

Enforcement Advisory Council

Solid Waste Management Through Partnership

EAC Resolution No. 2014-04

WHEREAS solid waste facility operators throughout California are directed in Section 21120 to implement partial and/or partial final closure activities to the extent feasible to provide waste containment for the protection of public health and safety and the environment;

WHEREAS the approval and implementation of any partial closure and/or partial final closure plan for a portion of the landfill (i.e. “phased closure”) is subject to the same process and time frames as for a closure and postclosure maintenance plan for the entire landfill (ref. Sections 21120 and 21870);

WHEREAS for the purposes of partial closure and/or partial final closures, and the implementation of the approved closure plans, performance standards and minimum maintenance requirements are established in Sections 21090 et seq.;

WHEREAS Enforcement Agencies are responsible for ongoing inspections of partial closure activities and charged with ensuring that operators maintain the integrity of the final cover and environmental controls in accordance with an approved postclosure maintenance plan (ref. Section 21180(a)); and

WHEREAS the CIWMB Form 52 (Disposal Facility Inspection Report) and the associated Solid Waste Information System Digital Inspection Program for active waste units does not provide Enforcement Agencies the ability to cite applicable violations or areas of concern with respect to an operator satisfactorily meeting closure standards or conducting postclosure maintenance of partial closed areas during phased closures.

THEREFORE, the Enforcement Advisory Council hereby provides the following recommendations to CalRecycle to ensure that Local Enforcement Agencies are provided with the most effective tools and support to enforce applicable state minimum standards with respect to partial closure and/or partial final closure activities:

1. Provide written guidance to all Enforcement Agencies designated to enforce state minimum standards at facilities that have implemented or completed partial or phased closure activities as to the most legally supportable method to document and enforce performance standard violations of Sections 21090 et seq.

2. Consider the inclusion of the following specific regulatory citations available on CIWMB Form 188 (Closed Disposal Site Inspection Report) under a section heading of Partial Closure on CIWMB Form 52 (or associated Digital Inspection Report):

21140 – Final Cover

21142 – Final Grading

21150 – Drainage and Erosion Control

21160 – Landfill Gas Control and Leachate Contact

21180 – Postclosure Maintenance

21190 – Postclosure Land Use

21890 – Revision of Approved Plans for Closure and Postclosure Maintenance

BE IT FURTHER RESOLVED that the Enforcement Advisory Council does not generally concur that the criteria for Site Maintenance (ref. Section 20750), in itself, or as may be described in the associated RDSI, sufficiently addresses minimum standards for partial closure maintenance activities, which are required to have a detailed description of the methods, procedures and processes that will be used to maintain, monitor and inspect the closed portion of the landfill within a Postclosure Maintenance Plan approved by CalRecycle, the RWQCB, and the Enforcement Agency.