California Conference
of Directors of
Environmental Health

March 20, 2012

Mark de Bie, Deputy Director
Waste, Permitting, Compliance and Mitigation
California Dept. of Resources Recycling and Recovery
1001 I Street
Sacramento, California 95812-4025

Subject: EAC Resolution No. 2011- 04: Five-year Permit Reviews

Dear Mr. de Bie:

I am responding to Joseph Doser's December 15, 2011 letter regarding EAC Resolution No. 2011- 04 addressing Five-year Permit Reviews. Mr. Doser recommended in his letter that the CCDEH Solid Waste Policy Committee (SWPC) consider a number of suggestions on improving the Five-year Permit Review process. There had been quite a bit of discussion regarding this subject at the SWPC meetings in 2011. SWPC reached consensus at the January 4, 2012 meeting, on one of Mr. Doser's suggestions. It is outlined with the background below.

Background

The discussions regarding the five-year permit review began in late 2010 or early 2011 when CalRecycle first proposed minor revisions and clarification to the five-year permit review process. As noted in Mr. Doser's letter, *"many Local Enforcement Agencies (LEA) perform a level of review for their permit revisions and modifications that is a least as rigorous as that done for a standalone 5-year permit review. In these cases, many LEAs have at the completion of the revision or modification process 'reset' the due date for the next required 5-year permit review. "*

CalRecycle was concerned that this practice was not consistent with existing regulations as the Five-year Permit Review and permit revisions are separate and distinct processes with many LEAs "blurring" the two processes. The processes are summarized as:

5-year permit review: LEA origin and is proactive with 150 day process & no public hearing.

Permit revision: Operator origin and is reactive with 150 day process & a public hearing required.

A permit review and a permit revision could be done at the same time. However, the review requires a report and the revised permit does not.

Conclusion

It was suggested that the LEAs and CalRecycle develop procedures outlining how the permit review and permit revision could be done simultaneously rather than changing the regulations. It was also suggested that industry and the environmentalists be included in the discussions with the LEAs and CalRecycle regarding any procedure change. Strategies and timing are some of the issues that should be addressed in the procedure change.

Therefore, the consensus of the SWPC is that Suggestion #4 be pursued to improve the Five-year Permit Review process. Suggestion #4 states: *A workshop for industry and other interested parties is recommended to allow for their input, particularly if a change to statutes, regulations, or advisories is found necessary.*

A copy of this letter will be sent to Joseph Doser, the Chair of the Enforcement Advisory Council. I look forward to a process that will be mutually acceptable to the EAC, CalRecycle, and the stakeholders. If you have any questions, please contact me at rng@marincounty.org or (415) 473-6919.

Sincerely,

Rebecca Ng, R.E.H.S.
Chairperson
CCDEH Solid Waste Policy Committee

cc: Joseph G. Doser, EAC
Jerry Sipe, CCDEH President
Solid Waste Policy Committee Members