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**ASSURING COMPLIANCE
WITH STATE MINIMUM
STANDARDS AT CLOSED
SITES UNDER THE
CALIFORNIA INTEGRATED
WASTE MANAGEMENT ACT**

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State Regulation of Closed Landfills

- Closed landfills are regulated by the State through the California Integrated Waste Management Act (IWMA) (Public Resources Code Section 40000, et seq.).
- The CIWMB promulgates regulations under the Act designed to assure that the landfills do not pose a threat to public health and safety or the environment.
- These regulations are primarily implemented by “Local Enforcement Agencies” (LEAs), which are agencies designated by Cities and Counties to handle, among other things, identifying and inspecting closed landfills, and instituting enforcement proceedings for any violations found at the landfills.

CIWMB Regulates Both Permitted Closed Sites and “Legacy” Closed Sites

- “Permitted Closed Sites” are sites which have been issued solid waste facility permits under the present iteration of the IWMA by an LEA.
- “Legacy Closed Sites” are sites which ceased accepting waste and completed all closure activities before November 12, 1990, and thus were never permitted under the present iteration of the IWMA. (27 CCR 21099 (a))
- Both Permitted and Legacy Closed Sites are regulated by the CIWMB.

The State Minimum Standards

- The CIWMB's regulations impose "State Minimum Standards" on closed sites to assure proper postclosure maintenance of the sites and appropriate reuse and development of the sites. (27 CCR 21090, et seq., 20917, et seq., and 20760, et seq.)
- LEAs regularly inspect all closed sites for compliance with these standards and issue a "Notice and Order" to the responsible parties if a violation is found and not promptly corrected.

Key Requirements

- While the technical issues relating to assuring compliance with these standards are addressed in other sessions of this Symposia, the following are some of the key requirements:
- Site Maintenance
- Postclosure Land Use
- Gas Monitoring and Control
- Grading/Final Cover
- Slope Stability
- Drainage and Erosion Control
- Leachate Monitoring and Control
- Litter Monitoring and Control
- Site Security

Responsible Parties

- Permitted Closed Sites: While the operator is primarily responsible for assuring compliance with the State Minimum Standards, the property owner will also be held accountable if the operator is unable or unwilling to comply.
- Legacy Closed Sites: At present, the LEA's ability to enforce the State Minimum Standards is limited to the current property owner. However, the owner may seek to compel any former operators or owners to contribute to the costs of compliance through legal action.

Consequences for Failure to Comply With Notice and Order

- If a responsible party fails to comply with a Notice and Order, the LEA may seek enforcement of the Order through:
 - An administrative proceeding for penalties; or
 - A judicial proceeding for an injunction compelling compliance with the Order, as well as penalties.

END OF PRESENTATION