

Hello Mark,

Attached are OCLEA's comments to the AB1497 Implementation Regulations. The comments and suggestions were written informally, so if you need any clarification please contact me. Any comments below pertaining to the sections are also applicable to the decision tree diagrams. – Patti and David

1. **General Comment Regarding Informational Hearings for New Permits:**
Within the proposed regulations, the CIWMB drafted regulatory language that would require information meetings to be held for operators submitting an application for revised permits and new permits. The informational hearing requirement for revised permits is a result of AB 1497. However, neither AB1497 nor any other statute requires an informational hearing for new permits. Therefore, the OCLEA questions the necessity to conduct an information hearing for a new solid waste facility considering that prior to the EA issuing the permit, the project was subject to the California Environmental Quality Act and was subject to approval from land use authorities such as planning commissions, city councils, and Board of Supervisors. The informational meeting is therefore redundant provided these public hearings have taken place. However, OCLEA does recognize that there may be occasions that an environmental document such as a Negative Declaration is administratively adopted by a planning department without going through a public hearing process thereby limiting public outreach. Therefore, the OCLEA is suggesting that an informational hearing for new permits only be required if the environmental document and analysis was not approved by the planning commission, city council, Board of Supervisors, or similar entity.
2. **Joint Permit Application Form CIWMB E-1-77, Appendix 1 of Title 27 CCR, General Comment:** With the introduction of the modified permit process, form CIWMB E-1-77 will need to be revised. A check off box requesting for a modified permit process will need to be introduced under the heading of Type of Application.
3. **Section 21580 CIWMB – Submittal of an Incomplete Application Package, Page 1, Line 18:** In addition to referencing Section 21660.2, Section 21660.3 needs to be referenced since it pertains to the noticing.
4. **Section 21650, CIWMB – EA Processing Requirements, Page 3, Line 9:** Same comment as No. 3 above.
5. **Section 21650, CIWMB – EA Processing Requirements, Page 3, Line 26:** Delete reference to Section 18221 as the section has been repealed. Instead, replace with Title 14 CCR, Division 7, Chapter 5, Article 3.2 Reports of Facility Information which would be inclusive of RFIs for transfer/processing facilities, contaminated soil disposal sites, CDI facilities, etc.

6. **Section 21665, CIWMB – Processing Proposed Changes at Solid Waste Facility, Page 4, Lines 36 through 39:** Replace “subdivision” with “subsection” in order to be consistent with the hierarchy that has been established by the Office of Administrative Law for organizational headings.
7. **Section 21665, CIWMB – Processing Proposed Changes at Solid Waste Facility, Page 4, Line 41:** Suggested language change for line 41, “..amendment(s) to the RFI without revising or modifying the permit if all of..”
8. **Section 21665, CIWMB – Processing Proposed Changes at Solid Waste Facility, Page 5, Line 9:** Please define “terms” and “conditions” as it pertains to the Solid Waste Facility Permit. By defining “terms” and “conditions”, it provides a clear understanding for the EAs and the operators to determine if the SWFP is to be revised, modified, or undergo a RFI amendment. If “terms” and “conditions” will not be defined, please add regulatory language that allows the EAs to define “terms” and “conditions”.
9. **Section 21665, CIWMB – Processing Proposed Changes at Solid Waste Facility, Page 5, Lines 20:** OCLEA suggests that any permit that can be change through the Modified Permit Process be consistent with all certified or adopted CEQA documents.
10. **Section 21665, CIWMB – Processing Proposed Changes at Solid Waste Facility, Page 5, Lines 25 - 27:** Subsection (d)(2) is confusing in how changes in the design or operation would classify as a nonmaterial change when by definition a nonmaterial change involves no change to the approved design or operation (paradox). Can the CIWMB provide examples in the Statement of Reasons on situations that would qualify for the modified permit process?
11. **Section 21660.2, Informational Meeting for New and Revised Permit Applications, Page 11, Line 35:** Is there a need to add Standardized Permits to the language because Standardized permits are still in regulations as a tier permit?
12. **Section 21660.3 Notice of New and Revised Permit Applications and EA Conducted Informational Meeting, Page 12, Line 31:** Delete Subsection 21660.3(a)(10). As specified in the draft regulations, the informational meeting is not equivalent to a public hearing where a decision is made on a project or agenda item. The decision by the EA to accept the application was made prior to the informational hearing. Therefore, the public should not be misguided to interpret that Section 44307 of the PRC allows the public to challenge the EA’s determination to accept an application for a revised/new permit or to issue a permit. Section 44307 is only to be used by the public to allege that the EA failed to act, presumably to protect public health and safety by issuing violations, enforcement orders, etc. This comment also applies to Section 21660.4, page 13 line 32.

13. **Section 18104.2 Enforcement Agency Processing Requirements for Registration Permits, Page 14, Line 12:** With the requirement to hold an informational meeting for Registration Permits applications, the timeframes for the EA to issue the Registration Permit to the applicant needs to be revised. Once the EA accepts the application, an informational meeting is to be held within 30 days. Therefore, the Registration Permit should be mailed to the applicant 5 days after the informational meeting takes place. However, if the informational hearing was held at least one year prior to the EA receiving the application package, the Registration Permit can be mailed to the applicant within 5 days of the EA filing the application.

14. **Section 18105.2 Enforcement Agency Processing Requirements for Standardized Permits, Page 14, Line 30:** Similar to comment No. 13 above. Change 15 days to 30 days. Please also change 15 days to 30 days on Page 15, Line 8.