

Permits, RFIs and CEQA, Oh My!

When to Approve/Require RFI Amendments and When is CEQA Involved?

Presented at: 8th Annual LEA/CIWMB Partnership Conference
May 11-13, 2005
Anaheim, California

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NOTE: The information contained in this document is compiled from the CIWMB Permit Tool Box web page, California Code of Regulations Titles 14 and 27, and the experiences of the Contra Costa County LEA staff in the processing of RFI Amendments. The electronic version of this document contains the links to the CIWMB web page (www.ciwmb.ca.gov).

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I. INTRODUCTION

A Report of Facility Information (RFI) is a design and operations plan that describes the solid waste facility and how it will comply with state minimum standards (SMS) for solid waste handling and disposal. Operators of solid waste facilities are required to keep this document maintained, updated, and current. In addition, any proposed changes at the facility shall be submitted to the Local Enforcement Agency/Enforcement Agency (LEA/EA) in the form of an "RFI Amendment" prior to the change taking effect. In some instances, if specified findings can be made, an RFI can be amended without revising the permit. Any significant changes will require the permit to be revised.

RFI Amendments are only applicable for the [full permit](#) tier. [Standardized and registration permits](#) must obtain new permits to reflect any changes.

The following sections of the regulations are applicable when amending an RFI.

- [PRC, Section 44004](#) prohibits any significant changes in design or operation of a solid waste facility without first revising the permit.
- [Title 27, Section 21600\(a\)](#) requires the operator to maintain the RFI and to submit amendments.
- [Title 27, Section 21620](#) states that any applicant proposing to make a significant change in the design or operation of the facility shall file an amendment to the RFI with the LEA/EA at least 180 days prior to the proposed change unless otherwise determined by the LEA/EA.
- [Title 27, Section 21663](#) provides definitions for "design" and "operation".
- [Title 27, Section 21665\(a\)](#) describes the RFI amendment process and states that the applicant shall submit an RFI amendment and application package pursuant to section 21570 and section 21600, or 14 CCR sections 18221.5, 18221.6, or 17863 to the LEA/EA. The submittal shall contain only those items listed in [Title 27, Section 21570\(f\)](#) that have changed, are proposed for change or as otherwise specified by the LEA/EA.

II. TIMELINES

Title 27, Section 21620(a) requires that an application for an RFI amendment should be submitted at least 180 days prior to the proposed changes unless otherwise determined by the LEA/EA. Once received, the LEA/EA has 30 days from the receipt of the application package to approve or reject the amendments. Once the determination is made, the LEA/EA has 5 days in which to inform the operator, CIWMB and the RWQCB.

It is advised that the LEA/EA and the operator work together on draft versions of the RFI amendments prior to submitting the official application package. The *draft* versions should be done in cross-out and underline format to assist in identifying the changes. This allows for: 1) all discussions and language changes to be made informally, 2) the changes to be agreed upon prior to submittal to avoid rejection of the amendments and the need for hearings, 3) the

approval process to be completed more smoothly and in less time, and 4) provides time to determine if CEQA needs to be done.

This also allows enough time to determine if a revision to the SWFP is required. Therefore, only one application package need be submitted – a SWFP revision application package instead of an RFI amendment package.

III. OPERATOR REQUIREMENTS

The applicant shall submit an RFI amendment application package pursuant to Title 27, Sections [21570](#) and [21600](#) (landfill), or 14 CCR, Sections, [18221.6](#) (transfer station), or [18227](#) (compost facility), or 18223.5 (construction and demolition/inert debris) to the LEA/EA. The submittal shall contain only those items listed in [Title 27, Section 21570\(f\)](#) that have changed, are proposed for change or as otherwise specified by the LEA/EA.

Applicants who are required to have a full SWFP shall submit an application package for a SWFP in duplicate to the LEA/EA. The applicant shall also simultaneously submit one copy of the application form to the [RWQCB](#).

Events that might trigger the submittal of an RFI amendment application package include:

- The operator proposes or anticipates **any** changes in design or operation.
- The operator submits an application for [permit review](#) that also contains RFI amendments.
- The LEA's [permit review report](#) directs the operator to submit additional amendments to the RFI.
- Amendments to preliminary or final closure and postclosure maintenance plans.
- Other reasons specified by the LEA.

Attachment 2 of this document provides site-specific examples of RFI amendments that LEA/EAs have approved.

Complete and submit the [Full Solid Waste Facility Permit Application Form](#) (CIWMB Form E177). The form is available in [Excel](#) (38 KB) and [PDF](#) (10 KB) formats. The operator should be sure to check the box labeled "**RFI/ROWD/JTD Amendments**". The LEA/EA will review the package to determine whether the amendments will require any permit action. If the operator knows the changes will require a revision of the permit then check Box No. 2 and begin the SWFP revision process.

Applicable sections of the application form must be completely filled out. Although it is not required, the LEA/EA should encourage that the application be attached to a cover letter that summarizes the proposed change and provides instructions for replacing pages in the RFI. The enclosed RFI pages should be dated or otherwise marked as replacement or new pages. For landfills, the package might also require the submittal of a [JTD index](#) pursuant to Title 27, Section 21590(c).

The operator should be aware of any changes that might also require an amendment to the preliminary or final closure and postclosure maintenance plans.

IV. LEA/EA PROCESSING

The LEA/EA reviews the applicant's amendments to the RFI and determines if such amendments or lack thereof are the basis for changes in the permit. The steps for processing the application include:

- A. Fill in the **date received** in the upper right hand corner of the application form.
- B. All RFI amendments must meet the three criteria described in [Title 27, Section 21665](#). If any of the proposed amendments to the RFI do not meet all of the standards described below, the LEA/EA shall make one of the following determinations:
 - Deny the RFI amendment and request further information.
 - Deny the RFI amendment and request an application for permit revision and accompanying documentation.
 - Deny the RFI amendment and not allow the proposed changes in design and operation.

The LEA/EA may approve and file the amendment to the RFI without revising the permit if **all** of the following criteria are met:

1. California Environmental Quality Act ([CEQA](#))

[Title 27, Section 21665\(c\)\(1\)](#) requires the proposed change to be "... consistent with all applicable certified and/or adopted CEQA documents, or has been determined by the EA that the change would not create any adverse environmental impacts and is exempt from the requirements of CEQA."

Questions to ask in making this determination include:

- Will the change cause any adverse environmental impacts?
- Is the change consistent with the certified or adopted environmental document for the last permit issuance? Is the document and page number cited?
- Does this change have any cumulative impacts when taken into considerations with other recent on-site or nearby changes?
- Is the change exempt from the requirements of CEQA?
- If yes, did the Lead Agency file a Notice of Exemption (NOE)?
- If so, is the CEQA exemption and NOE included?

2. State Minimum Standards ([SMS](#))

[Title 27, Section 21665\(c\)\(2\)](#) requires the LEA/EA to make a finding that "...the proposed change is acceptable and consistent with, but not limited to, state minimum standards pursuant to Chapter 3 of this subdivision or applicable minimum standards in Title 14 (commencing with section 17200), and including

financial assurances and operating liability criteria pursuant to Chapter 6 of this subdivision if applicable."

The term "state minimum standards" or SMS refers to the siting, design, and operating standards that apply to each type of facility:

- Landfill SMS: [Title 27, Chapter 3, Subchapter 4](#)
- Transfer/Processing SMS: [Title 14, Chapter 3, Articles 6.1 - 6.4](#)
- Compost SMS: [Title 14, Chapter 3.1, Articles 5, 6, and 7](#)
- Construction and Demolition Debris SMS: [Title 14, Chapter 3, Articles 5.9, 5.95, and 6.1 - 6.4](#)

Questions to ask when making this determination include:

- Does the change conflict with any State Minimum Standards?
- If the facility is a landfill, would the change conflict (and cause a violation) with Financial Assurance or Operating Liability standards or with the Closure/Postclosure Maintenance Plans?
- Are there any ongoing or long-term violations at the site?
- Could the change potentially cause a violation of any other State Minimum Standard?
- Does the change require any new monitoring requirements?
- Will the change exacerbate any compliance problems?
- Is the change consistent with any outstanding compliance orders?
- Is the site listed on the Inventory?
- Does the change impact any environmental control systems? Such as landfill gas control, litter control, etc.?
- Are there any changes that might also require an amendment to the preliminary or final closure and postclosure maintenance plan?

3. Solid Waste Facility Permit (SWFP or [Permit](#))

[Title 27, Section 21665\(c\)\(3\)](#) requires the LEA/EA to make a finding that "...the changes do not conflict with the terms and conditions in the current SWFP."

Questions to ask when making this determination include:

- Does the change affect any of the site design parameters identified in the SWFP? Such as daily tonnage, hours of operation, acreage, etc.
 - Does the change conflict with any terms, conditions, specifications, prohibitions, or monitoring requirements identified in the SWFP?
 - Does the change require any new or changed terms, conditions, specifications, prohibitions, or monitoring requirements?
 - Are there any outstanding permit or RFI violations?
 - Did the most recent Permit Review Report identify any other potential changes?
- C. Accept or reject the application for RFI Amendment within 30 days of receipt. The date of the determination should be noted on the application form.
- D. Determine if the RFI Amendment meets the above requirements within 30 days of receipt.
- E. Notify the operator, the CIWMB and the RWQCB of their determination within 5 days. The LEA/EA shall include in their notification to the CIWMB, a copy of the amended RFI, a copy of the application form along with the EA determination, any other pertinent information (i.e. Notice of Exemption).

The approval cover letter should include the following:

- Introduction paragraph that identifies the date the application package was received and the date the RFI amendments were approved. Also include a statement identifying all documents attached to the approval letter.
- A summary identifying the RFI amendments. This could be a list of all the changes page by page or a general statement. Ask your CIWMB permit staff person which they prefer.
- A statement that “the amendment application package is complete and correct pursuant to CCR T27, Section 21570.”
- A statement that “the amendments are consistent with state minimum standards, the terms and conditions of the current SWFP issued on _____, and its supporting documents, and no permit action is required.”
- A statement that “the amendments are consistent with the Mitigated Negative Declaration/Negative Declaration/Environmental Impact Report dated _____.” If an Exemption was filed as a result of the RFI amendments, then state “...consistent with the Exemption filed on _____.”
- If the facility is a landfill, a statement that “pursuant to T27 Section 21570(f)(7) and (8), proof of liability insurance was deemed adequate by _____ of the CIWMB in a letter dated _____. The financial assurances are not affected by these RDSI amendments.” If the financial assurances are affected and have

been updated, then a statement that “the financial assurances were deemed adequate by _____ of the CIWMB in a letter dated _____.”

- A statement that “the facility and amendments are consistent with the _____ County Integrated Waste Management Plan (_date_), the county General Plan, and the Land Use Permit.”
- If the facility is a landfill, a statement that “the Closure/Postclosure Plans for the _____ were approved by the CIWMB, LEA and Regional Water Quality Control Board on _____.”

F. Should the LEA/EA disapprove the RFI amendments, the applicant is notified as such and the LEA/EA specifies the missing and/or inadequate information. At this time the LEA/EA should outline the operator’s options, such as, listing necessary additional information needed, submittal of an application for a permit revision, or a change in the project. The applicant should also be notified of their right to appeal the determination. The LEA/EA should send a copy of the denial to the CIWMB for tracking purposes.

It is recommended (but not required) that the LEA/EA use the [Report of Facility Information \(RFI\) Amendment Checklist](#) to help organize their review of the application. A copy of this checklist is included as Attachment 3 of this document.

V. LEA/EA Determination

Possible LEA/EA determinations include:

- Accept the application and approve the RFI amendment(s).
- Deny the RFI amendment and request further information.
- Deny the RFI amendment and request an application for permit revision and any additional documentation.
- Deny the RFI amendment and not allow the proposed changes in design and operation.
- Partial acceptance of some of the RFI amendments with direction to the operator to submit an application for permit revision for the other proposed changes.

In denying an application, the applicant shall be notified that they have 30 days in which to appeal the decision to the hearing panel. A "[Request for Hearing](#)" form is available for inclusion as an attachment. (See Attachment 4 of this document.)

VI. Board Role

While RFI amendments do not require concurrence by the CIWMB, Board staff still have a role in the RFI amendment process:

- Provide guidance, tools, and resources.
- Review LEA approvals and findings.
- Monitor and document the process for facility files.
- Tracks RFI's and amendments in the SWIS database.
- Update amended RFI's located in Board's file room.

It is recommended that the LEA/EA notify CIWMB permit staff that an RFI amendment package is being reviewed. This may lead to informal discussion so that CIWMB staff understand what the changes are and that any of their questions are answered prior to the approved document being sent to the CIWMB.

RFI Amendment FAQs

This page provides answers to some frequently asked questions about amending reports of facility information (RFI).

Note: The answers to the frequently asked questions are limited to the facts stated in them and to staff's assumptions as to other necessary facts. Please review all applicable laws and regulations and/or contact your [LEA or CIWMB staff contact](#) before making a final determination.

Question 1: Does the operator need to submit a completed application form for any and every change to the RFI?

Answer 1: Yes. Every change to the RFI needs to be submitted to the LEA accompanied with a completed application form. The form is needed each time so that there is a record of all changes being approved using the [CEQA/SMS/T&C criteria](#). Even "minor" changes must be submitted each time with a new application so the LEA can also track potential cumulative impacts.

Question 2: Are there any "minor" changes that don't require an application for RFI amendment?

Answer 2: An operator should submit an application for RFI amendment for **any** change in design and operation. Never assume that a "minor" change will not require an application. The LEA, not the applicant, should always make this determination.

Depending on site-specific considerations and the exact wording of the permit, RFI, and/or environmental document, even a "minor" change may require an application for RFI amendment, or even an application for revised permit.

Question 3: Does the operator also submit a copy of the application for RFI amendment to the RWQCB?

Answer 3: Yes. [Title 27 section 21665](#) states that "the applicant shall submit an RFI amendment application package pursuant to [Title 27 section 21570](#)" which states that "the applicant shall also simultaneously submit one copy of the application form and the Joint Technical Document (JTD) to the Regional Water Quality Control Board (RWQCB)".

Question 4: Do both the owner and operator have to sign every application for an RFI amendment?

Answer 4: Yes. The application for should be filled out completely, including the owner and operator information on page 4 of the application form.

Question 5: Does the Board need to concur in RFI amendments?

Answer 5: No. The Board only reviews, tracks, and provides guidance for RFI amendment. The LEA does not need to submit the RFI amendment to the Board prior to LEA approval. Board staff will provide technical assistance at the request of the LEA.

Question 6: Can many small RFI amendment changes add up to the need for a permit revision?

Answer 6: Yes. The LEA should take into consideration other recently approved amendments in addition to off-site changes when making a final determination. The LEA should especially be mindful of cumulative impacts with making the [CEQA determination](#).

Question 7: Is an RFI amendment considered a project under CEQA?

Answer 7: Not necessarily. See the CEQA Guidelines for the [definition of "Project"](#) and the CEQA Guidelines "[Project Page](#)" to find more resources on determining whether an activity is a "project" under CEQA.

Question 8: Does the LEA need to file a Notice of Exemption (NOE) when approving an RFI amendment?

Answer 8: Not necessarily. If the change is consistent with a previous CEQA document or is determined not to be a project, then a NOE is not required. If the change is a project not described in a previous CEQA document, then the LEA or Lead Agency should explain why it is exempt from CEQA in the NOE.

The [Notice of Exemption Form](#) (PDF, 6K) is available in the [CEQA Guidelines Appendix E](#).

Question 9: Is the operator required to submit the same supporting documents with an RFI amendment as they would with a permit revision?

Answer 9: Not always. The submittal shall contain only those items listed in [Title 27, Section 21570\(f\)](#) that have changed, are proposed for change, or as otherwise specified by the LEA.

Question 10: Is a [conformance finding](#) required for approval of an RFI amendment?

Answer 10: No. A conformance finding is only required for a first permit, a new or expanding facility, or when the permit is being revised and there is no prior conformance finding showing the facility (at that address) was in conformance.

Last Updated: March 25, 2005

RFI Amendment Examples

Operators should submit an application for RFI amendment for **any** change in design and operation. Never assume that a "minor" change will not require an application. The LEA should always make this determination rather than the applicant.

LEA approval of RFI amendments should be considered on a case-by-case basis. Therefore, the following list of examples should be used as "rule-of-thumb" guidance only. Please contact your [P&I Branch staff contact](#) if you have any questions about a particular request for RFI amendment.

Examples and Case Studies

Important Note: The examples listed below have been provided by Local Enforcement Agencies. It must be understood that each solid waste facility has site-specific environmental impacts and mitigations, as well as design and operational conditions. Each RFI is written differently, as is each solid waste facility permit and each environmental document. Therefore a change that might be approved through an RFI amendment for one site may require a permit revision at another; the contrary may also be true. Do not rely on this list without determining the exact facts at your site or facility and analyzing them under current law.

Examples of Site Specific LEA Approved RFI Amendments

- Use of an approved Alternative Daily Cover (unless the previous permit or CEQA document indicated that soil would be used as cover material).
- Improvements to access roads.
- Changes to drainage plan.
- Updated grading plan.
- Updated emergency contact list and phone numbers.
- Reflect the current status of other conditioning documents and other referenced permits (such as adopted or amended Waste Discharge Requirements).
- Reduction in operating days or hours.
- Increase in average tonnage (without increase in peak tonnage).
- Change in service area.
- Relocation of recycling facilities.
- Replacement and installation of processing equipment.
- Installation of new scales.
- Addition of wood grinding operation.
- Relocation of household hazardous waste material storage container.
- Inclusion of CRT recycling area.
- Incorporation of procedures and equipment for aerosol can recycling.
- Expansion of salvaging operations to include a sorting conveyor.
- Updated load check procedures.
- Change in gas monitoring well placement.
- Update gas management plan information.
- Identification of new gas flare location.
- Addition of landfill gas power station.
- Operation of specified waste module as a full-scale bioreactor.
- Updated fill sequence calculations and maps.
- New wet weather deck operations and spotter responsibilities.
- Addition of new waste oil storage building.
- Removal of magnets from sorting lines.
- Addition of sorting stations & baler.
- Updated load check procedures.
- Description of the use of class "A" biosolids as a compost additive/ amendment.
- New wet waste handling procedures.

*LEAs were surveyed in September 2002

LEAs should consider cumulative impacts when reviewing an RFI amendment application package that contains multiple changes.

To amend an RFI to reflect a change in owner/operator/address follow process described in [LEA Advisory No. 47](#).

RFI Amendment Determination Checklist (27 CCR 21665)

For LEA/EA

use only

Attached are the following items:

- JTD Index
- Application form
- A copy of the RFI Amendment
- New CEQA documentation and/or exemptions since the last permit was issued (if applicable)
- Other _____

Date of LEA received package:

Date LEA denied RFI Amendment:

Date LEA accept RFI Amendment:

The LEA/EA determination should answer the following questions:

1) What are the changes covered by the RFI Amendment?

2) Is the proposed change(s) consistent with CEQA? YES / NO

What CEQA documents were used to determine this? _____

Has the LEA determined that the change would not create any adverse environmental impacts and is exempt from CEQA?

YES / NO

If yes, what exemption classification did the LEA or other lead agency use? _____

3) Does the proposed change impact the facility's ability to comply with financial assurances and operating liability?

YES / NO

4) Is the proposed change consistent with state minimum standards? YES / NO

Will the change exacerbate any current compliance problems at the facility? YES / NO

Would implementation of the change effect compliance with any enforcement order? YES / NO

5) Does this change conflict with any part of the governing permit? YES / NO

7) Will the proposed change in the RFI Amendment require the operator to amend the closure post closure plan?

YES / NO

8) Any additional information required by the operator.

Additional Comments:

Completion of this form is not required by regulation, however, it will provide the CIWMB with the information required by 27 CCR 21665. (04/17/2001)

REQUEST FOR HEARING

Before the Local Solid Waste Hearing Panel

[Public Resources Code \(PRC\) 44310 et. seq.](#)

Enforcement Agency:						
Facility Name:				SWIS No:		
Facility Address:			City:			Zip Code:

Name of Petitioner:					
Requests a Hearing in the matter of (check one):					
<input type="checkbox"/> Challenge terms and/or conditions of the <input type="checkbox"/> proposed (PRC 44307) or <input type="checkbox"/> issued (CCR 21650(g)) Solid Waste Facility Permit (SWFP)					
<input type="checkbox"/> Appeal an enforcement order (PRC 44307 , 45017(b))					
<input type="checkbox"/> Alleged failure of the EA to act as required by law or regulation (PRC 44307)					
<input type="checkbox"/> Appeal completeness review of <input type="checkbox"/> Registration (CCR 18104.4) or <input type="checkbox"/> Standardized (CCR 18105.4) SWFP.					
<input type="checkbox"/> Denial of the SWFP (PRC 44300)					
<input type="checkbox"/> Suspension of the SWFP (PRC 44305)					
<input type="checkbox"/> Revocation of the SWFP (PRC 44306)					
<input type="checkbox"/> Administrative Civil Penalty (PRC 45011(c))					

Signature:			Typed Name:		
Title:			Date:		

Processing Procedures for a Change in Owner and/or Operator of a Solid Waste Facility

To All Local Enforcement Agencies:

This LEA advisory has been developed as guidance for changes in Public Resources Code (PRC) section 44005 due to the enactment of Assembly Bill (AB) 59. Previously, when there was a change in the operator of a solid waste facility (SWF) or disposal site, the new operator was required to obtain a new Solid Waste Facilities Permit (SWFP), as this document was nontransferable.

Assembly Bill 59 amended PRC section 44005 to require:

Operator Requirements

A) Owners and/or operators of a SWF or disposal site who plan to sell, encumber, transfer or convey the ownership or operation of the facility to a new owner or operator must notify the enforcement agency (EA) and the California Integrated Waste Management Board (CIWMB) 45 days prior to the transaction. Although this is similar to the previous requirement for a change in owner, it significantly reduces the requirements for incorporating a new operator into the SWFP.

B) The new owner or operator is required to submit specific information to the EA and CIWMB and to meet specific requirements. The information and requirements are as follows:

1. Name(s), address(es), where notice can be sent and phone number(s) of the new owner/operator;
2. Documentation that the new owner/operator meets the financial assurance and operating liability requirements, when applicable;
3. A signed affidavit certifying that the owner/operator has read the governing permit and conditioning documents and will operate in accordance with the terms and conditions of the existing SWFP and conditioning documents and that all new information submitted is correct; and
4. Amendments to the Report of Facility Information (RFI) which reflect the change in owner/operator, and/or facility name.

C) All information provided pursuant to this advisory and PRC section 44005 shall not be a matter of public record and shall be considered confidential until such time as the owners have encumbered, sold, transferred or conveyed the property.

Enforcement Agency's Processing

The EA shall review the submitted notification documentation and any available records to determine if the owner/operator has provided the required information and that the facility is and will be able to operate within the terms and conditions of their permit and RFI. If the owner/operator has satisfied all of the requirements, and the EA has obtained written confirmation from the CIWMB that the new owner/operator is currently in compliance with PRC 43040 and 43600 (operating liability and closure/postclosure assurance), the EA shall notify the operator and CIWMB within 30 days of receipt of the notification.

Upon notifying the operator and CIWMB that the notification is complete, the EA has 15 days to send the operator and CIWMB a copy of the changed permit, which reflects the changes in the name of the owner/operator, and the address. This section does not authorize the EA to change any other aspect of the SWFP without concurrence by the CIWMB including the issuance date or permit review date. No other changes in the permit shall be allowed to be made at this time without the owner/operator submitting an application for revision.

An acceptable way of filing this change with the CIWMB is by adding an additional box to the cover page of the permit titled "Permit Transfer Date (pursuant to PRC 44005)" with the new date of transfer. Attach the changed permit cover page (the new permit which includes the new owner/operator). For clarity, the original permit could be attached to the new permit cover page. See attachment for example of the Solid Waste Facilities Permit cover page [Word](#) (97/2000, 46 KB) or [PDF](#) (Adobe Acrobat, 11 KB).

If the EA determines that the owner/operator **has not** provided adequate documentation or if the EA has reason to believe that the new owner or operator will be operating outside the terms and conditions of the existing or governing SWFP, then the EA shall inform the operator and the CIWMB in writing within 30 days of receipt of the notification. The EA shall provide the basis for the owner/operator notification being determined inadequate.

Attached is a 45-Day Owner/Operator Transfer Notice form [Excel](#) (97/2000, 47 KB) or [PDF](#) (Adobe Acrobat, 10 KB) that the owner/operator can use to submit the change(s) to the EA. If used, the form would contain the information required by PRC section 44005. This form is not required by regulation, therefore the EA may choose to use or not to use the form.

CIWMB Requirements

Within 20 days of receipt of the notification, pursuant to CCR Title 27, section 21630, the CIWMB shall provide a written determination of the adequacy of the financial assurances and operating liability demonstrations.

Transferability of SWFP

Many of the existing SWFPs have a standard language statement similar to: "The permit is granted solely to the operator named above, and is not transferable. Upon change of the operator, the permit is subject to revocation or suspension." AB 59 supersedes this requirement, and this condition should be removed from the SWFPs that are being changed under this advisory, as well as SWFPs which are proposed by the EA from this time forward. The only exceptions are when a Conditional Use Permit or California Environmental Quality Act document makes such a requirement. Keep in mind that this statement was standard language in the SWFP boilerplate, which was provided to EAs in the past. It is recommended that this statement be deleted from any electronic copies which you may possess and/or replace this statement with language consistent with the new law.

The use of the term "notification" in this advisory or AB 59 is not to be confused with the use of notification in the tiered permitting regulations.

If you have any questions or need additional information, please contact your Permitting and Inspection Branch representative.

Sincerely,
Original signed by:

Deputy Director
Permitting and Enforcement Division
Attachments:

- Solid Waste Facilities Permit Cover Page: [Word](#) (97/2000, 46 KB) or [PDF](#) (Adobe Acrobat, 11 KB)
- 45-Day Owner/Operator Transfer Notice Form: [Excel](#) (97/2000, 47 KB) or [PDF](#) (Adobe Acrobat, 10 KB)

Publication #232-97-001

The intent of the advisories is to provide guidance to Local Enforcement Agencies (LEA) in performing their duties. Guidance, for this purpose, is defined as providing explanation of the Board's regulations and statutes.

Unless included by reference in the LEA's Enforcement Program Plan (EPP), advisories are not enforceable in the same manner as regulations because they have not been adopted through the formal rulemaking process (see Government Code sections [11340.5](#) and [11342.6](#)). Advisories do not take precedence over statute or regulation.

Last Updated: January 3, 2005