



“Promoting a More Sustainable California”

Solid Waste Facilities Permit Training Workbook

(Full Permits)



Department of Resources Recycling and Recovery

Revised July 2010

Workbook Overview and Permit Toolbox Links

This self-paced workbook-based training is presented in a series of five modules that provide fundamental information on the full solid waste facility permit process. These modules provide the basics for this process, but the “Permit Toolbox” provides online tools and resources on the [full solid waste facility permitting process](#) as well as completing other permit-related tasks and responsibilities. You may access the toolbox at <http://www.calrecycle.ca.gov/SWFacilities/Permitting/>

A menu of [sample documents](#) and letters to accompany solid waste facility permits and applications are provided on the website. They are organized by permit applications, proposed permits, issued permits, permit reviews, owner/operator change, RFI amendments and public notices.

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<http://www.calrecycle.ca.gov/Laws/Regulations/>
- ☑ [Fact Sheet: Solid Waste Facility Permit](#)
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“Promoting a More Sustainable California”

Navigating Solid Waste Regulations

Module 1

Revised July 2010



Goals

This training module is the first in a series of five modules that will assist you in learning the Solid Waste Facilities Permit process. It's a process that can be complicated and frustrating for many of those involved. Increased knowledge of the process should remove some of the confusion. All of the modules in this training have a block of information, which are followed by exercises. The questions will help you apply what you have learned and reinforce your knowledge.

As you become involved with solid waste facilities, you will find yourself referencing laws and regulations on a regular basis. Due to the quantity and complexity of the laws and regulations relative to solid waste, it is very important to learn how to find and reference the laws and regulations. By the end of Module 1 you will gain the ability to reference the appropriate laws and regulations for permitting a solid waste facility. As you gain knowledge in this area, you will have the ability to:

- Determine if a facility is required to have a Solid Waste Facilities Permit;
- Understand the Regulatory Tiers;
- Understand the basic steps of the Solid Waste Facilities Permit process;
- Know who determines if a permit needs to be modified or revised; and
- Determine what activities may be granted an exemption from the requirements of a Solid Waste Facilities Permit.



Required Materials: Codes and Regulations

You will need access to the Public Resources Code (PRC) and Titles 27 and 14 of the California Code of Regulations (CCR) for completion of all Permits Training Modules in this series. You may access the PRC on the Internet at <http://www.leginfo.ca.gov/calaw.html>. Titles 27 and 14 can be found on the Internet at <http://www.calrecycle.ca.gov/Laws/Regulations/>. The regulations can also be found at <http://www.barclaysccr.com/index.htm>.



History of Solid Waste Regulation

Regulation of solid waste is undergoing a continuous evolution in California, and it is impossible to fully understand the solid waste regulatory process today without first knowing the history of the solid waste regulations. The laws and regulations controlling solid waste handling and disposal, and the regulatory agencies responsible for enforcing them, have gone through some dramatic changes in the past 40 years. In addition to solid waste regulations, environmental regulations have a connection to the permitting process. In 1970, the [California Environmental Quality Act](#) was adopted to require public agencies (state/local) to make environmental protection a part of the decision-making process.

In 1972, the Legislature passed Senate Bill 5, which created the **California Waste Management Board (a part-time Board)**. Regulations adopted by the Board led to the establishment of minimum standards for landfill operations. Assembly Bill 2439 was enacted in 1976 establishing local authority for the enforcement of those **state minimum standards**. **Local Enforcement Agencies (LEAs)** were designated by local governments and approved by the Board. LEAs were given primary enforcement authority and responsibility for writing Solid Waste Facilities Permits (SWFPs), submitting them to the Board for action, and issuing the SWFPs. The Board was given an oversight role with the authority to concur or object to the issuance of SWFPs as submitted by the LEA.

Assembly Bill 939, known as the California Integrated Waste Management Act of 1989, was passed by the Legislature in 1989. The Act replaced the Solid Waste Management Board with the **full-time, six-member Integrated Waste Management Board (Board)**. The bill stated that more than 90 percent of California's solid waste was disposed of in landfills, some of which posed a threat to groundwater, air quality and public health, and that most of California's landfill space will be exhausted by the mid-1990s. In response, AB 939 directed the Board and local agencies to promote a **waste management hierarchy** of source reduction, recycling, composting, environmentally safe transformation and environmentally safe land disposal. To attain these goals, AB 939 brought with it the requirement to reduce waste disposal by 25 percent by 1995 and 50 percent by the year 2000, and created new laws for solid waste handling and disposal in California.

Another landmark piece of legislation affecting permitting of solid waste facilities was Assembly Bill 1220, known as The Solid Waste Disposal Regulatory Reform Act of 1993. Among the many changes created by AB 1220 was the **elimination of regulatory overlap** between the Integrated Waste Management Board and the State Water Resources Control Board (SWRCB), as well as other agencies.

It should be noted that while changes resulting from implementation of AB 1220 have streamlined the requirements to obtain a SWFP, they have not necessarily reduced the number of permits/approvals required to operate a facility. Other permits and approvals needed may include local land use permit, Air Quality Management District, Air Pollution Control District permit to construct and or operate, Waste Discharge Requirements, Stream Bed Alterations Agreement, and Army Corps of Engineers permit (404).

In 1995, the Board adopted **regulatory tiers** for facilities that handle solid waste in California. Prior to adoption of the tiered regulations, all operators were required to obtain a full SWFP. The regulatory tiers exclude some activities from permitting requirements, allow others to operate after notifying the LEA, and allow others to operate with a permit that has fewer requirements. There are five regulatory tiers: Excluded, Enforcement Agency Notification, Registration, Standardized, and Full, with varying levels of regulatory requirements.

Effective on January 1, 2010, the Integrated Waste Management Board was merged with the Division of Recycling (formerly part of the Department of Conservation) into a new department, the [Department of Resources Recycling and Recovery \(CalRecycle\)](#). The Board structure was eliminated as part of this merger, and CalRecycle was placed within the Natural Resources Agency. This change did not affect the permit process.

NOTE: Due to the change in law that merged the Integrated Waste Management Board and the Division of Recycling, wherever the Board is mentioned in statute or regulation, one must substitute CalRecycle or Department of Resources Recovery and Recycling.



On the World Wide Web

CalRecycle has a comprehensive website packed with information about the Department and its programs, including the permitting of solid waste facilities.

The Internet address is: <http://www.calrecycle.ca.gov>

There is a special section for Solid Waste Facilities in general and another for Permitting

Click on the **Information for... Industry Tab** half-way down the page and then look for **Solid Waste Facilities**





Questions

1. CalRecycle was formed from these two entities
 - A. Air Resources Board and the Integrated Waste Management Board
 - B. State Water Resources Control Board and the Integrated Waste Management Board
 - C. Division of Recycling and the Integrated Waste Management Board

2. The California Integrated Waste Management Act of 1989 or AB939
 - A. Set up the State Waste Management Board
 - B. Required reduction in overlap and duplication in solid waste regulations
 - C. Set requirements for the diversion of waste from landfills
 - D. Both A and C

3. CalRecycle issues Solid Waste Facilities Permits for LEAs
True or False

4. Local Enforcement Agencies need CalRecycle concurrence to issue a full solid waste facilities permit
True or False

5. Assembly Bill 1220 in 1993 was intended to eliminate overlap between the Board and State Water Resources Control Board
True or False

6. Which of the following are “Regulatory Tiers”?
 - A. Full
 - B. Excluded
 - C. Standardized
 - D. Enforcement Agency Notification
 - E. Registration
 - F. All of the above
 - G. A and D



Overview of Laws and Regulations Related to SWF Permitting

As mentioned at the beginning of this module, the goal is to help you better understand the laws and regulations that pertain to permitting a solid waste facility. As you complete this section you are encouraged to mark and tag your copies (or bookmark electronic versions) of the [Public Resources Code](#) and [California Code of Regulations Titles 14 and 27](#) for later reference.

The laws that regulate solid waste are contained in the Public Resources Code (PRC). There are three sections of the PRC that are relevant to permitting a solid waste facility. They are:

- ☑ Definitions, Chapter 2, §40100 through 40201. This section provides a clear and consistent statement of terms used throughout the PRC;
- ☑ Permit and Inspection Program, Chapter 3, §44001 through 44310. This section contains the laws that require an operator to obtain a SWFP, and sets out time frames for state and local agencies to process a permit; and
- ☑ Waste Management Facilities, Division 31, §50000 through 50001. This section contains requirements for conformance with the County Solid Waste Management Plan (CoSWMP), County Integrated Waste Management Plan (CIWMP), and consistency with the General Plan are located in these sections.

Regulations for landfills are shared by the CalRecycle and the State Water Resources Control Board, and are contained in Title 27 and Title 14 of the California Code of Regulations (CCR). **Be aware many of the regulations only apply to disposal sites.** However the portion of the regulations that speaks to “permitting” are applicable to any solid waste facility that requires a full permit to operate.

Title 27 delineates:

- ☑ How an operator applies for a permit;
- ☑ What is required in an application for a SWFP;
- ☑ LEA and CalRecycle processing requirements; and
- ☑ Timeframes for processing a SWFP application (Title 27, §21570 et seq.)

Prior to the development of joint regulations in Title 27, the SWFP application and processing requirements were in Title 14. While the requirements for a full SWFP have been removed from Title 14, the tiered permitting requirements have remained in Title 14.

Sometimes regulations are cited without the Title number. For example, you might see a citation for California Code of Regulations §21600, rather than Title 27 of the California Code of Regulations, §21600. Because section numbers are never repeated within the CCR, you don't need to know the Title to locate the regulation.



Questions

The following questions are intended to enhance your ability to utilize the [Public Resources Code](#) and the [California Code of Regulations](#). You will need access to these documents to answer the following questions.

7. PRC, §40200(b) indicates that a facility whose principal function is to receive, store, convert, or otherwise process wastes which have already been separated for reuse and are not intended for disposal is not a transfer or processing station.
True or False

8. Which of the following materials are solid wastes as defined in PRC §40191?
- A. Discarded appliances
 - B. Manure
 - C. Paper
 - D. Hazardous Waste
 - E. Demolition and construction wastes
 - F. A, B, C, and E
 - G. All of the above
9. Which of the following facilities would be considered a solid waste landfill pursuant to PRC §40195.1?
- A. A cemetery that disposes of grass clippings and floral waste
 - B. A landfill that accepts only wood waste from a saw mill
 - C. A gold mine where waste rock is deposited
 - D. None of the above
10. Solid waste landfill is one type of a disposal facility.
True or False
11. How many days in advance of starting operations must a person who proposes to become an operator of a solid waste facility file a permit application (PRC §44001)?
- A. 60
 - B. 90
 - C. 150
12. The application form (E-1-77) found in the appendix of Title 27 requires
- A. Name and signature of the operator
 - B. Name and signature of the land owner
 - C. Name and signature of the facility owner
 - D. A and C
 - E. A and B
13. PRC §44009 (a) (1) CalRecycle has _____ days to either concur in or object to the issuance of a permit.
- A. 30
 - B. 45
 - C. 60
 - D. 90
14. Title 27§21563(d) (1) states that “complete” “means all requirements placed upon the operation of the solid waste facility by statute, regulations, and other agencies with jurisdiction have been addressed in the application package.”
True or False

15. According to Title 27§21570 (f) (1) a complete and correct application package must include which of the following:
 - A. Completed Application Form (E-1-77)
 - B. CEQA compliance information
 - C. Report of Facility Information
 - D. All of the above

16. Title 27 §21650 lists the Water Board’s processing requirements.
True or False

17. Title 14 §18100, defines the scope of Regulatory Tier Requirements.
True or False



Determining If a Facility Requires a Solid Waste Permit

One of the primary duties of a LEA, and often the first step in the SWFP process, is determining if a facility is required to obtain a SWFP. PRC §44002 states that any person who operates a solid waste facility must obtain a SWFP prior to operating. The goal of this section is to increase your understanding of the process used in determining if a facility needs a SWFP, as well as the basics of processing a SWFP and the statutory time frames for processing a SWFP.

What is a solid waste facility? PRC §40194 defines it as:

- A solid waste transfer or processing station;
- A composting facility;
- A transformation facility;
- A disposal facility.

The definitions of a transfer or processing station (PRC §40200) and disposal facility (PRC §40121) both state the facilities accept solid waste.

What is solid waste? PRC §40191 defines solid waste as

“...putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes and other discarded solid and semisolid wastes.”

There is another way of determining if a facility requires a permit. First, determine if a facility is accepting solid waste (by reviewing the definitions in PRC §40191). If the facility is accepting waste, then review the definitions to ascertain what type of facility it is. Then go to the regulations that contain the requirements for the solid waste facility type you are dealing with to determine in which tier it belongs.

New Solid Waste Permit Timelines

According to PRC §44001 anyone proposing to operate a new solid waste facility must apply at least 150 days in advance of the date on which they intend to begin operating.

The operator must submit an application package to the LEA, who has 30 days to either accept or reject that application. If the LEA accepts the application, they have 60 days to prepare a SWFP and submit it to CalRecycle for consideration. From the date of receipt of the permit, CalRecycle has 60 days to either concur in, or object to, the issuance of the permit (see the graphic below). The LEA can only issue a full permit with CalRecycle concurrence. While the process may seem simple, there are a number of smaller steps and approvals needed for an operator to obtain a SWFP. The complete process of reviewing and preparing a permit will be covered in Module 2.

 Permit Process Maximum Time Limits		Day(s)
Applicant Submits Application package		0
		↓
LEA has 30 days to accept or reject application package		30
		↓
LEA has 60 days to submit application package to CalRecycle		90
		↓
CalRecycle must concur or object within 60 days		150
		↓
Permit issued by LEA	150	

Changes at a Permitted Facility

Title 27 §21620 describes the way that changes in design or operation are addressed at facilities that have a solid waste facilities permit. Depending on the nature of the change(s) in question, they could be minor changes not requiring any immediate action, changes requiring either an amendment to the Report of Facility Information (RFI), and/or a modification of the existing permit, or a revision of the existing permit. There is a flow chart within Title 27 §21620 that will assist you in making the appropriate determination.

Additional information about changes in design and operation will be included in Module 4.



Questions

18. When a LEA is determining if a facility requires a permit they should:
 - A. Do what the operator wants
 - B. When in doubt go with a permit
 - C. Refer to the definitions in the PRC §40100 et. seq. and regulations
 - D. Call CalRecycle

19. How many days does the LEA have to either accept or reject an application package (Title 27 §21650 (b))?
 - A. 15
 - B. 30
 - C. 60

20. No later than 60 days from accepting a application package as complete and correct, Title 27 §21650(g) requires the LEA to submit which of the following to CalRecycle:
 - A. The accepted application package
 - B. A copy of the proposed permit
 - C. LEA finding that the package is complete and correct
 - D. A CEQA document
 - E. A, B, and C
 - F. All of the above

21. Title 27 §21600 contains all of the information to be contained in the Report of Waste Discharge.
True or False

22. Title 27 §21620(a)(2) requires that if an operator of a solid waste facility wants to make a change to their design or operation that is not minor they shall provide the LEA with an RFI amendment application 180 days in advance of the implementation of the proposed change.
True or False

23. It is the LEA who determines if a change can be made through an RFI amendment, or if the permit needs to be revised or modified. Title 27 §21665(b)
True or False

Exemptions

There are provisions in Title 27 §21565 for an LEA to grant exemptions from the requirement of a SWFP. Only facilities that are defined as solid waste facilities, and are required to obtain a SWFP, should be considered for an exemption. The first step in the process for an LEA to approve an exemption is to make the three following findings:

- The exemption is not against the public interest;
- The quantity of solid waste is not significant; and
- The nature of the solid wastes poses no significant threat to health, safety, or the environment.

In addition to making these findings, the facility must also fall into one of the eight classifications listed below. These classifications are specific and do not allow for variation. Classifications of solid waste facilities that may be exempted are:

- (1) Facilities or portions thereof doing research funded primarily by government grants;
- (2) Drilling mud disposal sumps for short-term use (less than one year) if significant quantities of hazardous or toxic materials are not present in the mud, fluids, and cuttings from drilling and associated operations

- (3) Unclassified waste management units as defined by the State Water Resources Control Board (SWRCB), except as otherwise provided in Title 14, Division 7, Chapter 3.0, Article 5.95;
- (4) Farm or ranch disposal sites for one- or two-family use;
- (5) Resource Recovery facilities intended only for demonstration purposes and not for profit;
- (6) Disposal sites to be used exclusively for one of the following: for spreading of either cannery wastes or oily wastes, mine tailings, ashes and residues, agricultural wastes, street sweepings, dirt from excavations, slag if disposed of onsite, or waste water treatment sludge if disposed of onsite or to specified agricultural lands; and
- (7) Evaporation ponds for disposing of salts from oil and geothermal drilling operations.

Finally, the LEA is required to hold a public hearing before granting an exemption. A copy of the exemption must be forwarded to CalRecycle within seven days after a decision has been made. LEAs are required to inspect sites exempted from permit requirements and to send copies of the inspection reports to CalRecycle.



Questions

24. A rancher who buries his household waste cannot request an exemption.
True or False
25. Which of the following operations qualify for an exemption?
 - A. Facilities doing research funded primarily by government grants
 - B. Evaporation ponds for disposing of salts from oil drilling
 - C. Resource Recovery facilities intended only for demonstration purposes and not for profit
 - D. A, B, and C

Answer Key for Module 1:

1. C, 2. B, 3. False, 4. True, 5. True, 6. F, 7. True, 8. F, 9. D, 10. True, 11. C, 12. E, 13. C, 14. True, 15. D, 16. False, 17. True, 18. C, 19. B, 20. F, 21. False, 22. True, 23. True, 24. False, 25. D



“Promoting a More Sustainable California”

Solid Waste Facility Permit Application Package Requirements

Module 2

Revised July 2010



Goals

This Permits Training Module will build on the information learned in [Module 1](#). We recommend that you complete Module 1 before beginning this Module. If not you should know and understand the basic steps of the Solid Waste Facilities Permit (SWFP) process and how to navigate through Title 27 of the California Code of Regulations and the Public Resources Code before you begin Module 2. After completing this module you will know:

- ☑ The definition of “complete and correct”;
- ☑ How to determine if an application package is “complete and correct”;
- ☑ The applicant’s requirements for submitting an application package;
- ☑ What information should be included in an application package;
- ☑ How to review an application package;
- ☑ What is a Joint Technical Document; and
- ☑ When a Joint Technical Document must be submitted.



Required Materials: Codes and Regulations

You will need access to the Public Resources Code (PRC) and Titles 27 and 14 of the California Code of Regulations (CCR) for completion of all Modules in this series. You may access the PRC on the Internet at <http://www.leginfo.ca.gov/calaw.html>. Titles 27 and 14 can be found on the Internet at <http://www.calrecycle.ca.gov/Laws/Regulations/>. The authoritative regulations can be found at <http://www.barclaysccr.com/index.htm>.



Complete and Correct Packages

At the end of this section, you should know what makes a complete application package. You should also be able to define “complete and correct.” There is often confusion between an *application* which may just be the form and an *application package*, which includes the application form and all the other documents and findings. A [Solid Waste Facilities Permit Application \(E-1-77\)](#) is part of a package. However, the terms “application” and “[application package](#)” are used often interchangeably.

As you know from Module 1, operators of solid waste facilities must submit an application package to obtain a SWFP. The foundation of the SWFP process is the “complete and correct” application package.

Title 27 §21563(d), provides the following definitions of “complete” and “correct”:

“Complete” means all requirements placed upon the operation of the solid waste facility by statute, regulation, and other agencies with jurisdiction have been addressed in the application package.

“Correct” means all information provided by the applicant regarding the solid waste facility must be accurate, exact, and must fully describe the parameters of the solid waste facility.

Reviewing for Completeness

All of the requirements placed upon the operation of a solid waste facility are listed in the Title 27. For an application package to be deemed “**complete**” it must contain, at a minimum, the items on the following list (CCR §21570), which is sometimes referred to as the “[laundry list](#)” (Please note that the details on each of these items will be included later.)

- ☑ A completed [Solid Waste Facilities Permit Application \(E-1-77\)](#);
- ☑ A complete and correct **Report of Facility Information** or Joint Technical Document;
- ☑ California Environmental Quality Act (**CEQA**) compliance and mitigation information;
- ☑ **Conformance finding** information; and
- ☑ List of all public hearings and other meetings or copies of notices.

FOR DISPOSAL SITES ONLY:

- ☑ Completeness determination of Preliminary or **Final Closure /Postclosure Maintenance Plan**, which is required;
- ☑ A copy of the **corrective action cost estimate** (and corrective action plan, if appropriate);
- ☑ Current documentation of acceptable funding levels for required closure, postclosure maintenance, and corrective action **Financial Assurances** Mechanisms; and
- ☑ Current documentation of compliance with **operating liability** requirements.

If an application package includes all of these items, or correctly indicates why an item is not applicable, it could be considered “complete.” The determination of “complete” is therefore an objective finding based on the items from Title 27 §21570(f) listed above.

The determination of “**correct**” is more subjective, and therefore more difficult to determine. It takes a thorough review of all items on the list to determine if they are “accurate and exact.” The next section will discuss how to determine if an application package is “correct.”

Title 27 §21570(d &e) indicates that the [application package](#) shall:

- ☑ Require that information be supplied in adequate detail to permit thorough evaluation of the environmental effects of the facility.
- ☑ Permit estimation of the likelihood that the facility will be able to conform to the standards over the useful economic life of the facility.

The applicant and owner...shall:

- ☑ Supply additional information as deemed necessary by the EA. In most cases no additional information beyond what is on the list is required. However, this section gives the LEA authority to ask for information needed to ensure the facility will not adversely affect public health, safety, and the environment.



Questions

1. A SWFP application form and application package are the same.
True or False
2. You can determine that an application is correct if all the required items are included.
True or False
3. According to Title 27 §21570(f) an application package is limited only to the items listed.
True or False
4. Which of the following is an aspect for a finding of “complete” for a landfill permit application?
 - A. Meets all of the requirements in Title 14
 - B. Meets all requirements placed upon the operation of the solid waste facility by statute, regulation, and other agencies with jurisdiction over the site.
 - C. Includes all of the required information but the disposal fee has not been paid.
5. Which section of the Title 27 states that the LEA may require additional information as deemed necessary?
 - A. 21450(a)
 - B. 21570(e)
 - C. 21570(d)
 - D. 21750(a)

Application Process

This section outlines the responsibilities of the applicant when applying for a SWFP. As discussed in Module 1, PRC §44001 requires that an operator submit an application for a SWFP at least 150 days prior to operating a solid waste facility. Operators may also need to obtain local approval for the facility. Many jurisdictions require some type of land use permit, along with California Environmental Quality Act (CEQA) compliance to support their action on the land use permit. Operators may begin the SWFP application process after these approvals are obtained, but they can be done concurrently.

The preparation of the application package begins with completing the [Solid Waste Facilities Permit Application Form](#) and assembling all of the items required for a complete and correct [application package](#). The operator and/or the land owner must provide the address where legal notice may be served; and they must certify that all of the information in the application package is true and correct to their best knowledge and belief (Title 27 §21 570[d&e]). Form E-1-77 provides a statement, that both the applicant and owner sign, which meets this certification requirement.

For landfills, the operator is required to submit the application package in duplicate to the LEA and simultaneously submit a copy of the application form and Joint Technical Document (JTD) to the Regional Water Quality Control Board (RWQCB), and a copy of the application form to the director of the local agency that oversees local land use planning for the jurisdiction in which the site is located. **For all other solid waste facilities**, the applicant still provides a complete application in duplicate to the LEA and copies of the application form to the director of the local land use agency and the RWQCB, but does not need to submit the JTD to the RWQCB.

You should remember that Title 27 allows a landfill operator to apply for Waste Discharge Requirements (WDRs) and a SWFP concurrently. Operators have the option of obtaining their SWFP prior to, concurrent with, or after receiving their WDRs.



Questions

6. How many copies of the application must the operator submit to the LEA?
 - A. 3
 - B. 4
 - C. 2
 - D. 1

7. In all cases, a copy of the application form must be submitted to the RWQCB.
True or False

8. By signing the Application Form, the land owner and operator are complying with which Title 27 section?
 - A. 21570(e)
 - B. 21572
 - C. 21570(f)
 - D. 21563
 - E. A & C



Reviewing Application for Correctness

Following are some guidelines to assist you in determining if an application package is correct. Each of the items in Title 27§2 1570 is listed on the next page with some suggestions to use during your “correctness” review.

Application Form

First, review the [application form](#) and ensure that it has been filled out completely (all the boxes and lines have been filled in), and is signed by the operator and/or land owner. Instructions are provided on the application form which should be used as guidance when reviewing the application. Many of the items on the application form are self-explanatory.

Then, review the application form and the various components of the application package for consistency. The following items should be consistent on the application form and all of the other documents in the application package (Report of Facility Information, Closure Plans, etc.). Any discrepancies between these documents should be noted during the review, and may be cause to consider the application package not to be correct.

For example:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Name of the facility | <input checked="" type="checkbox"/> Acreage |
| <input checked="" type="checkbox"/> Hours of operation | <input checked="" type="checkbox"/> Cover materials used |
| <input checked="" type="checkbox"/> Tonnage accepted | <input checked="" type="checkbox"/> Site life |
| <input checked="" type="checkbox"/> Wastes types received | <input checked="" type="checkbox"/> Environmental controls |

Report of Disposal Site Information and Joint Technical Documents

This module will only discuss the Report of Disposal Site Information (RDSI), which is required for landfills. The information that must be in a RDSI is listed in Title 27§21600. Some of the information required for the RDSI and the Report of Waste Discharge (ROWD) may overlap. In an effort to streamline the process and, eliminate the overlap between these documents, the Joint Technical Document (JTD) was developed. Landfill operators submitting an application for a new SWFP must submit a complete JTD pursuant to Title 27§21600, along with a JTD index.

California Environmental Quality Act (CEQA)

Compliance with CEQA can be provided in one of two ways:

1. The operator can show evidence that there has been **compliance with CEQA** regarding the facility. If a lead agency has prepared a Negative Declaration or Environmental Impact Report (EIR), the best way for the applicant to provide evidence of CEQA compliance is with a copy of the EIR or Negative Declaration and a copy of the Notice of Determination. If the lead agency has made a finding that the facility is categorically exempt from the requirements of CEQA, a copy of the Notice of Exemption should be included.
2. The operator can provide information on the **status of compliance with CEQA**. No agency can approve a project requiring CEQA review prior to completion of the CEQA process. Because an LEA must provide a finding that the proposed permit they are submitting to CalRecycle is consistent with a CEQA document or exempt from the requirements of CEQA, they should not send a proposed permit to CalRecycle until a CEQA document has been adopted or certified or a finding of exemptions has been made. CalRecycle cannot act on the permit until CEQA has been completed.

In addition, if a Mitigation Monitoring Implementation Schedule or Mitigation Monitoring and Reporting Plan were adopted during the CEQA process it must be included in the package. LEAs should review the mitigation measures because they sometimes are responsible for enforcing mitigation measures.

Conformance Finding Information

The applicant must include a statement that the facility is identified in either the Countywide Siting Element, the Nondisposal Facility Element (NDFE), or in the Source Reduction and Recycling Element (SRRE), or that the facility is not required to be identified in these elements pursuant to PRC §50001.

Public Meetings

List of all public hearings and other meetings open to the public that have been held or copies of notices distributed regarding the proposed permit.

FOR DISPOSAL SITES ONLY

Preliminary or Final Closure and Postclosure Maintenance Plan

The operator must submit the appropriate Closure and Postclosure Maintenance Plans (Plans). Final plans must be submitted for a site at least two years prior to the final receipt of waste and a preliminary plan for sites with more than two years of site life or capacity remaining. LEAs, the RWQCB, and CalRecycle are all involved in Closure Plans review and approval.

Please note that although the Plans only need to be determined complete by the LEA for an application package to be considered complete and correct, plans must be determined to be consistent with state minimum standards by CalRecycle staff before CalRecycle can concur with the issuance of a permit. Since plans can be submitted at the time of permit application, operators often only submit the permit application documents to LEA and RWQCB and neglect to submit the “Plans” portion of the application package to CalRecycle staff although required by regulation. The Plans should be sent to CalRecycle as soon as it is submitted to the LEA and RWQCB.

Corrective Action Cost Estimate—New 2010 Requirement

A new requirement for corrective action was added to Title 27 §21570(f) (7) for disposal sites effective July 1, 2010. Per Title 27 §22101, CalRecycle can no longer concur with any new or revised Solid Waste Facilities Permit (SWFP) unless the water release estimate has been submitted (previously on submitted to the SWRQCB) and the appropriate corrective action financial assurance is in effect. Further, an operator will need to submit the estimate and financial assurance at the time of permit or closure/postclosure maintenance plans review. Please note that a non-water release corrective action cost estimate and financial assurance on or before the first permit review or revision will be required on or after July 1, 2011.

Financial Assurances Mechanism

Operators of landfills must submit documentation of acceptable funding levels for a financial assurances mechanism for closure, postclosure maintenance, and corrective action. The documentation will vary depending on the type of financial assurances mechanisms used by the operator. The operator can obtain documentation from CalRecycle. It is recommend that the operator and LEA contact a CalRecycle representative for consultation to determine if the documentation submitted is appropriate.

Operating Liability

Documentation of compliance with operating liability requirements must be submitted (see Title 27 Appendix for additional information). Operators of landfills must demonstrate adequate financial ability to compensate third parties for bodily injury and property damage caused by facility operation prior to closure (Title 27§222 15). It is recommend that the operator and LEA contact a CalRecycle representative for consultation to determine if the documentation submitted is appropriate.



Questions

9. LEAs should review the RFI and permit application form for consistency.
True or False
10. A JTD index must be submitted with the application package for a new SWFP.
True or False
11. Which of the following can be considered adequate for the LEA's use when reviewing an application relative to CEQA?
 - A. EIR
 - B. Notice of Exemption
 - C. Negative Declaration
 - D. Status of CEQA compliance
 - E. All of the above
12. A CEQA document must be adopted and certified before an LEA can provide a finding as required by 21685 (b) (8) that the proposed permit is consistent with a CEQA document.
True or False
13. Financial assurance information for a disposal site must be included in the application package submitted to the LEA.
True or False
14. If different parts of the application package have conflicting descriptions of the design and operation of the facility, then the LEA may find the permit package incorrect.
True or False

Answer Key to Module 2

1. False, 2. False, 3. False, 4. B, 5. B, 6. C, 7. True, 8. E, 9. True, 10. True, 11. E, 12. True, 13. True, 14. True



“Promoting a More Sustainable California”

Solid Waste Facility Permit Processes

Module 3

Revised July 2010



Goals

This Permits Training Module will build on the information learned in Modules 1 and 2. We recommend that you complete Module 1 and 2 before beginning this Module. Before beginning this Module, you should know the basics of the permitting process and how to determine if Solid Waste Facilities Permit a SWFP application package is “complete and correct.” This Module contains information on the LEA procedures for processing SWFP application packages, writing proposed permits, CalRecycle’s procedures for processing SWFPs, and requirements for concurring with a proposed permit prior to the LEA issuing SWFPs. After completing this Module you will know:

- ☑ The LEA time frames for processing a SWFP application;
- ☑ The LEA procedures for processing a SWFP;
- ☑ How to write a SWFP;
- ☑ What items must be submitted to CalRecycle with the proposed SWFP;
- ☑ CalRecycle’s time frames and procedures for processing SWFPs;
- ☑ The reasons CalRecycle can/must object to a proposed SWFP; and
- ☑ The requirements for a LEA to issue a SWFP.



Required Materials

You will need access to the Public Resources Code and Titles 27 and 14 of the California Code of Regulations (CCR) for completion of all training modules in this series. You may access the PRC on the Internet at <http://www.leginfo.ca.gov/calaw.html>. Titles 27 and 14 of the California Code of Regulations can be found on the Internet at <http://www.calrecycle.ca.gov/Laws/Regulations/>. The authoritative regulations can be found at <http://www.barclaysccr.com/index.htm>.

Processing a SWFP Application Package within 60 Days

[Module 2](#) discussed the applicant’s responsibility in preparing and submitting a SWFP application package. This section discusses the responsibility of the Enforcement Agency (EA and LEA will be used interchangeably in this module) in processing a SWFP application. Part of understanding this process is learning the regulatory time limits that are placed on the LEA. By the end of this section you should know how to process a SWFP application and the time limits for the process. The regulations that pertain to this process are in Title 27§21650.

When an LEA receives a SWFP application package, they are required to stamp the package with the date of receipt (Title 27§21650 [a]). In the upper right corner of the [Solid Waste Facilities Permit Application form](#), there is a box where the date received should be stamped. The LEA must then review the application to determine if it is “complete and correct” (i.e. meets the requirements of Title 27 §21570). Within 30 days of receipt of the application package, the LEA shall either accept or reject the application package (Title 27 §21650 [b]).

If the application package is determined to meet the requirements of Title 27 §21570, the LEA must accept the application package and stamp it with the date accepted. The application is considered to be “filed” on the date it is accepted. If after reviewing the application package, the LEA determines the application is not “complete and correct” the application should be rejected. There is also a box on the Application Form to stamp the date rejected. Within five days, the LEA will send a copy of the accepted application form to CalRecycle and the RWQCB (if applicable), Title 27 §21650(c).

After acceptance of an application for a new or revised full solid waste facilities permit as complete and correct, and within 60 days of receipt of the application by the EA, the EA shall notice and conduct an informational meeting to satisfy the requirements of Title 27 §21660.2 and §21660.3. For modified solid waste facilities permits, the EA shall provide notice only to meet the requirements of Title 27 §21660.3 after finding the permit application complete and correct and within 60 days of receipt of the application by the EA. The LEA shall post and provide CalRecycle with a copy of the information meeting notice. CalRecycle will post the notice on CalRecycle's website.

If the LEA rejects the application package, they are required to notify the applicant, CalRecycle, and the RWQCB within five days, stating their reasons. A copy of the rejected application form needs to be submitted to CalRecycle. The LEA needs to keep the rejected application package and notice of rejection on file.

If a LEA rejects an application package because they have determined that it is not complete or correct, the applicant may appeal the decision within 15 days of the date of notification (Title 27 §21615). The applicant must appeal in writing and specify the grounds for the appeal. The appeal must be heard before a hearing panel or officer, organized per the requirements of PRC §44308 and §44309. The hearing panel or officer is required to provide a final written determination on the appeal.

If the LEA determines that an application package is acceptable, "complete and correct" (filed), and after the informational meeting, if required, the following information must be sent to CalRecycle within 60 days of the date the application package was filed per Title 27§21650(g):

- ☑ A copy of the proposed permit ;
- ☑ The accepted application package;
- ☑ A certification from the LEA that the permit application package is complete and correct, including a statement that the RFI meets requirements;
- ☑ Documentation, if applicable, of the applicant's compliance with any RWQCB enforcement order or the status of the applicant's Waste Discharge Requirements (WDRs) as described in PRC §44009;
- ☑ Any written public comments received on a pending application and a summary of comments received at the informational meeting and, when applicable, any steps taken by the LEA relative to those comments;
- ☑ A permit review report which has been prepared pursuant to Title 27 §21675 within the last five years; and
- ☑ A LEA finding that the proposed permit is consistent with, and is supported by, existing CEQA analysis, or information regarding the progress toward CEQA compliance

At first glance, this might appear to be a lot of information to prepare in the 60 days allowed. However, after you read the explanations of these items below it will be easier for you to prepare the package for submittal to CalRecycle. Following are details on each of the items:

Writing the Proposed Permit and Conditions

The primary goal of a SWFP is the protection of public health, safety, and the environment. The permit authorizes the holder to operate a solid waste facility. Preparation of the permit, or “writing” the permit, is one of the most important roles of the LEA in this entire process. The permit regulates and limits the design and operation of a solid waste facility to ensure that long-term environmental impacts are minimized. In addition, the permit ensures that the facility will operate within state minimum standards for waste handling and disposal. Permits vary widely from jurisdiction to jurisdiction in how they are written and the number of conditions they contain.

Permit conditions will vary depending on the tonnage, location and accepted waste types, etc. For example:

- ☑ 20 ton per day landfill in a rural setting vs. 5,000 ton per day landfill in a heavily populated area.
- ☑ A permit for a landfill that only accepts industrial waste vs. a facility that accepts municipal wastes and asbestos.

It may be helpful to review permits for other facilities, and from other jurisdictions when writing permits. There is a [SWFP template](#) available on CalRecycle’s website.

LEAs must use discretion when writing the permit to ensure compliance with Title 27 §21650 (i) which indicates that the proposed permit shall contain the conditions the LEA proposed to include in the permit. Additionally, PRC §44014(b) states that the permit shall contain all terms and conditions that the LEA determines to be appropriate for the operation of the facility.

The proposed solid waste facilities permit shall not contain conditions:

- ☑ Pertaining solely to air or water quality.
- ☑ That conflict with conditions from WDRs issued by the RWQCB.

Before you begin writing a SWFP, you should be aware of some information and restrictions that must be included in the SWFP:

Title 27§21663 (a) indicates that the solid waste facilities permit shall specify the person authorized to operate the facility and the boundaries of the facility. The SWFP shall contain such conditions as are necessary to specify a design and operation for which the applicant has demonstrated in the proceedings before the EA the ability to control the adverse environmental effects of the facility. Definitions for design and operation are in Title 27 §21663(a)(1&2).

PRC §44008(b) states that the EA may only issue the SWFP if it finds that the proposed SWFP is consistent with this division and any regulations adopted by CalRecycle.

PRC §44010 states that the EA shall issue the SWFP only if it finds the proposed SWFP is consistent with the standards adopted by CalRecycle.

The LEA should use all the information available to them when writing the permit. CEQA documents, inspection reports, the permit application form, and other documents in the permit package are good sources of information useful when writing a permit. There are no requirements that specify what conditions must be in a permit. Certain conditions and limits may be more appropriately left in the Report of Facility Information (RFI) and not placed in a permit. Design and operation of the facility will need to be consistent with what is described in the RFI.

Submitting the Application Package to CalRecycle

A copy of the entire application package, including all of the items in Title 27§21570 must be submitted to CalRecycle. As you recall from Module 2, this is the “complete and correct” application package.

LEA Certification

The LEA must provide certification that the permit application package is complete and correct, and include a statement that the RDSI meets the requirements of Title 27§21600. The certification is usually provided in a letter to the CalRecycle (which includes a statement that the LEA has reviewed the package and found it to be complete and correct (per Title 27§21570), and the RDSI meets the requirements of Title 27 §21600).

RWQCB Documentation

CalRecycle must know the status of a RWQCB enforcement order for a facility before it can make a decision on the permit for the facility PRC §44009(b) indicates that CalRecycle is not required to concur in, or object to, and shall not be deemed to have concurred in, the issuance of a solid waste facilities permit for a disposal facility if the owner or operator is not in compliance with, as determined by the regional water board, an enforcement order. To comply with this, Title 27§21650(4) requires that the LEA submit documentation, if applicable, of the applicants compliance with any RWQCB enforcement order or the status of the applicant’s Waste Discharge Requirements (WDRs).

Written Comments

If written comments are received regarding the application, they must be included in the submittal to CalRecycle. Also, a summary of comments received at the informational meeting and where applicable, any steps taken by the LEA relative to those comments. After the proposed permit has been submitted to CalRecycle, the LEA must provide a copy of any additional written comments they receive to CalRecycle within five days of receipt (Title 27§21650(g) .

Permit Review Report

A copy of the Five-Year Permit Review Report (prepared pursuant to Title 27§21675) must be included in the package. The report must have been prepared within the last five years. If the report is older than five years, a new report would need to be prepared in order to meet this requirement. Information on how to complete a Five-Year Permit Review and Five-Year Permit Review Report is included in Module 4.

LEA CEQA Finding

The LEA is required to submit a finding that the proposed permit is consistent with, and supported by, the CEQA analysis. As noted in Module 2, if CEQA has not been completed, the LEA will not be able to provide this finding required by Title 27 §21685(b) (9).



When the LEA submits the proposed permit to CalRecycle, they must also submit a copy of the proposed permit to the applicant, the RWQCB (if applicable), and any person requesting a copy in writing (Title 27§21650[h]). Along with the copy of the permit, the LEA must send the applicant a [form to request a hearing](#). The form may be used by the applicant to obtain a hearing before a hearing panel or hearing officer, to challenge any conditions in the permit. If the applicant requests a hearing, the LEA must notify CalRecycle within seven days of receiving the request.



Questions

1. The LEA must stamp the application package with the date it is received.
True or False
2. The LEA must review the application package to determine if it:
 - A. Is complete
 - B. Is correct
 - C. Meets the requirements of Title 27§21570
 - D. All of the above
3. If the application package is not “complete and/or correct,” the LEA should:
 - A. Return it to the applicant
 - B. Correct the deficiencies
 - C. Reject the application
4. The LEA must either accept or reject the application package within:
 - A. 5 days
 - B. 30 days
 - C. 60 days
 - D. 120 days
5. When an application package is accepted as complete and correct it is considered to be “filed.”
True or False
6. A copy of the application form must be submitted to CalRecycle and the RWQCB within five days of filing.
True or False

7. If an LEA rejects an application, they must:
 - A. Return the package within *five* days
 - B. Notify the applicant, CalRecycle, and RWQCB with the reasons for rejection
 - C. Notify CalRecycle of its determination by submitting a copy of the application form
 - D. Submit a copy of the rejected application form to CalRecycle
 - E. Both B and D

8. Within 60 days of the date the application package was filed, the LEA must send which of the following to CalRecycle?
 - A. Accepted application package, proposed permit, permit review report, LEA CEQA finding, LEA certification of complete and correct, RWQCB enforcement order compliance status
 - B. Accepted application package, written comments, proposed permit, permit review report, LEA CEQA filing, RWQCB enforcement order compliance status
 - C. Accepted application package, written comments, proposed permit, permit review report, LEA CEQA finding, LEA certification of complete and correct, RWQCB enforcement order compliance status

9. The SWFP shall contain, in addition to other items:
 - A. Conditions pertaining only to air or water quality
 - B. Terms and conditions appropriate for the operations
 - C. Both A and B

10. The LEA must submit a copy of the proposed permit to:
 - A. CalRecycle, the RWQCB, the applicant, and the land owner
 - B. CalRecycle, the RWQCB, and the applicant
 - C. CalRecycle, the RWQCB, the applicant, and anyone who has requested a copy

Incomplete and Amended Application Packages

Title 27 contains provisions for a LEA to accept amendments to an application package, and to accept an incomplete application package. After completing this section, you should understand the responsibilities of the operator for submitting amendments to an application package, and submitting an incomplete application package. In addition, you should understand the responsibilities of the LEA when processing amendments to an application, and accepting incomplete application packages.

Amendments

The provisions that allow an operator to submit amendments to an application package are in Title 27 §21610 and §21655. Title 27§21610, indicates that at any time after the application package has been submitted, and before issuance or denial of the SWFP, the applicant shall promptly notify the LEA of any change(s) in any of the information required in the application package. Within seven days of their first knowledge of the change(s), the applicant must submit two copies of the amendment(s) to the application package to the LEA. The LEA is required to review the amendment(s) to determine if they require evaluation, and “fundamentally alters the nature of the application” (CCR §21655[a]). Within 20 days of filing (i.e. receiving) the amendments, if the LEA determines the amendments do require evaluation and “fundamentally alters the nature of the application,” the LEA may deem the amendment a new application, thus allowing the LEA a new 30-day review period to either accept or reject the application package.

The LEA has 20 days to determine if the amendment should be deemed a “new” application, even if the 20-day period extends beyond the 30-day time limit for the LEA to accept or reject the application package (Title 27§21650(b)). Title 27§21655(b) indicates that if the amendment is submitted to the EA 11 days or more after the date the EA has stamped the application package as received, the 30-day review period may be extended as long as the EA still complies with CCR §21655(a).

For example, if an operator submits an amendment 23 days after the LEA received the application, the LEA would have another 20 days, or a total of 43 (23 ± 20) days from the date the application was received, to determine if the amendment should be deemed a new application.

Incomplete Application Packages

The procedures that allow an operator to submit an incomplete application package to the LEA are described in Title 27§21650(f). The procedure is initiated only when an operator requests that the LEA accept an incomplete application package and requires the operator to:

- list the deficiencies in the package,
- list the reasons for the incomplete submittal, and
- propose a schedule (no longer than 180 days) as to when the deficiencies will be corrected.

It is at the LEA’s discretion to accept the applicant’s request to submit an incomplete package. The LEA has 30 days to notify the applicant if they have accepted their request. If the LEA accepts the incomplete application package, the operator has 180 days from the date of acceptance to submit the missing information (that will render the application package complete). If the operator does not provide information required to make the package complete within 180 days, the LEA must reject the application pursuant to Title 27§21650(d). If information to make the package complete is submitted within 180 days, the LEA shall accept the package pursuant to Title 27 §21650(c).



Questions

11. Within ____ days of their knowledge of a change, the applicant must submit to the LEA two copies of the amendment to the application package.
 - A. 5
 - B. 7
 - C. 10
 - D. 30
12. If the LEA determines that amendments to the application package “fundamentally alter the nature of the application” (Title 27 §21655[a]) they can:
 - A. Charge additional application fees
 - B. Deem the amendment a new application
 - C. Return the amendments

13. How many days does the LEA have to review amendments to an application package?
- A. 5
 - B. 7
 - C. 20
 - D. 30
14. When requested to accept an incomplete application package, the LEA:
- A. Must reject it
 - B. Must accept it
 - C. Must accept it if additional application fees are included
 - D. Must decide whether to accept it as incomplete or not to accept it
15. If the LEA accepts an incomplete application package, the missing information must be submitted within ____ days.
- A. 30
 - B. 120
 - C. 150
 - D. 180
16. If the applicant does not provide information to make the package complete within 180 days, the LEA must:
- A. Return it
 - B. Charge additional application fees
 - C. Reject it
 - D. Accept it

CalRecycle Requirements and Process

It is important for LEAs and operators to understand how CalRecycle processes SWFPs. This section concentrates on CalRecycle SWFP requirements, which are contained in the PRC §44009 and in Title 27§21685. While it may seem that the LEA's role in the permitting process ends when they submit the proposed permit package to CalRecycle, they must work in partnership with CalRecycle staff until CalRecycle has acted on the permit. In order to ensure the successful and speedy approval of the SWFP, it is important for LEAs to be involved in CalRecycle's approval process. After completing this section you should understand how CalRecycle processes proposed permits, the time constraints for processing a permit, and the grounds for objecting to a permit.

When CalRecycle receives a proposed SWFP, it must be stamped with the "date of receipt at the time the envelope is opened" (Title 27§21685). There is usually a box on the first page of the SWFP for the date of receipt to be stamped. After the proposed SWFP is received CalRecycle staff will:

- Review the application package to verify the LEA's findings;
- Compare the proposed permit, application form, and CEQA document for consistency;
- Post the proposed permit and a summary of the proposed changes on [CalRecycle's website](#);
- Determine if the requirements for financial assurances and operating liability, and corrective action have been met (only applicable for landfills);
- Check to determine if the facility is in conformance with the CoSWMP;

- ☑ Determine if the facility is operating consistent with State Minimum Standards, Title 27 §21685(b)(8);
- ☑ Check to determine if the requirements for closure and preliminary closure have been met. (only applicable for landfills);
- ☑ Prepare a staff report and memo with a recommendation for concurrence or objection;
- ☑ Post both the draft staff report and action memo on [CalRecycle's website](#) as soon as it is available;
- ☑ Provide an update of the status of each proposed permit received by CalRecycle currently scheduled on the second Monday of each month; and
- ☑ Post the final memo on [CalRecycle's website](#) indicating action taken, on or before the 60 days due date.

According to the delegation of authority for the CalRecycle Director, the Program Director acts on modified permits and the Deputy Director acts on new and revised permits.

CalRecycle staff will often have questions about the proposed permit and application package during their review. They rely on the LEA to answer questions about the proposed permit and application package. It is important for CalRecycle staff and the LEA to work closely together in the final stages of the permitting process.

As you will recall from Module 1, the PRC §44009 indicates that CalRecycle shall, in writing, concur or object to the issuance, modification, or revision of any solid waste facilities permit within 60 days from the date of CalRecycle's receipt of any proposed solid waste facilities permit. If CalRecycle fails to act (i.e. concur or object) on the permit within 60 days, CalRecycle shall be deemed to have concurred in the issuance of the permit as submitted to it. A LEA cannot issue or revise a SWFP unless it has provided CalRecycle and the applicant a copy at least 60 days in advance. Title 27, §21685(b) states that CalRecycle shall not concur in the issuance of a proposed permit if the following information (if applicable) has not been submitted:

- ☑ Complete and correct RFI as certified by the LEA;
- ☑ Permit Review Report per Title 27 §21675;
- ☑ Proposed permit; and
- ☑ Information that the facility is identified and described in, or conforms with, the CoIWMP LEA finding that the existing CEQA documentation supports the proposed permit and RFI, or supporting information that LEA has found that approval of the proposed permit would not lead to any adverse environmental impacts and is exempt from the requirements of CEQA .

FOR DISPOSAL SITES ONLY:

- ☑ documentation that the Closure and Postclosure Maintenance Plan is consistent with closure and postclosure maintenance state minimum standards;
- ☑ current documentation of acceptable funding levels for required closure, postclosure maintenance, and corrective action financial assurances;
- ☑ a copy of the corrective action cost estimate required by Title 27 §22101; and
- ☑ current documentation of compliance with Operating Liability requirements.

If CalRecycle objects to the issuance of a permit it must state its reasons for objection (PRC §44009[c]), and accompany the objection with an explanation of its action, which may suggest conditions or other amendments that may render the proposed permit unobjectionable. (Title 27 §21685[c]).



Questions

17. After CalRecycle receives a proposed SWFP, it must concur or object to the issuance of the proposed SWFP within:
- A. 30 days
 - B. 60 day
 - C. 120 days
18. If CalRecycle fails to act on a proposed SWFP within 60 days, it may:
- A. Restart the 60-day clock
 - B. Buy the operator and LEA lunch
 - C. Shall be deemed to have concurred in the issuance
 - D. Provide a date when they will act
19. CalRecycle shall not concur in the issuance of a SWFP if the items and findings in Title 27, Section _____, have not been submitted or made.
- A. 21570
 - B. 21685
 - C. 44009
 - D. 21600

Permit Issuance by the LEA

After CalRecycle has concurred in the issuance of the proposed permit, the LEA issues the SWFP. There are several sections of PRC and the CCR that LEAs should be familiar with before issuing the SWFP. Following is a list of the sections that pertain to issuing a SWFP.

PRC §44007—The enforcement agency shall not issue or revise a SWFP unless it has, at least 65 days in advance, provided a copy of the proposed SWFP to CalRecycle and the applicant.

PRC §44008(a)—A decision to issue or not issue the SWFP shall be made by the EA within 120 days from the date that the application is deemed complete.

PRC §44008(b)—The EA may only issue the SWFP if it finds that the proposed SWFP is consistent with this division and any regulations adopted by CalRecycle.

PRC §44010—The EA shall issue the SWFP only if it finds the proposed SWFP is consistent with the standards adopted by CalRecycle.

PRC §44014(a)—Upon compliance with §44007, 44008, and 44009, and after any necessary hearings, the LEA shall issue, modify, or revise the SWFP if CalRecycle has concurred in the issuance, modification, or revision.

PRC §44014(c)—Within 15 days of issuing, revising, or modifying a SWFP, the EA shall transmit a copy to the operator (permittee).

CCR §21663—Upon compliance with CEQA and upon concurrence of CalRecycle, the EA shall issue the permit as provided in PRC §44014. The SWFP shall specify the person authorized to operate the facility and the boundaries of the facility, and contain conditions necessary to specify a design and operation (definitions for design and operation are in Title 27 §21663[1&2]) for which the applicant has demonstrated to the EA, the ability to control adverse environmental effects of the facility.

As you can see from reading these statutes, the LEA must issue the SWFP after CalRecycle has concurred in the SWFP. **The LEA cannot issue the permit without CalRecycle concurrence.** The SWFP must be consistent with California standards and regulations, and must contain the name of the operator and the boundaries of the facility. Additionally, the SWFP must contain conditions that regulate the design and operation in such a manner as to control adverse environmental effects of the facility.



Questions

20. How many days does the LEA have to issue or not issue the SWFP, after the application is deemed complete and correct?
 - A. 30
 - B. 60
 - C. 120
 - D. 180

21. The LEA can only issue a SWFP if it is:
 - A. Consistent with regulations
 - B. Consistent with standards adopted by CalRecycle
 - C. Consistent with Division 30 of the PRC
 - D. CalRecycle has concurred
 - E. All of the above

22. Within 15 days of issuing the SWFP, the LEA must:
 - A. Place it in their files
 - B. Send a copy to the permittee
 - C. Inspect the facility

23. The SWFP must contain the name of the operator, the boundaries of the facility, and conditions necessary to control adverse environmental effects
True or False

Answer Key to Module 3

1. True, 2. D, 3. C, 4. B, 5. True, 6. True, 7. E, 8. C, 9. B, 10. C, 11. B, 12. B
13. B, 14. D, 15. D, 16. C, 17. B, 18. C, 19. A, 20. C, 21. E, 22. B, 23. True



“Promoting a More Sustainable California”

Permit Revisions and 5 Year Review

Module 4

Revised July 2010



Goals

This Training Module will build on the information learned in [Training Module 3](#). We recommend that you complete Training Modules 1, 2, and 3 before beginning this module. You should understand how LEAs and CalRecycle process SWFP application packages and proposed SWFPs before you begin this module. This module contains information on Report of Facility Information (RFI) amendments, changes in owner, operator and/or address, and five-year permit reviews. After completing this module you will understand:

- ☑ How to process Report of Facility Information (RFI) amendments;
- ☑ Know when a change is minor and does not require an RFI amendment;
- ☑ How the LEA processes changes in owner, operator, and /or address;
- ☑ When a five year permit review is required; and
- ☑ How the LEA processes permit reviews and completes a five-year permit review reports.



Required Materials: Codes and Regulations

You will need access to the Public Resources Code and Titles 27 and 14 of the California Code of Regulations (CCR) for completion of all Permits Training Modules in this series. This module focuses on Title 27 §21620, §21630, and §21640. You may access the PRC on the Internet at <http://www.leginfo.ca.gov/calaw.html>. Titles 27 and 14 can be found on the Internet at <http://www.calrecycle.ca.gov/Laws/Regulations/>. The authoritative regulations can be found at <http://www.barclaysccr.com/index.htm>.

Listed below are the five different processes to address changes in a permit:

- ✓ **Minor Change**
 - *Instant gratification*
 - *No approvals required before implementation*
 - *Limited changes in design and/or operation*
 - *May be incorporated into RFI at next PRR*
- ✓ **Report of Facility Information (RFI) Amendment**
 - *30 day approval process*
 - *Approval at LEA level only*
 - *No change to permit*
 - *Limited public notice*
- ✓ **Modified Permit**
 - *Change in language of a permit*
 - *Non-material changes*
 - *No additional protective LEA conditions*
 - *Requires CalRecycle concurrence*
- ✓ **New/Revised Permit**
 - *New facility or major change in design/operation*
 - *CalRecycle concurrence required*
 - *Informational hearing required*

Minor Changes

Some changes are minor and do not require LEA action before they are implemented at a solid waste facility. These are called minor changes. The following are minor changes as noted in Title 27 §21620.

- A) Subject to the authority of the EA acting pursuant to the Integrated Waste Management Act or regulations promulgated under such Act; and
- B) Consistent with state minimum standards pursuant to Chapter 3 of this subdivision or applicable minimum standards in Title 14 (commencing with §17200), and including financial assurances and operating liability criteria pursuant to Chapter 6 of this subdivision if applicable; and
- C) Consistent with the terms and conditions in the current solid waste facilities permit; and
- D) Does not conflict with the design and operation of the facility as provided in the current RFI pursuant to §21600, 14 CCR §§17346.5, 17863, 17863.4, 18221.6, 18223.5, or 18227.
- E) Provided that they satisfy the criteria set forth in subdivisions (a) (1) (A - D), minor changes include, but are not limited to, the following:
 - i) Correction of typographical errors in any documents/documentation submitted by the owner or operator.
 - ii) Changes in the training plan that do not affect the type or decrease the amount of training given to employees.
 - iii) Changes in any name and phone number, mailing address, or other contact information that does not include a change of the owner or operator.
 - iv) Changes in emergency equipment (e.g., used for spill or release response) with the same functionally equivalent equipment at the same or higher level of quality.
 - v) Replacing equipment that consists of functionally equivalent components and specifications as the equipment being replaced, which does not cause any change to location or design from the formerly used equipment.
 - vi) Changes in procedures for cleaning or decontamination of facility equipment or structures.
 - vii) Changes in tanks used for storage of materials utilized as part of the operation of the facility such as fuel, motor oil, and water without a change in location.
 - viii) Changes in the rental company or location of where the back-up equipment may be sought.
 - ix) Replacement of an existing environmental or operational monitoring point that has been damaged or rendered inoperable, without change to location or design of the monitoring point.
 - x) Updated changes to other regulatory agency documents that are included by reference in a RFI only.
 - xi) Changes in containers used for temporary storage of materials separated for recycling.
 - xii) Change in narrative information (e.g., background information) outside the permitted boundary.
 - xiii) Change to facility signage wording.
 - xiv) Changes to improve personnel protective equipment and other safety procedures.
 - xv) Changes to traffic patterns on site that do not affect off-site traffic, and/or adjacent properties.
 - xvi) Changes to adjacent land use map.
 - xvii) Change in location of facility records.
 - xviii) Changes in name, address, or phone number of contact in post-closure plan.
 - xix) Changes to equipment maintenance operations associated with the operation of the facility.
 - xx) Acquisition of property adjacent to the facility if not used for solid waste activities.
 - xxi) Updated changes to documents that are included by reference in a permit or RFI.
 - xxii) Regulation re-numbering as referenced in RFI.

Report of Facility Information (RFI) Amendments

This section covers the procedures in Title 27§21665 (c) and §21666, for an operator to submit RFI amendments, and the LEA's procedures for processing the RFI amendments. RFI amendments are only applicable for the [full permit](#) tier. [Standardized and registration permits](#) must obtain new permits to reflect any changes in design or operation.

If an applicant wants to amend their RFI, they must submit, pursuant to Title 27§21600, an application package (pursuant to Title 27§21570). The information submitted in the application package only needs to include items from the [laundry list](#) (Title 27§21570[f]) that have changed, are proposed to change, or are required by the LEA. A completed [Application Form](#) must also be included.

After reviewing the amendments, the LEA must determine if the changes can be approved as RFI amendments or if they require a modification or revision to the SWFP. If the proposed changes meet the following criteria the LEA can file RFI amendments without modifying or revising the permit:

- The proposed change is consistent with the certified/adopted CEQA documents, or the LEA has determined that the change would not create any adverse environmental impacts and is exempt from the requirements of CEQA;
- The LEA has deemed the proposed changes acceptable, and consistent with, but not limited to, state minimum standards, including financial assurances and operating liability; and
- The change does not conflict with the terms and conditions of the current SWFP.

The LEA has 30 days to determine if the RFI amendments meet the requirements listed above. If the RFI amendments do not meet the criteria listed above, the LEA may either require the operator to modify or revise the SWFP (per Title 27§21665), or deny the amendment. The LEA may approve some of the changes provided in the proposed RFI amendment application but find other changes require modification or revision to the SWFP. When the LEA denies an RFI amendment, the applicant has 30 days to appeal the decision to the hearing panel (PRC §§44308 & 44309).

If the LEA accepts the RFI amendment, the operator, CalRecycle, and the RWQCB must be notified of the determination within five days of accepting the amendment for filing. The LEA must send a copy of the RFI amendments, along with a copy of the [Application Form](#) and their determination, to CalRecycle.



Exercises

1. An application for an RFI amendment must include an application package containing all of the information listed in Title 27§21570.
True or False
2. After the LEA receives an RFI amendment request, they must:
 - A. Request additional application fees
 - B. Determine if the changes require SWFP modification or revision or accept the amendment

C. Either accept or reject the amendment within 15 days

3. List three criteria an RFI amendment must meet before it can be filed without modifying or revising the SWFP.

1. _____
2. _____
3. _____

4. How many days does the LEA have to determine if the RFI amendment can be accepted?

- A. 5
- B. 15
- C. 30
- D. 60

Change in Owner/Operator and Address

This section will cover the procedures in PRC §44005 and Title 27§21630 and 21670, for changing the owner and/or operator and the address on a SWFP. An operator or owner of a facility that plans to encumber, sell, convey, or otherwise transfer the ownership or operation of the facility must notify the LEA and CalRecycle at least 45 days prior to the date of transfer (PRC §44005). The notification must be in writing and include information required by CalRecycle, including names, address (es) where notice may be sent, and phone number(s) of the new owner/operator (Title 27§21630) (a). This information is not a matter of public record, and must be kept confidential (Title 27, CCR §21630[c]), until the owner encumbers, sells, transfers, or conveys the property.

The new owner and/or operator of the facility must submit the following information to the LEA and CalRecycle:

- Documentation that the new owner/operator meets the financial assurances and operating liability requirements;
- A signed affidavit certifying that the new owner/operator has read the existing permit and conditioning documents and will operate in accordance with the terms and conditions of the existing permit, and that new information submitted is correct; and
- Amendments to the RFI reflecting the new owner/operator.

Within 20 days of receipt of the notification from the owner/operator, CalRecycle will provide a written determination of the adequacy of financial assurances and operating liability (Title 27§21686).

The LEA must review the notification described above and any records applicable to determine if the current owner/operator has provided the information required (Title 27§21630). In addition, the LEA must use this information to determine if the owner/operator will be able to operate the facility within the terms and condition of the approved SWFP and any other applicable requirements including, but not limited to, Division 13 of the PRC. The LEA must notify the owner/operator within 30 days of receipt of the notification whether it meets the requirements (Title 27§21670[a]).

After the anticipated owner/operator has satisfied all of the requirements, and the LEA has received written confirmation from CalRecycle that the anticipated owner/operator has satisfied the financial assurances and operating liability requirements, the LEA must inform the owner/operator and CalRecycle that the notification

is adequate. Within 15 days of notifying the owner/operator and CalRecycle of the adequacy, the LEA shall send the owner a copy of the changed SWFP. The LEA can only change the name of the owner, operator, and facility name. No other changes to the SWFP, including the issue date or permit review date, are allowed.

If the LEA determines that owner/operator has not provided adequate documentation, or the LEA has reason to believe that the new owner/operator will not operate the facility according to the terms and condition of the SWFP, they must notify the owner/operator and CalRecycle in writing within 30 days of receipt. The LEA must provide their reasons for determining the notification was inadequate.

All applicants for a SWFP, owners/operators of solid waste facilities, must notify the LEA and CalRecycle of any change of address. The notice must be submitted within seven days after the change is effective, and shall be provided on a [form](#) specified by CalRecycle. The LEA is required to keep all of this information on file.



Questions

5. Which of the following section(s) in Title 27 pertain(s) to a change of owner, operator and/or address?
 - A. 21570
 - B. 21600
 - C. 21630
 - D. 21670
 - E. C and D
 - F. B and C

6. The operator must notify the LEA of plans to sell, encumber, or transfer at least ____ days prior to the transfer.
 - A. 10
 - B. 30
 - C. 45
 - D. 60

7. The new owner of the facility must submit which of the following to the LEA and CalRecycle?
 - A. Financial assurances documentation
 - B. Operating liability documentation
 - C. Signed affidavit that they will operate in accordance with the terms and conditions of the permit
 - D. RFI amendments reflecting the change
 - E. All of the above

8. All information regarding a change in owner and operator is public record.
True or False

9. The owner/operator provides written determination of the adequacy of the financial assurances and operating liability within ____ days of the notification.
 - A. 5
 - B. 10

C. 15

D. 20

Five-Year Review of Permits

Five-year permit reviews are an important tool in maintaining up to date permits by identifying changes in design and operation. All SWFP permits must be reviewed, and if necessary revised, at least every five years from the date of issuance per PRC §44015 and Title 27 §21640. The objective of a five-year permit review is to identify changes in design and operation that have occurred, or are planned, and determine any action required by the operator. The procedures for initiating and completing a five-year permit review and report are included in this section. The relevant law and regulations pertaining to five-year permit reviews are PRC §44015 and Title 27 §21640 and §21675.

The LEA must inform the operator at least 180 days in advance of when the five-year permit review is due (Title 27§21675). The operator must submit an application for permit review not less than 150 days before the permit review report is due. An application for a five-year permit review must be submitted as an application package per Title 27§21570 (see Permits [Training Module 2](#) for details on application packages), and must contain the following:

- ☑ Proposed changes in design and operation;
- ☑ Updated amendments to the RFI (for disposal sites, the updated amendments shall include an estimate of the remaining site life and capacity); and
- ☑ A copy of the most recently submitted detailed written estimate or latest approved estimate, whichever identifies the greatest cost to cover the cost of known or reasonably foreseeable corrective action activities, pursuant to Title 27 §22101 **(After July 1, 2010 for disposal sites only)**.

The LEA must review the application package and prepare a five-year permit review report (Title 27, §21675). The following documents must be reviewed, and the permit review report must include documentation that they have been reviewed:

- ☑ The operator's submittal per Title 27§2164,;
- ☑ The current permit and conditioning documents;
- ☑ All RFI amendments submitted since the last five year permit review;
- ☑ CEQA documentation; and
- ☑ Any other information in the record to identify changes.

The five-year permit review report must be submitted to CalRecycle no more than 150 days after receipt of the application for review (i.e. prior to, or on the due date for the review). The amount of review required for a five year permit review might be equal to the amount of review required for a new, modified or revised permit. This level of review can be time consuming. A five-year permit review report must be submitted to CalRecycle with a modified or revised permit. The report must have been completed nor more than five years prior to the submittal of the modified or revised permit to CalRecycle.



Questions

10. How many days in advance must the LEA notify the operator of when the five-year permit review is due?
- A. 60
 - B. 120
 - C. 150
 - D. 180
11. How many days in advance of the review report due date must the operator submit the application for five-year permit review?
- A. 60
 - B. 120
 - C. 150
 - D. 180
12. The application for *five* year permit review must include:
- A. Information required in Title 27§21570
 - B. The proposed changes in design and operation if any
 - C. Updated amendments to the RFI
 - D. All of the above
13. List the information that should be reviewed for the permit review report:
- 1. _____
 - 2. _____
 - 3. _____
 - 4. _____
 - 5. _____

Answer Key for Module 4

- 1. False
- 2. B
- 3. (1) Consistent with CEQA documents or exempt from the requirements of CEQA (2) Consistent with State Minimum Standards (3) Does not conflict with the terms and conditions of the current SWFP
- 4. C
- 5. E
- 6. C
- 7. E
- 8. False
- 9. D
- 10. D
- 11. C
- 12. D
- 13. (1) Identify proposed changes in design and operation, (2) Updated amendments to the RFI (3) Updated amendments for an estimate of remaining site life and capacity (4) Amended closure plan (5) Copy of most recent or latest approved estimate that identifies the greatest cost to cover corrective action activities.



“Promoting a More Sustainable California”

CEQA Basics for Solid Waste Facility Permits

Module 5

Revised July 2010



Goals

This Training Module supplements the information learned in Training Modules 1, 2, 3, and 4 and you should understand the basics of the SWFP process before beginning this module.

This module contains information on timelines, definitions, and document types for the California Environmental Quality Act (CEQA) which must be completed concurrent with the permitting process. After completing this module you will be able to:

- ☑ Describe how the CEQA process impacts Solid Waste Facility Permitting;
- ☑ Identify key entities and describe their responsibilities as related to the CEQA process;
- ☑ Describe the phases of the CEQA process;
- ☑ Identify the uses of initial study; and
- ☑ List three options available if initial study shows there is a significant impact.



Required Materials: Codes and Regulations

You will need access to the Public Resources Code (PRC) and Title 14 of the California Code of Regulations (CCR) for CEQA. This module focuses on PRC 21000-21177 and CCR Title 14 §15000-15387. Title 14 can be found on the Internet at <http://www.calrecycle.ca.gov/Laws/Regulations/>. A 2009 update to the CEQA Statute and Guidelines is provided on the California Natural Resources Agency website in collaboration with the Association of Environmental Professionals at <http://ceres.ca.gov/ceqa/stat>. Supplemental materials and frequently asked questions are also available on the CERES website. The [CEQA Section](#) of the Permit Toolbox on the CalRecycle website provides supplemental information and tools for completion of this module

California Environmental Review Process Overview

Under the California Environmental Quality Act (CEQA), enacted in 1970, the SWF permitting process must be coordinated with the environmental review process. CEQA [established a system](#) of analysis and public disclosure for land-use development to make environmental protection a part of state and local agency decision-making. CEQA authorizes agencies to minimize environmental damage by changing projects to lessen or prevent environmental damage or disapproving of projects altogether unless the benefits outweigh the environmental impacts.

Challenges in the coordination of the two processes often arise because both are complicated. There are many differences between the general project information required in the CEQA documents and the level of detail and specificity required in a permit. Specific information included in a permit might include peak tons per day, total site capacity, hours/days of operation, waste types, waste handling methods, and vehicle numbers. Other challenges arise because of the number of different agencies and people involved in permit and environmental review.

PARTNERS IN THE CEQA PROCESS

SWFP, like many other projects at the local level, require approvals from more than one public agency and regulations often stipulate how the public will be involved. At the end of this section, you should be able to describe the various players in this CEQA/permit process and their responsibilities

Who is the Lead Agency? For the purposes of following the CEQA protocol, the **Lead Agency** is the one with “principal responsibility for carrying out or approving a project.” The Lead Agency is normally the agency with general governmental powers such as a city or county. If more than one agency is involved, they prevail over an agency with a single or limited purpose such as a public utility or LEA. When criteria are equal, the “agency that acts first” becomes the Lead Agency. The Lead Agency assumes responsibility for determining the potential environmental impact of the project and issuing the appropriate CEQA documents.

Although not usually the case, there are scenarios where an LEA might be Lead Agency. For example, if the permit is the first approval for the activity, no other public agency or decision-making body (Board of Supervisors, City Council) is carrying out the project or making an approval that requires CEQA review, or there has been a substantial change in the project which results in new significant effects, the LEA may become Lead Agency. (For more about determining if the LEA is Lead Agency see www.calrecycle.ca.gov/LEA/Partner2000/Initiatives/.../CEQA/PhaseI.doc.)

How are other agencies involved? Other agencies with discretionary approval of a project (including permitting authority) are referred to as **Responsible Agencies** and need to be actively involved in the environmental protection process. They are required to utilize the environmental analysis and documents prepared by the Lead Agency in their own decision-making process and to review/provide comments on the draft environmental documents to the Lead Agency. (See §15381 of the CEQA Guidelines).

The LEA is usually a Responsible Agency for SWFP. Other responsible agencies for SWFPs may include:

- CalRecycle
- Regional Water Quality Control Board (RWQMD)
- Air Pollution Control District (APCD) and Air Quality Management District (AQMD)
- Department of Toxic Substance Control (DTSC)

There are also **Trustee Agencies** defined as “... a state agency having jurisdiction by law over natural resources affected by a project.” Their responsibilities are the same as the responsible agencies.

How is the Public Involved? As one of the main purposes of CEQA is to inform the public about the significant environmental effects of a proposed activity, **concerned citizens and organizations** play an important role during public hearings and the public comment period. They relay their concerns about the project, suggest alternatives, and review/ comment on the completeness and accuracy of the CEQA documents.

Courts are not generally involved in the CEQA process. They become involved when an approval is made and CEQA compliance is an issue. There are specific statutes of limitations of the litigation timelines in CEQA statutes.



Questions

1. What is the objective of CEQA?
 - A. To disclose to decision makers and the public potentially significant environmental effects
 - B. To identify ways to avoid or reduce environmental deterioration and to prevent environmental damage
 - C. To disclose to the public their findings and reasons for agency approval of projects with significant environmental effects
 - D. All of the above

2. An EA/LEA can be a Responsible Agency?
True or False

3. Who can be a Lead Agency?
 - A. A trustee agency
 - B. The agency that acts first
 - C. The Office of Planning and Research
 - D. The LEA
 - E. None of the above

4. If two public agencies want to be the Lead Agency who decides?
 - A. Flip a coin
 - B. The proponent
 - C. CalRecycle
 - D. The Office of Planning and Research

DETERMINATIONS IN THE CEQA PROCESS

At the end of the next several sections, you should be able to describe the CEQA process and what how the SWFP would be impacted if there are significant environmental findings. Due to CEQA, an LEA cannot approve a permit prior to completion of the CEQA process. At a minimum, that requires an initial study of the project and its environmental effects. Depending upon the potential effects, a more substantial analysis, or environmental impact report (EIR) must be completed. A project may not be approved as submitted if feasible alternatives or measures to lessen the environmental effects of the project can be taken.

This CEQA Process flow chart <http://ceres.ca.gov/ceqa/flowchart/> merely illustrates the process contemplated by the CEQA Guidelines. If there are discrepancies in the information provided in this flowchart, the language of the CEQA Guidelines (CCR Title 14 §15000 - 15387) is controlling.

The most basic determinations that must be made as part of the environmental review process are:

- 1) Determine if the project is subject to CEQA;
- 2) Determine if the project is “exempt” from CEQA or requires an “initial study”;
 - Exempt from CEQA (Notice of Exemption)
- 3) Determine if the environmental impacts from the project are “new” or “significant” as result of initial study.
 - No environmental impact (Negative Declaration)
 - Impacts which can be avoided or revised (Mitigated Negative Declaration)
 - Significant environmental impact (Environmental Impact Report)

Screening for CEQA Applicability		
Is it an activity with no possibility of a significant impact?	→ Yes	→ Activity Outside of CEQA
No↓		
Is the activity outside the definition of a project?	→ Yes	→ Activity Outside of CEQA
No↓		
Is the project a statutory Exemption?	→ Yes	→ Notice of Exemption (optional)
No↓		
Is the Project described in a categorical Exemption?	→ Yes	→ Notice of Exemption (optional)
No↓		
Is the project covered by a previous EIR, Program EIR, or Master EIR?	→ Yes	→ Finding of no new Impact(s)
No↓		
Does the Initial Study show that the Project will have no significant impacts?	→ Yes	→ Negative Declaration
No↓		
Environmental Impact Report		

STEP ONE: DETERMINE IF THE PROJECT IS SUBJECT TO CEQA

Project applicants begin the process by contacting the local permitting agencies to discuss the proposed project. Then, they will file an application for the proposed permit. The applicant is responsible for submitting a description of the project and providing any additional information requested by the Lead Agency in preparation of the environmental documents.

A project is defined as “...the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect change in the environment...” (CEQA §15378; PRC §21065). The “**whole of the action**” includes all phases of the project—everything the applicant/operator wants to have approved, that would occur if the project was approved, that would be constructed, and operations that would occur as a result of project approval.

STEP TWO: DETERMINE IF THE PROJECT IS EXEMPT FROM CEQA

If the proposed project is subject to CEQA, two additional determinations must be made: is it exempt or is there a significant environmental effect? There are a number of statutory and categorical exemptions from the requirements of CEQA. If the project proposal is exempt or not subject to CEQA due to statutory or categorical exemptions, the Lead Agency may file a **Notice of Exemption**.

Statutory Exemptions are listed beginning with CEQA § 15260. The exemptions take several forms—some are complete exemptions, others apply to only part of the CEQA requirements and still other others relate apply only to the timing of CEQA compliance. Examples include on-going projects from 1970 that pre-date CEQA, feasibility or planning studies for projects or permits not yet approved or adopted, particular timber or coastal projects, facility repairs resulting from disasters (CEQA § 15269), or SWF on Indian lands.

Categorical Exemptions are listed in CEQA §15300. Common Categorical Exemptions requires no expansion of use and include minor repairs of structures, minor land use changes, restorations, etc:

§15301 Class 1: Operation, repair or maintenance of existing structures or facilities

§15302 Class 2: Replacement or reconstruction of existing structures and facilities

§15303 Class 3: Construction or conversion of small new facilities

§15304 Class 4: Minor alterations of land, water, or vegetation

§15305 Class 5: Minor alterations in land use limitations

§15306 Class 6: Data collection, research, experimental management, or resource evaluation

§15307 and §15308 Classes 7 and 8: Public agency maintenance, restoration, or enhancement of environment or natural resources

§15309 Class 9: Inspections of operations or projects

A categorical exemption does not apply if:

- ✓ A reasonable possibility exists that the activity may have a significant environmental impact because of unusual circumstances;
- ✓ Cumulative impacts would be significant;
- ✓ A project within certain categories of exemption occurs in certain specified conditions (e.g. incompatible land use) or within a sensitive environment(s) (e.g. wildlife habitat, wetlands, etc.);
- ✓ A project affects scenic resources within official state scenic highways;
- ✓ A project is located on listed toxic sites maintained by Cal/EPA; or
- ✓ A project causes substantial adverse changes in significant historic resources, etc.

If the proposed project is exempt or not covered by CEQA, this finding should be made part of the record of approval. That finding, the **Notice of Exemption (NOE)**, should describe the project, and why it is exempt from CEQA. (See [Appendix E](#) of the CEQA Guidelines for format.) Filing of an NOE is optional. However, without this filing, the statute of limitations extends to 180 days instead of 35 days for legal challenges to the agency's approval of a project. (CEQA §15062)

STEP THREE: DETERMINE IF IMPACT IS SIGNIFICANT WITH INITIAL STUDY

If the proposed project doesn't qualify for an exemption, then the Lead Agency must prepare an **Initial Study**. The Initial Study is an analysis of the project's potential effects on the environment (CEQA §15120). Based on the findings, the Lead Agency decides what type of CEQA document must be prepared—either a Negative Declaration (or Mitigated Negative Declaration) or an Environmental Impact Report (EIR). The Initial Study must be completed within 30 days after an application is accepted as complete.

The Initial Study must include a project description, the environmental setting of the project, the potential environmental impacts, and the mitigation measures for any significant effect identified, consistency with plans and policies, the names of preparers, and referenced documents in the record. (An Initial Study Checklist found in [Appendix G](#) of the CEQA Guidelines.)

In order to complete the Initial Study, the Lead Agency must identify the Responsible and Trustee Agencies and shall consult with them early in the process by holding a “**scoping meeting**” or by contacting the agencies individually if they are unable to attend the scoping meeting. ([Appendix B](#) provides a grid of agencies and the issues they would be responsible for or concerned with, or the [State Clearinghouse](#) has a list of projects that Responsible and Trustee Agencies review.) Early consultation is important to reveal potential problems or issues that may arise later on, particularly if an EIR is required. There are many differences between the general project information required in the initial study and the level of detail and specificity required in a permit. Specific information needed for a permit might include peak tons per day, total site capacity, hours/days of operation, waste types, waste handling methods and vehicle numbers.

Negative Declarations and “Mitigated Negative Declarations”

When the Initial Study shows no significant environmental impact or revision or measures that potentially reduce the impacts to less than significant, the Lead Agency has 180 days (from acceptance of the complete application) to adopt a **Negative Declaration** (Neg Dec) (CEQA §15070) or a **Mitigated Negative Declaration (MND)** (CEQA §15071). The Neg Dec describes the project and the reason(s) it wouldn't have a significant environmental impact. The MND is a Neg Dec with project revisions or mitigation measures that eliminate or reduce potentially significant environmental effects.

Negative Declaration and Project/Permit Approval Process under CEQA

- | | |
|--|---|
| • Draft Negative Declaration prepared | • 45 days from decision to prepare |
| • Public Comment Period on Draft Neg Dec | • 30 day comment period |
| • Comment considered/Neg Dec finalized | |
| • Notice of Intent to adopt Neg Dec | • Filed with State Clearinghouse |
| • Neg Dec adopted | |
| • Lead Agency makes determination on project | • 60 days from Neg Dec adoption |
| • Notice of Determination filed | • 5 days from project approval |
| • Project/Permit Determination | • Within 180 days of Lead Agency Decision |

Once the Neg Dec is drafted, it should be reviewed for content and accuracy by the Lead Agency and those Responsible and Trustee Agencies that have been actively involved in the preparation or may have an interest in portions of the document. After appropriate edits are made, the document is ready for a 30-day public comment period. Comments should be considered, but do not each have to be addressed, before the document is finalized. Then, a **Notice of Intent** (NOI) to adopt the Negative Declaration is filed with the State Clearinghouse if a state agency is involved or with the County Clerk if no state agency is involved. (The **Notice of Completion** form in [Appendix C of the CEQA Guidelines](#) may be used.) Any Mitigation Reporting or Monitoring Program(s) will be adopted at that same time as the Neg Dec. Prior to approving the project, the decision-making body of the Lead Agency must consider the Neg Dec/MND together with all comments received and has 60 days from the Neg Dec's adoption to make their determination.

A **Notice of Determination** (NOD) must be filed with the County Clerk and State Clearinghouse within five days of the project's approval. It summarizes the findings about the project's environmental effects and generally describes the project. Since permit decisions require concurrence by CalRecycle, documents must be circulated through the State Clearinghouse. The State Clearinghouse will link the Lead Agency with the Responsible and Trustee Agencies at the state level. Responsible Agencies must make their decisions on the proposed permit within 180 days from the Lead Agency's decision.

STEP FOUR: AVOID OR MITIGATE IMPACT BY PREPARING AN ENVIRONMENTAL IMPACT REPORT (EIR)

The EIR is the heart of CEQA. It is an objective disclosure document and does not advocate for or against a project, but details the scope of the project, analyzes significant environmental effects and discusses ways to mitigate or avoid those effects. Project information is used by state and local permitting agencies in their subsequent evaluation and decision making. The EIR must be prepared within one year of finding the application complete and correct (unless the applicant extends the time period). However, it must be certified before a project can be approved.

An EIR is typically prepared for the Lead Agency by a consultant and contains a project description including maps, proposed activities and/or buildings, required approvals; environmental setting; environmental impact; areas of controversy and alternatives to minimize environmental effects. More detail regarding the contents of the EIR can be found in CEQA §15120-15132. As noted earlier, one of the challenges is that there are many differences between the general project information required in the EIR and the level of detail and specificity required in a permit. Specific information included in a permit might include peak tons per day, total site capacity, hours/days of operation, waste types, waste handling methods, and vehicle numbers. Therefore, early consultation and document review by with Responsible Agencies such as the LEA and CalRecycle is critical for SWFPs.

Process

When the Initial Study shows that the project may have significant impact(s), the Lead Agency must circulate a **Notice of Preparation** (NOP) in announcing preparation of an EIR. Since permit decisions require concurrence by CalRecycle, documents must be circulated through the State Clearinghouse. (The State Clearinghouse will link the Lead Agency with the state Responsible and Trustee Agencies.) The NOP describes the project and lists potential environmental effects. It must be sent to responsible and trustee agencies. Sometimes, the Lead Agency may not be aware of the role of the LEA and CalRecycle in the approval of SWFPs. In order to properly scope the EIR, it is important that responsible agencies provide input on the impact, methodology, or mitigation relative to their decision-making process. Agencies have 30 days to respond or the Lead Agency may assume they have no response. (See CEQA §15082 for details and [Appendix D](#) of the CEQA Guidelines for a sample.)

At the close of the NOP period, and after consultation, the Lead Agency knows which issues to address in the **Draft EIR** (DEIR). The Draft is circulated to all Responsible and Trustee Agencies, the State Clearinghouse, interested parties, and the public for a 45-day review period. The State Clearinghouse will link the Lead Agency with the state Responsible and Trustee Agencies. Without data and information from each Responsible or Trustee Agency, the EIR may be inadequate for responsible agencies such as LEAs to make informed permit decisions as required by the CEQA process. (Note: If state agency discretionary approval involved, a **Notice of Completion** (NOC) is filed with the State Clearinghouse. (See [Appendix C of the CEQA Guidelines](#) for a general transmittal or [Appendix I](#) of the CEQA Guidelines.)

The **Final EIR** (FEIR) incorporates changes in response to relevant comments and becomes the basis for final decision making by the Lead Agency. (The Final EIR is discussed in detail in CEQA §15132) Each comment must be addressed by the Lead Agency/applicant/EIR consultant and sent to the commenting agencies at least 10 days prior to any decision-making. If comments dispute conclusions or offer alternatives to the Draft EIR, the Lead Agency must explain why it disagrees. All responses must demonstrate good faith and a factual analysis (CEQA §15088).

The Lead Agency must **certify** that the final EIR was completed in compliance with CEQA, reflects independent judgment and analysis, and was considered by the decision-making body. (CEQA §15090) Before approving a project with significant impact, the Lead Agency must make one or more **findings** or conclusions for each significant impact will be mitigated below the level of significance if feasible. A project with significant effects can be approved if the decision-making body adopts the **Statement of Overriding Considerations** justifying why the social or economic benefits outweigh the significant environmental impacts (CEQA §15093).

The Lead Agency must approve or deny the project within six months of certifying the Final EIR or within three months of adopting a Mitigated Negative Declaration or Neg Dec and file a **NOD** with the County Clerk and the State Clearinghouse within five business days of the project's approval. The NOD summarizes the Lead Agency's findings about the project's environmental effects. (An example format for the NOD is included in [Appendix D of the CEQA Guidelines](#).)

The NOD starts the 30-day clock during which court challenges of the adequacy and/or completeness of the CEQA document may be filed. If the NOD is not filed within five business days, the statute of limitations increases to 180 days.

Mitigation Reporting or Monitoring Programs

Environmental reporting or monitoring is included in the CEQA approval process to ensure implementation of the mitigation measures, to provide feedback to agency staff and the decision-makers about the effectiveness of their actions, to provide learning opportunities for improving mitigation measures, and to identify the need for enforcement action before irreversible environmental effects occurs.

Mitigation monitoring requirements are triggered when the Lead Agency adopts a Mitigated Negative Declaration or when an EIR indicates they are required for the project to move forward. CEQA requires that the Lead Agency must adopt a “reporting or monitoring” program for changes or additions in the project adopted or made as conditions of approval to mitigate or avoid significant effects during construction and operation. Agencies must provide the Lead Agency with performance standards or monitoring programs for impacts they identify to include in the CEQA document and in the final project approvals.



Questions

5. The proposal from an applicant is determined not to be a CEQA project for an agency – what is the next step?
 - A. File a Notice of Determination
 - B. Prepare a Negative Declaration (Neg Dec)
 - C. Prepare an Initial Study
 - D. Do Nothing
6. A proposed project has a very limited significant effect that can almost be reduced to a non-significant level – what type of document can be prepared?
 - A. Neg Dec
 - B. Mitigated Neg Dec
 - C. Mitigated Neg Dec with a Statement of Overriding Consideration
 - D. Environmental Impact Report (EIR)
7. If there are only potential significant effects that will result from a project a Neg Dec can be used to support the approval of the project?
True or False
8. When a proposed project has no significant effects, can an EIR be prepared?
True or False
9. When is a Notice of Completion prepared?
 - A. When a public agency determines the project is exempt from CEQA
 - B. Lead Agency gives public notice the draft Environmental Impact Report is available for review
 - C. When the Neg Dec/EIR is adopted/certified
 - D. When the decision is made on a SWFP
10. Public agencies must comply with CEQA for every request for approval they receive.
True False

11. A project that may have cumulative significant effects and still be exempt from CEQA review.
True False
12. Filing a NOE after approval reduces the legal challenge time by ____ days.
A. 90 days
B. 180 days
C. 145 days
D. 150 days
13. An initial study is a checklist that aids a responsible agency in determining what type of CEQA document should be developed.
True False
14. The public review process for a mitigated negative declaration is the same as a Neg Dec.
True False
15. A draft EIR must contain public comments received and the response to the comments.
True False
16. An EIR must always be completed within one year of when an application is accepted as complete and correct.
True False
17. Filing an NOD for an EIR starts a 30 day period after which the EIR cannot be subjected to a legal challenge.
True False

Answer Key to Module 5

1. D., 2. True, 3. B, 4. B, 5. D. 6. B. 7. False, 8. True, 9. B, 10. True, 11. False,
12. 145 days, 13. True, 14. True, 15. True, 16. True, 17. False

CEQA Terms and Definitions

Adoption—To formally accept or consent to an environmental document and put it into effective operation, mostly applicable to Negative Declarations

Agency Review—Process by which environmental documents are circulated for the purposes of sharing expertise, disclosing agency analyses, checking for accuracy, detecting omissions, discovering public concerns, and soliciting counter proposals

Alternatives—Other possible options in lieu of the proposed project, including "No Project" (CEQA Section 15126[d])

Approval—Accepting a project or sanctioning it as satisfactory

Authority to Comment—Any person or entity other than a Responsible Agency may submit comments to a Lead Agency concerning any environmental effects of a project being considered by the Lead Agency

Commenting Agency—State or local agencies who consider the environmental document prepared by the Lead Agency but have no decision relative to the project

California Environmental Quality Act (CEQA)—State law enacted in 1970 as a system of checks and balances for land-use development and management decisions in California; requires an analysis of potential development projects to determine the potential environmental effects of the project. In most cases it extends beyond federal statutes established under the National Environmental Policy Act (NEPA), after which it was modeled

Categorical Exemption—A class of projects exempt from CEQA based on a finding by the Secretary of the Resources Agency that the class of projects does not have a significant effect on the environment (CEQA Section 15300 et seq.)

Certification—Formal assertion by the Lead Agency that the final EIR was prepared in compliance with CEQA, that the decision-making body reviewed and considered the EIR prior to approving the project, and that it has independently reviewed and analyzed the data found in the EIR (CEQA Section 15090)

Consideration—The Lead Agency must certify that its decision-making body carefully examined the Final EIR before approving the project

Cumulative Impacts—Two or more environmental impacts which, when considered together, are considerable, compound, or increase other environmental impacts (CEQA Sections 15130 and 15355)

Decision-Making Body—Any person or group of people within a public agency permitted by law to approve or disapprove the project (CEQA Section 15356)

Direct Impacts—Primary effects which are caused by the project and occur at the same time and place (CEQA Section 15358)

Discretionary Approval—Consent or sanction by a public agency with the power or right to act officially, in certain circumstances using its judgment in deciding whether and how to carry out or approve a project

Early Consultation—Lead agency informally consults with all Responsible Agencies and all Trustee Agencies responsible for resources affected by the project to obtain the recommendations of those agencies as to whether an EIR or a Negative Declaration should be prepared (CEQA Section 15063[g])

Environment—Physical conditions existing within an area which will be directly or indirectly affected by a proposed project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance (CEQA Section 15360)

Environmental Documents—Includes Initial Studies, Negative Declarations, draft and final EIRs, documents prepared as substitutes for EIRs and Negative Declarations under a program certified pursuant to PRC § 21080.5, and documents prepared under NEPA and used by a state or local agency in the place of an Initial Study, Negative Declaration, or an EIR (CEQA Section 15361)

Environmental Impact Report (EIR)—An environmental review document that describes and analyzes the significant environmental effects of a project and discusses means to mitigate those effects (CEQA Section 15080 et seq.)

Addendum—A section of material containing minor technical changes or additions which do not raise important new issues about the significant effects on the environment, but are necessary to make the EIR under consideration adequate; added prior to a decision on the project; need not be re-circulated for public review

Draft—A tentative, provisional, or preparatory version of the EIR document that reflects the independent judgment of the Lead Agency; the Lead Agency is responsible for the adequacy and objectivity of the draft regardless of who prepared the document (CEQA Section 15084)

Final—Last or conclusive version of the EIR that includes comments/recommendations made to the draft EIR and the Lead Agency's responses to them. CEQA Section 15132 outlines the required contents; a separate review of the final document is not required, but can be submitted directly to the decision-making body

Focused—An EIR on a subsequent project identified in a Master EIR; analyzes only the subsequent project's additional significant effects on the environment where substantial new or additional information shows that the adverse environmental impact may be more significant than was described in the Master EIR

Master—Evaluates cumulative impacts, growth-inducing impacts, and irreversible significant effects on the environment of subsequent projects (PRC Section 11157)

Program—Considers the environmental effects of a series of related actions that can be characterized as one large project (CEQA Section 15168)

Staged—Considers the environmental effects of a large capital project that will require a number of discretionary approvals from government agencies and one of the approvals will occur more than two years before construction will begin (CEQA Section 15167)

Subsequent—Where subsequent or substantial changes occur in the circumstances under which a project is undertaken, or if new information of substantial importance becomes available, requiring important revisions to a previous EIR or ND, a subsequent EIR shall be prepared. It must receive the same circulation and review as the previous EIR (CEQA Section 15162)

Supplemental—Additional minor information or changes with later approvals submitted after the original EIR (CEQA Section 15163)

Environmental Impact Statement (EIS)—Document prepared under the National Environmental Policy Act. CEQA Section 15220 et seq. outline procedures for projects subject to both CEQA and NEPA

Environmental Setting—A description of the environmental resources and physical conditions within the vicinity of the project area, e.g., topography, plants and animals and manmade structures (CEQA Guidelines Appendix H, item numbers 33 and 34 provide additional information)

Exemption—If a public agency determines during the preliminary review that a particular activity has no possibility of causing a significant environmental effect, the activity will not be subject to CEQA (CEQA Section 15260 et seq.)

Feasible—Capable of being accomplished within a reasonable time; considering, economic, environmental, legal, social, and technological factors (CEQA Section 15364)

Feasible Alternative—One which can be "... accomplished in a successful manner within a reasonable period of time, taking into account economic, legal, social, and technological factors." (CEQA Section 15364)

Findings—Made by a public agency approving a project for which an EIR has been prepared and significant environmental effects have been identified; possible findings include; changes have been included in the project which avoid or reduce impacts, another agency has made changes to avoid impacts, specific considerations make mitigation measures infeasible; must be supported by substantial evidence in the record (CEQA Section 15091)

Finding of No Significant Impacts (FONSI)—Finding made in the NEPA process that is roughly equivalent to a Negative Declaration.

Guidelines—Refers to the "CEQA Guidelines." Regulations developed by the Secretary for the Resources Agency to be followed by all state and local agencies in California in the implementation of the California Environmental Quality Act, and available through the Governor's Office of Planning and Research, 1400 Tenth Street, Sacramento, CA 95814

Indirect Impacts—Secondary effects which are caused by the project and are later in time or farther removed in distance, but still reasonably foreseeable, e.g., growth-inducing effects (CEQA Section 15358)

Initial Study—A preliminary analysis prepared by the Lead Agency to determine whether an EIR or ND must be prepared or to identify significant environmental effects to be analyzed in an EIR (CEQA Section 15063)

Initial Study Checklist—Part of an initial study identifying environmental effects. A suggested format is found in the CEQA guidelines. Each agency is encouraged to adopt its own list

Lead Agency—The public agency which has the principal responsibility for carrying out or approving a project (CEQA Section 15367)

Litigation—A lawsuit; a contest in court of law for the purpose of enforcing a right or seeking a remedy, based on allegations that the CEQA process was not followed appropriately

Local Agency—Any public agency other than a state agency, board, or commission, (e.g., cities, counties, charter cities and counties, districts, school districts, special districts, redevelopment agencies, local agency formation commissions, and any other board, commission, or organizational subdivision of a local agency when so designated by order or resolution of the governing legislative body of the local agency) (CEQA Section 15368)

Mandatory Findings of Significance—Criteria by which public agencies determine whether or not a proposed project may have a significant effect on the environment resulting in the need to prepare an EIR (CEQA Section 15065)

Ministerial—Describes a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project, e.g., automobile registrations, dog licenses, and marriage licenses (CEQA Section 15369)

Mitigation Measure—Changes made in the project to - avoid; minimize; rectify; reduce or eliminate; or compensate for; environmental impacts that would otherwise occur (CEQA Section 15370)

Mitigation Reporting and Monitoring Program (MRMP)—A mandatory program to identify mitigation measures, and ensure compliance during project implementation; with those measures that have been made a condition of project approval (PRC Section 21081.6)

National Environmental Policy Act (NEPA)—Federal legislation to establish policy and procedures to protect the physical environment (CEQA Section 15220)

Negative Declaration (ND)—A document from the lead agency, describing why a project will not have a significant effect on the environment, and will therefore, not require an EIR (CEQA Section 15371)

Mitigated—A Negative Declaration that shows potential significant effects that plan revisions have mitigated to a point where no significant effects would occur (CEQA Section 15370)

Notice of Completion (NOC)— A notice from the lead agency to inform the OPR that a document has been completed and those copies are ready for review. The NOC is transmitted to all potential state responsible agencies (CEQA Section 15372)

Notice of Determination (NOD)—A notice, from a public agency, to be filed after the agency determines to approve, or is carrying out a project for which there has been CEQA compliance (CEQA Section 15373)

Notice of Exemption (NOE)—A notice, from a public agency, after a decision to carry out or approve a project that the project is exempt from CEQA (CEQA Section 15374)

Notice of Preparation (NOP)—A notice, from the lead agency, to inform other agencies of plans to prepare an EIR for a project (CEQA Sections 15082 & 15375)

Office of Planning and Research (OPR)—An agency established by the governor; responsible for drafting CEQA Guidelines and for oversight of the State Clearinghouse

Public Hearing—A hearing, open to the general public, to allow verbal comment on projects relative to the CEQA process (CEQA Section 15202)

Public Review—A statutory requirement providing the public with the opportunity to review documents and to provide written comments (CEQA Section 15200)

Project—The whole of an action, which has a potential for resulting in a physical change in the environment, directly or ultimately (CEQA Section 15378)

Project Description—A description of the project including: detailed maps, environmental setting, a statement of objectives, an operation plan, a statement of the intended uses of the EIR, and a general description of the project's technical, economic, and environmental characteristics. The project description is also to be included in a Negative Declaration (CEQA Section 15124)

Recirculation—Provides a second public review period for an EIR, when significant new information is added to the EIR following the initial public review period

Responsible Agency—All public agencies, other than the lead agency, that has discretionary approval powers over a project (CEQA Section 15381)

Scoping—Early consultation to help clarify extent, operation, agency involvement, and the appropriate level of environmental analysis for a project. Usually completed after the decision to prepare an EIR (CEQA Section 15083)

Shortened Review—Provisions that allow the Office of Planning and Research, upon request from the Lead Agency, to shorten the normal review periods for EIRs and Neg Decs (CEQA Section 15111)

Significant Effect—A substantial, or potentially substantial, adverse change in the physical conditions within the area affected by the project (CEQA Section 15382)

State Clearinghouse (SCH)—A state agency in the Governor's Office of Planning and Research that is responsible for distributing environmental documents for review and comment to State agencies and for coordinating State agency comments to the Lead Agency (CEQA Section 15023)

Statement of Overriding Considerations—A written explanation as to why an agency decided to carry out, or approve a project that has significant, unmitigated environmental impacts (CEQA Section 15093)

Statutory Authority—Authority given by laws enacted by the legislative branch of a government

Statutory Exemptions—Projects specifically exempted from CEQA review by statute (CEQA Section 15260 et seq.)

Statutes of Limitation—Restrictions on the amount of time allowed to file court actions challenging the approval of a project (CEQA Section 15112)

Tiering—The covering of general matters in broader EIRs, with more site-specific information covered in a narrower, subsequent EIR (CEQA Section 15385)

Time Limits—Statutory and regulatory requirements stating maximum and minimum time periods for reviewing documents, or taking other actions pertaining to a project (CEQA Section 15102)

Trustee agency—A state agency having jurisdiction by law over natural resources which are held in trust for the people of California (CEQA Section 15386)

This **CEQA Process flow chart** illustrates the process contemplated by the CEQA Guidelines. If there are discrepancies in the information provided in this flow chart, the language of the CEQA Guidelines (CCR Title 14 §15000-15387) is controlling. Flow chart courtesy of California Environmental Resources Evaluation System (CERES).

This flow chart was developed under the auspices of CalRecycle for specific technical training and is posted as reference material for the local government and CalRecycle staff who attended this training. It is not intended to stand alone as informational or training material. If you require assistance in obtaining access to this flow chart, call the Public Affairs Office at (916) 341-6300 or Melissa Parker at (916) 341-6398.

