

Issue 14. Revisions to Enforcement Agency Notification Inspection Frequency Language

5/1/2012

California Code of Regulations
Title 14. Natural Resources
Division 7. California Integrated Waste Management Board

DRAFT LANGUAGE FOR DISCUSSION – Include consistent language in each state minimum standard reference

In CalRecycle regulations there are 15 types of solid waste handling activities which are regulated as “operations” under the EA Notification tier. The requirements for LEA inspection at operations are not entirely consistent. Staff proposes to clarify and standardize the requirement for LEA inspections by deleting existing conflicting provisions and adding a new provision to the regulations for each EA Notification activity. By specifying the inspection requirement together with the other requirement for operations, we hope to assist operators to understand the requirements that apply to their sites.

Proposed language:

“These operations shall be inspected by the EA at least once every three (3) months unless the EA approves, with CalRecycle concurrence, an operator request for reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment but in no case shall the frequency be less than once per calendar year.”

ADD NON-REGULATORY NOTE: See Section 18083(a)(3) for additional EA and CalRecycle requirements regarding the approval or denial of requests for reducing the frequency of inspections.

A. The new language would be added to each of the following sections:

- § 17859.1. Biosolids Composting at POTWs.(Article 2, Chapter 3.1)
- § 17862. Research Composting Operations. (Article 2, Chapter 3.1)
- § 17862.1. Chipping and Grinding Operations and Facilities. (Article 2, Chapter 3.1)

B. For these sections, the existing reference to inspection frequency would be deleted and replaced by the new language:

- § 17362.2. Contaminated Soil Transfer/Processing Operations. (Article 5.6, Chapter 3)
- § 17377.2 Nonhazardous Ash Transfer/Processing Operations. (Article 5.8, Chapter 3)
- § 17383.3 (a) C&D Wood Debris Chipping and Grinding Operations and Facilities.(Article 5.9, Chapter 3)
- § 17383.4. Small Volume Construction and Demolition/Inert Debris Processing Operations. (Article 5.9, Chapter 3)
- § 17383.7.(f) Inert Debris Type A Processing Operations. (Article 5.9, Chapter 3)
- § 17388.3.(b) Inert Debris Engineered Fill Operations. (Article 5.95, Chapter 3)
- § 17403.2. Sealed Containers Transfer Operations. (Article 6, Chapter 3)
- § 17403.3. Limited Volume Transfer Operations. (Article 6, Chapter 3)
- § 17856.(b) Agricultural Material Composting Operations. (Article 2, Chapter 3.1)
- §17857.1.(b) Green Material Composting Operations and Facilities.(Article 2, Chapter 3.1)

In order to incorporate these requirements governing the frequency of LEA inspections to the duties of the LEAs, staff proposes the following modification of Section 18083, LEA Duties and Responsibilities for Inspections, subd. (a), para. (3):

“(3) at the frequency required by the state minimum standards for each type of operation specified in 14 CCR Sections 17383.9 and 17403.5. All other operations regulated under the EA Notification tier shall be inspected by the EA at least once every three (3) months unless

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the EA approves, with CalRecycle concurrence, an operator request for reduced inspection frequency. The EA may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment, and in no case shall the inspection frequency be less than once per calendar year. The EA shall submit a copy of the operator request and the EA-proposed approval to CalRecycle. CalRecycle shall concur in the request only if it finds that the reduced inspection frequency will not pose an additional risk to public health and safety or the environment in light of the specific circumstances at the operation in question. CalRecycle shall concur or deny the request within thirty (30) days from receipt.