the regulations will require between 12 and 18 months.

PUBLIC COMMENTS ON DRAFT STAFF PROPOSAL

- Approximately 40% of the comments expressed support for reduced diversion tracking;

- Another 28% requested significant changes to, and/or clarification of, the diversion tracking system. This group did not specify support for or against the staff proposal, but were in favor of the concept of reduced diversion tracking;

- A significant number of comments stated that no diversion quantification is needed; and

- A significant number of comments expressed the desire to keep the development and control of any system at the local level.

For a more detailed listing of comments, refer to Attachment 2.

OPTIONS FOR MODIFYING THE STAFF PROPOSAL

As a result of submitted comments and additional staff analysis two options were identified which involve different approaches to the waste diversion tracking. A number of the comments stated that the system in the original proposal was too restrictive, took too much control away from the local jurisdictions, and would be an unreasonable burden on diversion facility operators.

Each of the two options specify a method for tracking the tonnages of waste diverted.

Neither reporting option would require recyclers to identify the specific businesses which buy or sell materials.

Under either option the reports could be due on a quarterly or a yearly basis, and could be submitted either to the Board or to the County in which the recycler or composter is located.

DIVERSION-OPTION 1: PRIVATE RECYCLERS AND COMPOSTERS REQUIRED TO REPORT DIVERSION AMOUNTS BY COUNTY AND MATERIAL TYPE FOR FINAL TRANSACTIONS ONLY

- The option would require private recyclers and composting facilities to prepare periodic reports on the types and quantities of materials disposed of (such as, recyclables which are subsequently delivered to landfills, transformation, or biomass facilities), sold to end users (such as, materials sold to factories for remanufacturing or materials sold for retail sale, etc.), or sold to exporters/transporters for sale outside of California. These materials would be listed separately by County of origin;

- When materials are sold from one recycler/composter to another recycler/composter the seller would be required to inform the buyer of the county of origin of the material; and

- Transactions <u>between</u> recyclers or composters would not be reported to the county, unless they represent an end use.

Implementation Issues

- Option 1 is less comprehensive than option 2, therefore less of a burden on diversion facilities. Every transaction would not be recorded (except to note the county of origin);

- This option is less likely to negatively impact the economic feasibility of diversion facilities;

- Smaller recyclers who sell materials only to larger recyclers would be relieved of the reporting requirements under this option;

- Double counting of materials should be reduced, and the data should be more easily verified by working with aggregate numbers provided by the end processors and manufacturers who use the diverted materials; and

- Under this option, less data would be available. However, the data will represent actual diversion (i.e., the end use of the material, rather than the transfer of the material between brokers).

DIVERSION-OPTION 2: PRIVATE RECYCLERS AND COMPOSTERS REQUIRED TO REPORT DIVERSION AMOUNTS BY COUNTY AND MATERIAL TYPE FOR ALL TRANSACTIONS

- This option would require private recyclers and composting facilities to prepare periodic reports on the types and quantities of materials processed. The reports would include the proportion of each material bought from generators, transporters, or other recyclers. They would also include the proportion of each material sold to transporters/exporters, other recyclers, or end users of the material. The amounts for each material would be listed separately by County of origin; and

- All transactions between recyclers or composters would need to be reported.

Implementation Issues

- This option is more comprehensive, therefore more of a burden on diversion facilities. Every transaction would need to be recorded;

- This option is more likely to negatively impact the economic feasibility of diversion facilities due to the costs, time, and effort involved with tracking and recording every transaction;

- Double counting of materials would be difficult to identify, and the data may be more difficult to verify; and

- More data would be available. However, the burden could be so great that diversion facilities are unable or unwilling to participate fully. Additionally, a large proportion of the data will represent the transfer of the material between brokers (perhaps to be disposed of at a later date).

Summary

The effects of both options would be to institute a diversion tracking system for use under a disposal-based reporting system. Option 1 should be more cost-effective and Option 2 could produce more accurate data.

RECOMMENDATION

Staff recommends option 1, Private Recyclers and Composters Required to Report Diversion Amounts by County and Material Type for Final Transactions Only.

III. REGIONALIZATION

ISSUES OF CONCERN WITH EXISTING SYSTEM

The major issues of concern with the existing system include: the costs of planning, annual reporting and plan revision; the duplication of planning and program implementation; and insufficient resources to identify wastesheds and markets

STAFF PROPOSAL TO ADDRESS ISSUES OF CONCERN

The original Staff Proposal would modify statutes regarding regional cooperation in the preparation and implementation of SRREs, HHWEs and Countywide Integrated Waste Management Plans.

This section describes the major points of the proposed system and contains clarifications on certain aspects of the proposal which were requested in comment letters. Subsequent sections summarize public comments and present options for modifying the proposal.

The original Staff Proposal recommended a system which would allow the formation of Waste Management Planning Regions. These regions would be responsible for implementing diversion programs and meeting diversion mandates.

1) Diversion Mandates:

- Waste Management Planning Regions, not the individual jurisdictions, would be required to meet the diversion tonnage goals and to submit annual reports and the five-year revision of the SRRE.

2) Disposal Region Formation:

- Voluntary regional groups, called Waste Management Planning Regions, would contain two or more jurisdictions in one or more counties; and

- The proposal would require submission and Board approval of a "Waste Management Planning Region Contract" containing a delineation of duties, responsibilities, and the method of allocation for any Board imposed fines to jurisdictions within the Waste Management Planning Region.

3) Planning Process:

- The proposal would not require revision of the SRREs or the interruption of diversion program implementation to establish regions.

- To implement this system, changes would be needed in both statute and regulation. The amount of time required to complete the statutory changes is uncertain due to the complexities of the legislative process. Staff estimates that the revision of the regulations will require between 12 and 18 months.

PUBLIC COMMENTS ON DRAFT STAFF PROPOSAL

- Of the 79 comments related to the regionalization component of the Staff Proposal, the largest percentage of comments (about 40%) expressed support for the voluntary waste management regions in the proposal, while only 3% did not support the concept.

- Another 40% of the comments requested clarification of regionalization. This group did not specify support for or against the Staff Proposal, but were generally in favor of the concept of regionalization.

OPTIONS FOR MODIFYING THE STAFF PROPOSAL

As a result of the comments received, and after additional staff analysis, two options were identified for establishing Waste Management Planning Regions. These two options have several features in common. The options differ, however, regarding responsibility for meeting the diversion requirements.

Both options would modify the statute regarding regional cooperation in planning and program implementation to include joint compliance with diversion mandates.

There are several features common to both options:

- Voluntary regional organizations, called Waste Management Planning Regions, would be allowed for the purpose of jointly meeting diversion mandates through regional planning, and regional program development and implementation;

- Waste Management Planning Regions could contain any combination of the following:

    - two or more cities within the same county
    - a single county, including all of its cities
    - two or more counties
    - a county unincorporated area with one or more cities;

- Existing multi-jurisdictional groups, such as solid waste management authorities, special districts and associations of governments, could amend their charters to form Waste Management Regions with cities and counties;

- Portions of two or more cities or counties could not form Waste Management Regions;

- All jurisdictions within the boundary of the proposed region would have to agree to form a region;

- The contracts between jurisdictions must be ratified by all members and specify:

  - the role of the County Local Task Force or Forces
  - the duties and responsibilities of each member jurisdiction
  - the allocation of fines among member jurisdictions if the region fails to meet diversion mandates
  - the provisions for meeting the region's diversion mandates and for allocating fines upon dissolution of the region;

- The member jurisdictions would design the contract. The contract would satisfy local concerns and maintain local control over waste management;

- The Board would review and approve those portions of the contract pertaining to duties and responsibilities, the provisions for meeting the regions diversion goals, the methodology for allocating fines, and the provisions for dissolution of the region;

- The proposal would not require revision of the city and county SRREs which have already been completed or interrupt the implementation of current diversion programs. Individual SRREs may be incorporated into regional plans;

- To reduce the amount of confusion over the specific requirements for planning documents, the proposal would require the submission of planning documents in a manner similar to the following scenarios:

  - for a region within a county, the county integrated waste management plan (CIWMP) shall include:

    - one regional SRRE for each region within the county
    - individual SRREs, HHWEs and annual reports for those jurisdictions not included in the region
    - a countywide siting element
    - a plan summary;

- for a single county region, the countywide integrated waste management plan shall include:

  - one regional SRRE
  - a countywide siting element
  - a plan summary;

- for a multi-county region, a regional integrated waste management plan (RWIMP) shall be prepared. The RWIMP would include:

  - one regional SRRE
  - multiple countywide or one regionwide siting element(s), depending upon the preference of the member jurisdictions
  - a plan summary

- The ongoing reporting requirements of the annual reports and 5 year revisions would be similar. A regional SRRE would require a regional annual report and a regional 5 year revision

- One HHWE could be submitted per Waste Management Planning Region, unless the participating jurisdictions wish to prepare separate documents;

Regionalization Implementation Issues

The establishment of regions will generally facilitate:

- the pooling of resources
- the concentration of work and responsibility
- the elimination of duplicate effort
- the sharing of knowledge and expertise
- the focus of attention on interrelationships
- the creation of economies of scale because programs as well as plans could be shared

The establishment of regions requires:

- increased cooperation among jurisdictions
- increased compromise among local elected officials
- start-up costs

The effects of regionalization would be to assist with meeting the diversion mandates of and ease compliance with the California Integrated Waste Management Act.

Regionalization would:

- reduce the costs of planning, program implementation, plan revision and annual reporting for each local jurisdiction by requiring only one regional planning process (e.g., instead of five jurisdictions spending $100,000 each to accomplish the same program, the regional agency might only need to spend $250,000 to plan and implement a regional program--each jurisdiction would then only be required to contribute $50,000, resulting in a 50% savings for local jurisdictions);

- increase the cost-effectiveness of the waste management system by decreasing the spending per jurisdiction to achieve the same or improved program results (i.e., "increasing the bang for each buck");

- accelerate the implementation of programs by allowing jurisdictions to concentrate on diversion programs rather than on local planning;

- dampen the localized fluctuations of changes in weather, markets, and the economy (e.g., One city may experience a slow-down in its local economy because of the shut-down of a manufacturing plant. During such a recession, the amount of waste generated typically declines. So, a localized recession may affect the amount of recyclables which are available for recovery);

- enable jurisdictions to avoid the mistakes of others through the sharing of experiences;

- improve the profitability of recycling and composting by lowering unit costs through economies of scale in the planning and construction of regional solid waste facilities;

- simplify the conduct of business by centralizing to some extent the point of governmental contact;

- improve the attractiveness of the region for desired businesses and trade by offering regional opportunities and incentives;

- increase the ability of local jurisdictions to sell materials and products in statewide, national and international markets;

- create additional staff and overhead costs through the political and legal process of producing the regional agreement and protocol; and

- relinquish "local control" to some extent by requiring compromise among jurisdictions.

REGIONAL-OPTION 1: REGIONAL DIVERSION MANDATES

This option requires regional diversion mandates and regional reporting of reduction in disposal. It allows for the sharing of responsibility and accountability in its purest form:

- Each region must divert 25% by 1995 and 50% by 2000 as described in Section I, Disposal-Based Reporting;

- Diversion is not measured directly, but is calculated as a reduction in disposal; and

- The amount of solid waste disposed at all landfills within the region is tracked and reported on a regional basis. With this option, it is still permissible to track reduction in disposal by jurisdiction if desired.

Implementation Issues

- This option should produce the most efficient system for planning and implementation.

- It should be more cost-effective than Option 2.

REGIONAL-OPTION 2: REGIONAL DIVERSION REQUIREMENTS WITH DIVERSION MINIMUMS FOR EACH MEMBER JURISDICTION

Regional reporting with regional diversion requirements and member minimum diversion requirements:

- The region shall divert 25% by 1995 and 50% by 2000, as described in Section I, Disposal-Based Reporting. In addition, each member jurisdiction must divert a minimum of 15% by 1995 and 35% by 2000;

- Diversion is not measured directly, but is calculated as a reduction in disposal; and

- The amount of solid waste disposed at all landfills within the region is reported on a regional basis and annually allocated to member jurisdictions according to criteria established by the region. If desired by member jurisdictions, more precise tracking of waste is permissible.

Implementation Issues

- Since each city and county will be required to achieve a minimum diversion rate, the amount of diversion credit "sharing" may be reduced.

Summary

The effects of both options are substantially the same. Option 1 should be more cost-effective and Option 2 could ensure that each jurisdiction expends a minimum amount of effort. However, staff believes that there will be less and less difference between the two options in terms of the amount of diversion achieved by each jurisdiction as a region gets closer to meeting the 50% mandate.

RECOMMENDATION

Staff recommends Regional-Option 1, Regional diversion requirements.

///

IV. CONTINUED STATE ASSISTANCE

ISSUES OF CONCERN WITH EXISTING SYSTEM

The major issues of concern with the current system include: insufficient resources to identify wastesheds and develop markets, to develop cost-effective public education programs, and to develop source reduction incentives and programs; and a lack of knowledge about the State's activities in each of these areas.

STAFF PROPOSAL TO ADDRESS ISSUES OF CONCERN

The original Staff Proposal was designed to clarify the State's activities in implementing the Integrated Waste Management Act.

Staff proposed continuing and augmenting the state activities, specifically in the areas of market development, public education and information, and source reduction.

- The proposal would allow the continuance of Board assistance to local jurisdictions, including the development of model education, source reduction, and integrated waste management planning documents, the development of markets, and other planned programs;

- The proposal would allow the responsibility for meeting the diversion mandates to reside with local jurisdictions or disposal regions, not with the State; and

- The proposal would include a new Board-coordinated statewide diversion and disposal tracking system;

PUBLIC COMMENTS ON DRAFT STAFF PROPOSAL

- Almost one-third of the comments expressed support for the Board's increased involvement in market development, public education, source reduction, and other similar activities which would be supportive of local jurisdictions. More than one-half of these comments requested the Board focus on market development.

- More than one-third of the comments did not support state monitoring, tracking, or verification of data; or the setting of diversion priorities by the state.

MODIFICATION OF STAFF PROPOSAL

- o A new Board tracking system should not be implemented based upon the comments received.

- o The Board should continue to keep local jurisdictions informed as soon as new information or products become available as a result work under contract.

RECOMMENDATION

Staff recommends the proposal be modified as discussed above.

ATTACHMENT 1

SUMMARY OF COMMENTS ON THE BOARD STAFF PROPOSAL

ATTACHMENT 1

DISPOSAL-BASED REPORTING

# cmnts	
	1. If disposal projections are to be used, then the Board needs to:
3	a. re-evaluate the base-year claims
4	b. re-evaluate base-year claims because of problems with SRRE projection data
	2. If disposal projections from the SRREs are to be used, then the Board needs to develop a method for adjusting the projections for:
7	a. population changes
16	b. economic changes
5	c. climate-green waste
3	d. construction activity
3	e. changes in business types or activities [per employee, per 1000 sq. feet, per $ gross sales]
1	f. natural disasters
1	g. fluctuations in tourism
	3. Disposal reports from disposal facilities should:
6	a. go to the Board only
7	b. go to both the Board and jurisdictions/counties
5	c. go to the jurisdictions/counties for verification, then to the Board
16	d. not be required by the state, allow locals to allocate waste amounts
5	e. not be required by the state, and if there are problems have Board arbitration
	4. The disposal reports from disposal facilities should be:
3	a. timely
4	b. quarterly
1	c. monthly
	5. The disposal reports from disposal facilities should also be required from:
2	a. transfer stations
4	b. haulers
	6. Proving that reduction in disposal is not due to illegal activities:
6	a. is difficult to prove
6	b. is not a problem because those wastes are eventually disposed of and counted
5	7. Out-of-state disposal must be tracked
7	8. The proposed system will cost disposal operators too much for hardware, software, scales, and attendents
3	9. The proposed system should allow reporting based on waste volume
1	10. Allocation of tonnages should be based on periodic sampling not systematic daily data collection
3	11. Disposal facilities need to have uniform methodology/documentation for allocation
3	12. Uniform waste generation studies are needed
9	13. Tracking the source of disposed solid waste at landfills is difficult or impossible

DIVERSION TRACKING

# cmnts	
	1. Diversion reports should:
9	a. be sent to the Board only
7	b. be sent to jurisdictions and the Board
15	c. be locally developed and controlled
10	d. not be done, because no data is needed
2	e. be jurisdiction specific
2	f. be as simple as possible
3	g. be by region
1	h. be by zipcode
1	i. be by county
1	j. be general and not identify specific buyers or sellers of materials
1	k. be detailed and identify source and destination of materials
10	l. include scrap metal dealers
1	m. be done with periodic sampling and studies
1	n. include enforcement provisions
2	o. not be required of jurisdictions
2	p. only be required of local jurisdictions for the diversion programs they operate or fund
1	q. only be required of jurisdictions for diversion programs related to a local action
4	2. Diversion tracking system is too costly for recyclers
13	3. Standardized format is needed from the Board
3	4. Board should work with industry on the tracking system and form
3	5. Need to clarify reporting for MRFs
2	6. Need to track out-of-state diversion
2	7. Don't raise fees to implement diversion tracking
18	8. More source reduction will occur if no quantification required
2	9. Need to quantify source reduction

REGIONALIZATION

# cmnts	
14	1. Clarify criteria for establishing, defining, and naming regions
13	2. Clarify the levying of fines, resolving disputes, reporting responsibility
5	3. Board should not approve contracts
3	4. Will SRREs, CIWIMPs, etc. need to be amended?
2	5. Clarify role of Local Task Forces (LTF)
2	6. Allow diversion reporting by region
1	7. Prefer Local Task Force development of process
1	8. Extend definition to include areas outside California
1	9. Require minimum diversion rates for each jurisdiction in region
1	10. Eliminate fines
1	11. Oppose averaging of diversion goals within region
1	12. Intra-County regions only
1	13. No change to existing system related to regions
1	14. Maintain individual accountability
1	15. Continue existing solid waste management authorities

STATE ROLE

# cmnts	
15	1. Focus on/increase market development effort
10	2. Focus on/increase other areas of effort
3	3. Support local efforts/dual/joint effort
3	4. Favor model waste management planning documents
2	5. Opposed to model documents
3	6. Cost/Benefit analysis of state role
1	7. Board should be more involved in MRF development
1	8. Streamline state assistance efforts to reduct costs
1	9. Pursue minimum content legislation
1	10. Concern over increased state control
1	11. Clarify coordination of local /state data

ATTACHMENT 1

	REVIEWER INFORMATION		REPRESENTING (X)		
#	REVIEWER (LN, FN)	COMPANY OR AGENCY	CITY	COUNTY	OTHER
		TOTALS =	33	30	22
1	MARCIA DEVAUGHN	SAN FRANCISCO COUNTY SWM	X	X	
2	JIM BIRCKHEAD	WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS	X	X	
3	MARCIA GODWIN	CHINO CITY MANAGERS OFFICE	X		
4	KATHERINE HOLMES	CITY OF MANTECA PUBLIC WORKS	X		
5	KEVIN S. WOODHOUSE	CITY OF MOUNTAIN VIEW	X		
6	MARLA ANDERSON	CITY OF PLACENTIA	X		
7	MERIDETH THOMPSON	CITY OF RIVERSIDE	X		
8	KEVIN BARNES	CITY OF SAN BERNARDINO	X		
9	MARK H. GAUERKE	CULVER CITY RESOURCE AND SANITATION	X		
10	PAUL RANKIN	DUBLIN	X		
11	MICHAEL MILLER	EAST SAN GABRIEL VALLEY WASTE MANAGEMENT	X		
12	TOM BRADY	GLENDALE IWMS	X		
13	SAM MILLER	HUNTINGTON PARK	X		
14	ROBERT C. JOHNSON	IRVINE COMMUNITY DEVELOPMENT	X		
15	YVONNE HUNTER	LEAGUE OF CA CITIES	X		
16	LEE HORNER	LIVERMORE	X		
17	NEIL C. MILLER	MANHATTAN BEACH	X		
18	SUSAN CHOW	MONEREY PARK	X		
19	DAVID NIEDERHAUS	NEWPORT BEACH	X		
21	ED KRIZ	ROSEVILLE	X		
22	MICHELLE BASURTO	SACRAMENTO	X		
23	CY APPEL	SALINAS PUBLIC WORKS DEPT	X		
24	WILLIAM WORRELL/KATHY LEHTOLA	SAN DIEGO LTF TECHNICAL ADVISORY COMMITTEE	X		
25	RICHARD HAYS	SAN DIEGO WASTE MGMT DEPT	X		
26	JUDY LIBERMAN	SAN LEANDRO PUBLIC WORKS	X		
27	PAUL KARP	SANTA MARIA	X		
28	JEFF KOLIN	SANTA CLARITA	X		
29	NORMAN MICHIELS	VERNON HEALTH & ENVIR. CONTROL	X		
30	JAMES COX	VICTORVILLE	X		
31	DICK EDMINSTER	ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY	X	X	
32	JOHN FRANK	HUMBOLT COUNTY, HEALTH & SOCIAL SERVICES		X	
33	KEITH MARTIN	SUTTER/YUBA IWM AUTHORITY		X	
34	L. DALE MILLS	KERN COUNTY PUBLIC WORKS		X	
35	STEVEN SOPP	KINGS COUNTY		X	
36	JACK MICHAEL	LA COUNTY PUBLIC WORKS		X	
37	WILLIAM L. GEORGE/STEVE MAGUIN	LA COUNTY SANITATION DISTRICTS		X	
38	MARTY STRAUSS	LAKE COUNTY SWM		X	
39	SHARON B. MAVES	MARIN COUNTY PLANNING		X	
40	PAUL FILLEBROWN	MERCED DEPT PUBLIC WORKS		X	
41	THOMAS FARRELL	NEVADA COUNTY DEPT SANITATION		X	
42	PAT MCGUIGAN	ORANGE COUNTY		X	
43	EDWARD G. MCCARTHY	PLACER COUNTY PUBLIC WORKS		X	
44	JERRY JACKSON	PLACER COUNTY W REG. SAN. LANDFILL AUTH.		X	
45	STEVEN DEVIN	PLUMAS COUNTY PLANNING DEPT		X	
46	ROBERT NELSON	RIVERSIDE COUNTY WASTE MANAGEMENT		X	

ATTACHMENT 1

#	REVIEWER INFORMATION		REPRESENTING (X)		
	REVIEWER (LN, FN)	COMPANY OR AGENCY	CITY	COUNTY	OTHER
		TOTALS =	33	30	22
47	H D KERTON	SACRAMENTO COUNTY PUBLIC WORKS		X	
48	GERRY NEWCOMBE	SAN BERNARDINO COUNTY PUBLIC WORKS		X	
49	ROBERT L. SANS	SAN MATEO COUNTY PUBLIC WORKS		X	
50	WILSON HABBELL	SANTA BARBARA COUNTY PUBLIC WORKS		X	
51	MARGARET RANDS	SANTA CLARA COUNTY SOLID WASTE PROGRAM		X	
52	EDWARD WALKER	SONOMA COUNTY AB939 LOCAL TASK FORCE		X	
53	JAMI AGGERS	STANISLAUS COUNTY		X	
54	CHRISTY MADDEN/BECKY RADONICH	VENTURA COUNTY WASTE COMMISSION		X	
55	CLINTON WHITNEY	VENTURA REGIONAL SANITATION DISTRICT		X	
56	AL STRICKMAN	A. E. STRICKMAN ENTERPRISES			X
57	MICHAEL BROWN	BROWN, VENCE & ASSOCIATES			X
58	KELLY SMITH	CALIFORNIA RESOURCES			X
59	JEANNE WIRKA	CALIFORNIANS AGAINST WASTE			X
60	KEVIN MCCARTHY	INTERESTED PARTY			X
61	HEIDE WENZEL	CKT ASSOCIATES			X
62	PAUL WATERS	ECO SOURCE			X
63	GAIL KARPINSKI	EMCON ASSOCIATES			X
64	TIMOTH H. FLANIGAN	FLANIGAN & FLANIGAN A LAW FIRM			X
65	JIM LORD	GUADALUPE RUBBISH DISPOSAL COMPANY			X
66	KAREN JARRELL	JEFFERSON SMURFIT/CONTAINER CORP.			X
67	HUGH BRECKENRIDGE	LAW OFFICES OF HUGH BRECKENRIDGE			X
68	RODNEY A. MILLER	NATIONAL ENVIRONMENTAL LAW CENTER			X
69	SUSAN KATTCHEE	NORTHERN CALIFORNIA RECYCLING ASSOCIATION			X
70	NEIL CUTLER	PACIFIC RIM RECYCLING/INDEP. REC. ASSOC.			X
71	JEFF PHIPPS	R.W. BECK AND ASSOCIATES			X
72	TOM HORTON/PAM MILLIGAN	SOLID WASTE ASSOCIATION OF NORTH AMERICA			X
73	JIM DODENHOFF	WESTERN WASTE INDUSTRIES			X
74	SUSAN SCHAEFER	WESTON			X
75	ALYSON BURLEIGH	AURORA ASSOCIATES			X
76	DOROTHY ROLLINS	INTERESTED PARTY			X
77	DONALD H. NELSON	CITY OF THOUSAND OAKS	X		
78	PAUL H. CAUSEY	ORO LOMA SANITARY DISTRICT			X
79	STEPHEN A. DEVENCENZI	SAN LUIS OBISPO SOLID WASTE TASK FORCE	X	X	
80	JEANNE LEAR	ALPINE COUNTY		X	
81	ANN-MARIE HAYASHI	CITY OF WHITTIER	X		
82	MARK RAPPAPORT	COUNTY OF TUOLUMNE		X	

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

July 29, 1992

AGENDA ITEM 8

ITEM: Consideration of Certification and Designation of the following Local Enforcement Agencies:

A. San Joaquin County, Public Health Services, Environmental Health Division
B. City of West Covina, Waste Management Enforcement Agency

COMMITTEE ACTION:

The Permitting and Enforcement Committee considered this item during the July 15, 1992 meeting. The Committee voted unanimously and placed the item on the consent calendar to approve the designations and the Enforcement Program Plans and to issue certifications as requested if the LEAs have complete and accepted packages.

BACKGROUND:

The Public Resources Code (PRC) 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. 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 fulfilling 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 (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 a 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 pursuant to PRC 43204.

ANALYSIS:

Board staff has reviewed the Designation Information Packages (DIP) from their local governing bodies requesting the approval of their designation of the following local agencies as the Enforcement Agency for the defined jurisdiction. Furthermore, Board staff has reviewed the Enforcement Program Plan for each of the listed Enforcement Agencies.

A. San Joaquin County, Public Health Services, Environmental Health Division
B. City of West Covina, Waste Management Enforcement Agency

The documentation provided in each DIP and EPP meet the general requirements of of PRC 43200 - 43219 and 14 CCR 18010 - 18084. Board staff finds that the DIPs and EPPs are complete and acceptable for the Board to consider the approval of each EPP, issuance of the requested certifications, and approval of the designation of the above listed Enforcement Agencies.

STAFF COMMENTS:

Board staff concur with the proposed EPPs, the issuance of the requested certifications and approval of the respective designations.

The Board has the following options:

1. Approve the EPPs, issue the requested certifications, and approve the designation for the jurisdictions.

2. Approve the EPPs, and issue temporary LEA certifications and/or designation approval for specific time periods.

3. Disapprove the EPPs and/or not issue the requested certifications and therefore, disapprove the designation and appoint the Board as the enforcement agency for the jurisdictions.

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. A Designation and Certification Fact Sheet for each of the following enforcement agencies and designating local governing bodies;

   A. San Joaquin County, Public Health Services, Environmental Health Division
   B. City of West Covina, Waste Management Enforcement Agency

2. A separate CIWMB resolution for each proposed Local Enforcement Agency.

Prepared by: B. Baker\ D. Vlach \ Mary T. Coyle (D.V. MTC for) Phone 255-2408

Reviewed by: Martha Vazquez (CMH for) Phone 255-2431

Legal review: [signature] Date/Time 7-20-92

DESIGNATION AND CERTIFICATION
FACT SHEET

San Joaquin County

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

San Joaquin County and all its cities

Designated Jurisdiction:

San Joaquin County

Designated Enforcement Agency:

San Joaquin County, Public Health Services,
Environmental Health Division

Facilities and Sites: Total count ---------- 48*

Vehicles: Total count ---------- 208*

Facility Types:

Landfill(s)	6*
Transfer Station	6*
Performance Standards	1*
Proposed Facility(s)	2*

Site Types:

"Inactive" site(s)	1*
"Closed" site(s)	25*
"Exempt" site(s)	6*
"Illegal" site(s)	1*

Types of Certification requested: "A", "B", "C", and "D"*

Budget Adequacy: (Total Annual Budget)---------- $410,375.00*

Technical Expertise:

- One Lead Senior Registered Environmental Health Specialist
- Three Part-time Senior Registered Environmental Health Specialists
- One Part-time Registered Environmental Health Specialist

* as indicated in the Enforcement Program Plan

ATTACHMENT 2A

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 92-89

July 29, 1992

Resolution approving the Enforcement Program Plan, issuing the requested certifications and approving the designation of the San Joaquin County, Public Health Services, Environmental Health Division as the Local Enforcement Agency for the County of San Joaquin.

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 the San Joaquin County; and

WHEREAS, the Enforcement Program Plan of the San Joaquin County, Public Health Services, Environmental Health Division 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 San Joaquin 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 has requested Board approval of their designation; and

WHEREAS, the San Joaquin County, Public Health Services, Environmental Health Division 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 Section 43200, et seq; and Title 14 California Code of Regulations Section 18010 et seq;

WHEREAS, the Board finds that the above designated enforcement agency has also demonstrated via its Enforcement Program Plan that it has adequate staff and budget, technical expertise, and training;

NOW, THEREFORE, BE IT RESOLVED, based on the foregoing considerations, 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 San Joaquin County, Public Health Services, Environmental Health Division as the Local Enforcement Agency for San Joaquin 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 July 29, 1992.

Date:

Ralph E. Chandler
Executive Director

ATTACHMENT 1B

DESIGNATION AND CERTIFICATION

FACT SHEET

City of West Covina

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body(s) and the designated enforcement agency indicated below:

Designating Local Governing Body(s):

City of West Covina

Designated Jurisdiction:

City of West Covina

Designated Enforcement Agency:

City of West Covina Waste Management Enforcement Agency

Facilities and Sites: Total count ---------- 4*

Vehicles: Total count ---------- 18*

Facility Types: Landfill(s)---------- 1*

Site Types: "Abandoned" site(s)---------- 3*

Types of Certification requested: "A", "C", & "D"*

Budget Adequacy: (Total Annual Budget)----------$238,610.00*

Technical Expertise and Staff Adequacy:

- One Waste Management Enforcement Agency Manager
- One Clerk-Typist

* as indicated in the Enforcement Program Plan

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

RESOLUTION NO. 92-90

July 29, 1992

Resolution approving the Enforcement Program Plan, issuing the requested certifications and approving the designation of the West Covina Waste Management Enforcement Agency as the Local Enforcement Agency for the City of West Covina.

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 the City of West Covina; and

WHEREAS, the Enforcement Program Plan of the City of West Covina, Waste Management Enforcement Agency requests the Board to approve the Enforcement Program Plan and issue certification types "A", "C" and "D" to the designated local agency pursuant to Title 14 California Code of Regulations Section 18071; and

WHEREAS, the City of West Covina City Council has designated the City of West Covina, Waste Management Enforcement Agency and has requested Board approval of their designation; and

WHEREAS, the City of West Covina Waste Management Enforcement Agency 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 Section 43200, et seq; and Title 14 California Code of Regulations Section 18010 et seq; and

WHEREAS, the Board finds that the above designated enforcement agency has also demonstrated via its Enforcement Program Plan that it has adequate staff and budget, technical expertise, and training;

NOW, THEREFORE, BE IT RESOLVED, based on the foregoing considerations, 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", "C" and "D" to the City of West Covina, Waste Management Enforcement Agency as the Local Enforcement Agency for the City of West Covina.

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 July 29, 1992.

Date:

Ralph E. Chandler
Executive Director