

**Permit Implementation Regulations
Draft Response to Comments Received During 15-Day Comment Period
(September 11, 2006 through September 26, 2006)**

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I. CHANGE IN DESIGN OR OPERATION

Minor Changes

<u>Comment</u>	<u>Approach</u>
<p>1. Section 21620(a)(1) - Received 3 comments to support the minor change list and 2 to delete the list.</p>	<p>Retained the minor change list per direction provided to staff at the September 5, 2006 P&E Committee meeting.</p>
<p>2. Section 21620(a)(1)(D) – Commenter said when determining consistency with the RFI, the EA should only look at the required elements of the RFI as stipulated in Section 21600 of the Public Resources Code.</p>	<p>Edited Section 21620(a)(1)(D) to clarify that the EA should only look at the required elements of the RFI pursuant to Section 21600, 14 CCR Sections 17346.5, 17863.4, 18221.6, 18223.5, or 18227. The 14 CCR sections were added to reference the required RFI elements for other solid waste facilities types that should be included, such as compost facility, large volume transfer/processing facility, and large volume construction, demolition, inert debris processing facility.</p>
<p>3. Section 21620(a)(1)(E) – Commenter said this subdivision should be edited to read: “Minor changes include only the following changes, and only where those changes also meet the requirements set out in (A) through (D) above: ...”</p>	<p>Edited Section 21620(a)(1)(E) by adding at the beginning of the sentence “Provided that they satisfy the criteria set forth in subdivisions (a)(1)(A – D),” to clarify that listed minor change must also meet the criteria in (A) through (D).</p>
<p>4. Section 21620(a)(1)(E)(iii), (xix), (xxi), (xxii), and (xviii) – Commenter said (iii), (xix), and (xxi), should be treated as minor only if notice is provided to the LEA 10 days before the change is made; revising (xxii) to make this change would also make that provision redundant, so it should be deleted; and (xviii) should qualify as minor only if records are relocated within the disposal facility.</p>	<p>No change. Requiring the operator to notice the EA 10 days before the change is made for iii, xix, xxi, and xxii is not consistent with the intent of the list, which is to allow operators to make minor changes that meet criteria specified in Section 21620(a)(1) without EA review or approval or prior notice. Changes iii, xix, xxi, and xxii were identified during the informal rulemaking process as acceptable changes for the minor change list. These are supposed to be changes that are so minor that EA review and approval is not needed prior to the operator making the change. Plus, the operator is required to notify the EA of the change within 30 days of making the change and if the EA finds the change is not minor, the operator shall be required to comply with all applicable requirements; however, the EA would need to provide a written finding to the operator as documented in an inspection report or other documentation as to why the change did not qualify as a minor change. The idea of operators giving EAs a heads-up about potential upcoming changes is good and will be promoted in planned EA guidance and training.</p> <p>Limiting the change in location of records to within the disposal facility is not consistent with what was discussed during the informal rulemaking process, which was to allow operators to relocate records off site as well. Records can be located at different locations under current requirements.</p>
<p>5. Section 21620(a)(1)(E)(x) and (xi) – Commenters said these changes are duplicative and one should be deleted.</p>	<p>Edited Section 21620(a)(1)(E)(x) and (xi) by deleting (xi) and re-numbering (xii) through (xxiii) accordingly.</p>

<p>6. Section 21620(a)(1)(E)(xii) – Commenter said the statement “without a change in location” should be added to clarify when a change in containers used for temporary storage of materials separated for recycling is a minor change.</p>	<p>No change. The minor change as written only allows a change to the container itself and not a change in location of the container.</p>
<p>7. Section 21520(a)(1)(E)(xvi) – Commenter said the phrase “and/or adjacent improved properties” should be removed or rephrased to clarify how the inclusion of this phrase will protect public health and safety and prevent environmental damage; if adjacent improved properties are being protected, the argument could also be made that adjacent unimproved properties should be protected from changes to on-site traffic patterns.</p>	<p>Edited Section 21520(a)(1)(E)(xvi) by deleting “improved” from the phrase “and/or adjacent improve properties.”</p>
<p>8. Section 21620(a)(1)(F) – Commenter said the operator should be required to submit to the LEA for determination a minor change 30 days prior to implementation.</p>	<p>No change. Requiring the operator to submit to the EA for determination a minor change 30 days prior to implementation is not consistent with the intent of the list, which is to allow operators to make minor changes that meet criteria specified in Section 21620(a)(1) without EA review or approval or prior notice. These are supposed to be changes that are so minor that EA review and approval is not needed prior to the operator making the change. Plus, the operator is required to notify the EA of the change within 30 days of making the change and if the EA finds the change is not minor, the operator shall be required to comply with all applicable requirements; however, the EA would need to provide a written finding to the operator as documented in an inspection report or other documentation as to why the change did not qualify as a minor change. The idea of operators giving EAs a heads-up about potential upcoming changes is good and will be promoted in planned EA guidance and training.</p>
<p>9. Section 21620(a)(1)(F)(iv) – Commenter said this section presumes that permit reviews will occur only on five year intervals; the EA has authority to require such reviews as it deems necessary.</p>	<p>Edited Section 21620(a)(1)(F)(iv) by deleting “5-year” from the phrase “regular 5-year permit review.”</p>

Modified Permits

<p><u>Comment</u></p>	<p><u>Approach</u></p>
<p>1. Sections 21663(a) and 21685(c) - Commenter said the Executive Director should not be allowed to concur on modified permits, which should continue to go to the full Board for concurrence and always involve public notice and an opportunity to comment prior to Board action.</p>	<p>No change. The Executive Director should continue to be allowed to concur on modified permits as specified in Sections 21663(a) and 21685(c). The Executive Director has already been delegated by the Board to concur on non-significant permit modifications. PRC Section 40430 allows the Board to delegate any power, duty, purpose, function and jurisdiction which it deems appropriate to the Executive Director. The Board has delegated to the Executive Director in its “Delegation of Authority” Resolution, January 11, 1995, the approval of non-significant modifications to solid waste facilities permits,</p>

	<p>while retaining approval authority on permit revisions.</p> <p>The Executive Director would be required to report to the Board at its next regularly scheduled meeting on the concurrence or denial of modified permits or could report via a memo. In addition, a notice of the issuance of a modified permit would be posted on the Board's web page.</p>
<p>2. Section 21665(d) – Commenter said the regulations do not include objective criteria the CIWMB will use to classify an application as a modified permit; the regulations should be clear and specific on the criteria CIWMB will use to classify an application as a modified permit.</p>	<p>No change. The proposed regulations provide a methodical process in the form of a decision tree for EAs to follow when they are presented with a request by an operator to make changes at a facility. The methodology provides a consistent analytical process for EAs to use that allows EAs to consider site-specific considerations and circumstances when determining if a proposed change can be approved through a report of facility information (RFI) amendment, a modified permit, or a revised permit process. Using the decision tree, a proposed change would qualify as a RFI amendment if the change is consistent with all of the following criteria:</p> <ol style="list-style-type: none"> 1) CEQA and no other environmental documentation is needed, 2) State Minimum Standards (SMS), and 3) Terms and conditions in the current SWFP. <p>If the proposed change is not consistent with the three criteria above, it would qualify as a modified permit if the proposed change meets one of the following criteria:</p> <ol style="list-style-type: none"> 4) Is a nonmaterial change that would require a change to the SWFP but would not result in any physical change that would alter the approved design/operation of the facility, or 5) EA has determined that the permit does not need to be changed to include further restrictions, prohibitions, mitigations, terms, conditions or other measures to adequately protect public health, safety, ensure compliance with SMS or to protect the environment. <p>If the EA determines through use of the decision tree that a condition does need to be added to the SWFP to protect public health, safety, ensure compliance with SMS or to protect the environment, then the proposed change is significant and should be processed as a revised permit.</p>
<p>3. Section 21665(d)(2) and Note (decision tree, box 5) – Commenter said “terms” should be added to be consistent with the language added to Section 21563(d)(6).</p>	<p>Edited Section 21665(d)(2) and Note (decision tree, box 5) by adding “terms” to be consistent with Section 21563(d)(6).</p>
<p>4. Section 21685(c) – Commenter said the option of the Executive Director reporting to the CIWMB <u>via a memo</u> regarding the concurrence or denial of a modified permit should be deleted.</p>	<p>No change. The Executive Director can also choose to report to the Board at its regular meetings and ED action will be posted on the CIWMB's web site and/or Board agenda.</p>

Revised Permits – Significant Change Definition and Significant Change List

<u>Comment</u>	<u>Approach</u>
<p>1. Section 21563(d)(6) – Commenters said the sentence “The definition is only for purposes of determining when a permit needs to be revised and should not be utilized for making determinations relative to CEQA, Title 14 CCR Section 15000 et seq.” should be deleted since it is confusing with regards to CEQA.</p>	<p>Edited Section 21563(d)(6) by deleting “making determinations relative to CEQA, Title 14 CCR Section 15000 et seq.” and replacing with “any other purpose.” The sentence now reads: “The definition is only for purposes of determining when a permit needs to be revised and should not be utilized for <u>any other purpose</u>.”</p>
<p>2. Section 21620(a)(4) - Received 2 comments to support the significant change list and 2 to delete the list.</p>	<p>Retained the significant change list.</p>
<p>3. Section 21620(a)(4) – Commenter said a new change should be added to the list: “E) Increase in the facility’s permitted site life and/or closure date.”</p>	<p>No change, since the main issue is not the closure date itself, but a proposed change at a facility that could cause the closure date to change, such as a change in the fill rate. It is this proposed change at the facility that could trigger a permit revision based on the decision tree. Very few permits have definitive closure dates and most permits have estimated closure dates, which are based on a multitude of parameters, such as the fill rate, capacity, waste density. A proposed change to any one of these parameters could change the closure date.</p>

Processing Proposed Changes at Solid Waste Facility

<u>Comment</u>	<u>Approach</u>
<p>1. Sections 21570(f)(11), 18104.1(h), and 18105.1(j) – Commenter said clarification is needed that the list of public hearings and meetings required to be included in the application packaged submitted by the operator to the EA is limited to “public” meetings.</p>	<p>Edited Sections 21570(f)(11), 18104.1(h), and 18105.1(j) to clarify that the meetings to be listed are those that were “open to the public,” so the requirement now read: “List of all public hearings and <u>other meetings open to the public that have been held</u> or <u>copies of notices distributed</u> that are applicable to the proposed solid waste facilities permit action.”</p>
<p>2. Section 21665 – Commenter said the EA <u>strongly supports</u> the decision tree concept, which provides for an efficient processing of operational and design changes at solid waste facilities based on the resultant impacts of the proposed change.</p>	<p>No change – comment noted.</p>
<p>3. Section 21666 – Commenter said a key consideration should be to make clear that determinations on whether a proposed change qualifies as an RFI amendment, modified permit, or revised permit are made by the EA, or if proposed to the EA by an applicant, can be accepted or rejected by the EA.</p>	<p>No change. Section 21665 indicates that it is the EA that makes the determination. Section 21665(b) indicates the options available to the LEA in processing a proposed change. Section 21666 includes details of the process used by LEAs for RFI amendments, including denying some or all of the amendments and requiring the operator to submit an application for a modified or revised permit.</p>

II. PUBLIC NOTICE AND INFORMATIONAL MEETING REQUIREMENTS

Notice Requirements

<u>Comment</u>	<u>Approach</u>
<p>1. Section 21660 – Commenter said the proposed rulemaking imposes new mandatory duties on LEAs that increases the risk of LEAs being exposed to litigation seeking damages allegedly caused by an LEA’s failure to perform one of the new mandatory duties.</p>	<p>No change. The proposed regulations are trying to balance the need to provide opportunity for the public to be better informed of new facilities proposed by operators and changes proposed by operators at existing facilities with the level of additional noticing needed to be provided by EAs. Providing opportunities for the public to be better informed is one of the key elements in addressing environmental justice and consistent with the intent of AB1497, and adheres with Cal-EPA’s Intra-Agency Environmental Justice Strategy’s goals: 1) ensure meaningful public participation and promote community capacity-building to allow communities to effectively participate in environmental decision-making processes, and 2) Integrate environmental justice into the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.</p>
<p>2. Section 21660(a)(2) – Commenter said clarification should be added that the EA will mail written notice for new, revised, and modified permit applications to every person requesting the notice “within 5 days from the EA <u>accepting the application for filing</u>,” which removes the problem of the EA needing to notice applications that are rejected for filing.</p>	<p>No change. The existing regulation for Section 21660(a)(2) requires the EA to mail written notice of an application to every person who has submitted a written request for such notice. It does not allow the EA to mail only accepted applications. The proposed regulations just specify that the application should be mailed within 5 days of the EA receiving the application.</p>
<p>3. Section 21660(a)(2) – Commenter said the requirement that the LEA mail written notice for new, revised, and modified permit applications to every person requesting the notice within 5 days of receiving the application should be deleted since the timeline prohibits the LEA from reviewing the application prior to noticing interested parties, adding another burden to the LEA.</p>	<p>No change. Please see comment #2, above.</p>
<p>4. Sections 21660(a)(2) and 21660.1 – Commenter said the only notice required for RFI amendments will occur after the EA has already approved the amendments, which serves little purpose in facilitating public comments or community influence on the proposed changes.</p>	<p>No change. The version of the regulations noticed during the 60-day comment period indicated the notice for the RFI amendment was to be a pre-notice that would take place before the EA took action, similar to the pre-notice for modified, revised, and new permits. However, comments received noted the short, 30-day process time for RFI amendments, including acceptance/rejection and approval/denial of the application, and staff determined that the appropriate time for the EA to send the written notice pursuant to Section 21660(a)(2) or post the notice pursuant to Section 21660.1 was after the EA had accepted/approved the application. This will reduce the need to notice applications that are determined to be incomplete or incorrect or where the EA determined that the findings could not be made and the application was denied. In the case of posting the notice, the EA would be required to post the notice for at least 10 days, which provides the public with the same number of days of</p>

	<p>noticing as what was proposed earlier. Currently, the EA is not obligated to notice RFI amendments, except under the general requirement of mailing a written notice of an application to every person who has submitted a written request for such notice.</p>
<p>5. Sections 21660(a)(2) and 21660.1– Commenter said having the EA notice RFI amendments after the EA has approved the amendments is appreciated.</p>	<p>No change required.</p>
<p>6. Sections 21660.1 and 21660.3 – Commenter said the new, non-statutory noticing requirements for RFI amendments and modified permits should be eliminated.</p>	<p>No change. The proposed regulations are trying to balance the level of notice with the view that there are changes that are less than significant changes in design and operation that are consistent with the permit terms and conditions. The new noticing requirements proposed in the draft regulations for RFI amendments are less than those for a modified, revised or new permit and consist of the operator posting a notice at the facility entrance <u>and</u> the EA posting the notice on the local jurisdiction's public notice board <u>or</u> EA's web site <u>or</u> Board's web site <u>or</u> the operator's web site. While RFI amendments tend to be administrative in nature, there have been instances where the changes were of greater concern, such as an amendment to an RFI at a landfill that triggered AB 1497. The noticing requirements for modified permits are less than those for revised and new permits, and do <u>not</u> include 1) noticing the governing body of the jurisdiction where the facility is located, 2) noticing the State Assembly Member and State Senator in whose district the facility is located, and 3) taking additional measures to increase public notice.</p> <p>The additional public noticing in Section 21660.1 for RFI amendments and Section 21660.3 for modified permits should be retained to increase the opportunity for the public to be better informed of changes proposed by operators, which is one of the key elements in addressing environmental justice and consistent with the intent of AB1497, and adheres with Cal-EPA's Intra-Agency Environmental Justice Strategy's goals: 1) ensure meaningful public participation and promote community capacity-building to allow communities to effectively participate in environmental decision-making processes, and 2) Integrate environmental justice into the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.</p>
<p>7. Sections 21660.1 and 21660.3 – Commenter said the blanket noticing requirements on rural areas will divert resources from more critical health and safety goals in exchange for minimal gains; rural EAs often consist of a skeleton staff and public notification represents a tremendous amount of time to compose and translate notices, secure purchase orders, and place them in local newspapers.</p>	<p>No change. Please see comment #6, above. The regulations set a statewide minimum requirement, in some circumstances EAs may need to invoke their authority to require additional notice and steps to ensure public awareness of projects.</p>

<p>8. Section 21660.3(b) – Commenter said reference to “modified” permits should be deleted from the title since modified permits do not require an informational meeting.</p>	<p>No change. The noticing requirements for modified permits are located in Section 21660.3(b), which also includes the noticing requirements for informational meetings that are conducted for new and revised permits. The noticing requirements for modified permits are less than those for revised and new permits, and do <u>not</u> include 1) noticing the governing body of the jurisdiction where the facility is located, 2) noticing the State Assembly Member and State Senator in whose district the facility is located, and 3) taking additional measures to increase public notice.</p>
<p>9. Sections 21660.3(b)(2)(a) and (b), and 21660.4(b)(2) – Commenter said the noticing requirement that the EA post the notice “in compliance with Government Code Section 65091” should be revised for legal accuracy to read: “in the manner set forth in Government Code Section 65091.”</p>	<p>Edited Sections 21660.3(b)(2)(a) and (b), and 21660.4(b)(2) by deleting “in compliance with” and replacing with “in the manner set forth in” so the requirement now reads: “the EA shall post the notice in the manner set forth in Government Code Section 65091.”</p>
<p>10. Section 21660.3(b)(2)(a) and (b) – Commenters said the formatting is incorrect and should be changed to Section 21660.3(b)(2)”(A)” and “(B).”</p>	<p>Edited Section 21660.3(b)(2)(a) and (b) so it now reads: Section 21660.3(b)(2)”(A)” and “(B).”</p>

Content of Notice Requirements

<p><u>Comment</u></p>	<p><u>Approach</u></p>
<p>1. Section 21660.1(a)(6) – Commenter said moving the notification point for RFI amendments to the post-decision period makes the reference on the availability of appeals relevant, since the EA’s decision would be appealable.</p>	<p>No change required.</p>
<p>2. Section 21660.1(a)(7) – Commenters said the requirement that the EA include a statement indicating where additional information about the approved application is available should be edited to include the “date, time, and location” the information is available.</p>	<p>No change. This information is no longer necessary since the RFI amendment will already have been approved by the EA when the notice is posted. The EA will be required to indicate in the notice where additional information about the approved application is available with no date or time limitations.</p>
<p>3. Section 21660.3(a)(9) – Commenter said the notice requirements for modified permits continue to include the EA offering options for submitting comments; the lack of specificity appears to be intentional and any reasonable mechanism for accepting comments will comply with the requirement.</p>	<p>No change. We agree that the EA can use any reasonable mechanism for accepting comments.</p>
<p>4. Section 21660.3(a)(10) and 21660.4(a)(9) – Commenter said the noticing requirement for information on the availability of appeals as revised clarifies that the information concerning appeals is to address the issuance or denial of a permit, i.e., a future EA action; deferring this notification requirement to a time when the information is pertinent would be better, but the clarified language is helpful.</p>	<p>No change required.</p>

<p>5. Section 21660.4(a)(9) – Commenter said the reference to “modified” permits should be deleted since this section only applies to new and revised full permit applications.</p>	<p>Edited Section 21660.4(a)(9) by deleting reference to “modified” permits.</p>
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Informational meeting

Comment	Approach
<p>1. 21650(e) and (g) – Commenter said clarification should be added that any informational meeting must take place prior to an application’s submission to the Board.</p>	<p>No change. This clarification can be found in Section 21650(g) which states: “No later than 60 days after the application package has been accepted as complete and correct and after conducting an informational meeting if required by Sections 21660.2 and 21660.3, the EA shall mail to the CIWMB the following: (1) A copy of the proposed solid waste facilities permit; (2) The accepted application package; ...</p>
<p>2. Section 21660.2(a) – Commenter said the new, non-statutory requirement for a public informational meeting for new facility permits should be eliminated.</p>	<p>No change. Informational public hearings are already required for new Construction, Demolition and Inert Debris (CDI) permit applications under current regulation (Title 14 sections 17383.10 and 17388.6). The Office of Administrative Law approved these regulations in 2003. The Board directed staff to apply the CDI regulatory requirements to other solid waste facilities in order to provide consistency among different types of solid waste facilities. The proposed regulations in Section 21660.2(a) are consistent with the CDI regulations and the Board’s direction. The informational meeting requirement for new <u>full</u> permits is not a duplication of the land use public hearing process or CEQA. Land use entitlements are not always issued for every solid waste facility, and public hearings either are not held in every case, were held years ago, or may be too broad in scope and may not address the issues associated with a solid waste facility. In these cases, the informational meeting would not be duplicating a land use hearing. Where a local land use hearing has been held, is not dated, and is not too broad in scope, the proposed regulations allow the EA to substitute, for a new informational meeting <u>if the applicant does not object</u>, a comparable public hearing that was held within the year. In the case of CEQA, not every solid waste facilities permit will have gone through a CEQA process. Also, the CEQA process includes public notice requirements, but does not include a public hearing.</p> <p>The informational meeting requirement for new full permits should be retained to increase the opportunity for the public to be better informed of new facilities proposed by operators, which is one of the key elements in addressing environmental justice and consistent with the intent of AB1497, and adheres with Cal-EPA’s Intra-Agency Environmental Justice Strategy’s goals: 1) ensure meaningful public participation and promote community capacity-building to allow communities to effectively participate in environmental decision-making processes, and 2) Integrate environmental justice into the</p>

	development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.
<p>3. Section 21660.2(a) – Commenter said the new requirements for an informational meeting for new full permits should only be required when one of the following conditions applies:</p> <ul style="list-style-type: none"> • When the most recent CEQA hearing is more than one year old; • Where public interest in the project warrants additional public meetings; • Where the proximity or density of sensitive receptors warrants additional notification; or, • When the EA has received requests from the public for information about the project. 	No change. Please see comment #2, above.
<p>4. Section 21660.2(c)(1) – Commenter said the 1-mile restriction for the informational meeting location is too restrictive, even though there is a provision that allows the EA to use an alternative location (presumably greater than 1 mile), and recommends deleting the requirement and replacing it with: “The meeting shall be held in a suitable location as close as reasonably practical to the facility that is the subject of the meeting.”</p>	No change. Section 21660.2(c)(1) allows the EA to designate an alternative suitable location that is as close to the facility as reasonably practical if the EA cannot find a suitable and available location within 1 mile of the facility.
<p>5. Section 21660.2(c)(3) – Commenters, fulfilling a homework assignment on environmental justice in their environmental law class, gave examples of additional measures that could be undertaken by the EA to increase public notice and encourage attendance by anyone who may be interested in the facility that is the subject of the informational meeting.</p>	These comments provide many good examples of additional measures that can be undertaken by the EA to increase noticing and encourage attendance at an informational meeting that while not appropriate as edits to the regulations will serve as good examples for improving environmental justice outreach in future EA guidance and training courses on informational meetings.
<p>6. Section 21660.2(c)(3) – Commenter said the additional measure that can be undertaken by the EA to encourage attendance at an informational meeting of “noticing beyond 300 feet if the nearest residence or business is not within 300 feet of the site” is too open-ended and could expose EAs to unnecessary criticism; an outer limit is needed.</p>	No change. Section 21660.2(c)(3) is permissive and can be undertaken by the EA as an additional measure if the EA sees the need to increase public notice and encourage attendance at informational meetings. The EA could always post a notice in a newspaper of general circulation if there are more than 1,000 property owners they see the need to notify.
<p>7. Section 21660.2(c)(3) – Commenter said the EA can undertake <u>additional</u> measures to increase public notice and to encourage attendance at an informational meeting, but the actual noticing requirements for informational meetings are actually located in Section 21660.3(a) and (b); Section 21660.2(c)(3) should be revised to reference Section 21660.3, as it pertains to new and revised full permits, which includes additional noticing measures in subsection (b)(4)</p>	No change. We agree that the noticing requirements for informational meetings is located in Section 21660.3(a) and (b); however, we want to retain Section 21660.2(c)(3) to emphasize the additional measures that could be taken by the EA with regard to holding and noticing informational meetings.

III. RELATIONSHIP OF SWFP TO LAND USE ENTITLEMENTS

<u>Comment</u>	<u>Approach</u>
<p>1. Section 21570(f)(9) – Received 3 comments to support deleting land use entitlements as requirements for a complete and correct solid waste facility permit application, and 3 comments to either 1) retain land use entitlements as requirements for complete and correct applications, 2) retain as requirement for complete application since the land use permit is the primary vehicle for establishing the parameters for the “operation” of a solid waste facility, or 3) require written confirmation from planning agency verifying proposed SWFP activities are consistent with land use entitlements.</p>	<p>No change. Based on the comments received during the 60-day comment period that the proposed regulations must avoid promoting/creating any conflict between the host jurisdiction’s land use permit/entitlement and the Solid waste Facility Permit, staff changed the proposed regulations from focusing on EA acceptance of a complete and correct permit application package to the actual drafting of permit terms and conditions by the EA, which is when the EA considers other entitlements, permits, and approvals when writing the permit.</p> <p>The existing requirement in Section 21570(f)(9), that the operator include as part of a complete and correct application package a copy of land use entitlements for the facility, was deleted since these documents are not always issued for all facilities or may be in process at the time the application for a SWFP is received by the EA. The proposed language in Section 21563(d)(2), that the definition of “correct” did not include the EA verifying for correctness information contained in the land use and/or CUP, has been deleted for the same reason.</p>
<p>2. Section 21650 Note – Received 3 comments to support the EA taking into consideration other permits and approvals when writing permit terms and conditions, and 2 comments to edit the Note to read: “The Enforcement Agency should be aware of and take into consideration other permits/<u>entitlements</u> (e.g., <u>Conditional Use Permit or Zoning ordinance</u>) and approval when writing terms and conditions.”</p>	<p>Edited Section 21650 Note by adding “entitlements” to the list of actions that the EA should take into consideration and by adding a list of examples “(e.g., conditional use permit, zoning, Air Pollution Control District/Air Quality Management District permits to construct and operate, Department of Toxic Substances Control hazardous waste facility permit, Department of Fish and Game permits, Coastal Commission approvals, Army Corps of Engineers permit, Federal Aviation Administration notification, and other required local and county ordinances/permits).”</p>
<p>3. Section 21685(b)(6) – Received 3 comments to support deleting land use entitlements from the proposed permit that is submitted to the Board for concurrence, and 3 comments to either 1) retain land use entitlements as requirements for complete and correct applications, 2) retain as requirement for complete application since the land use permit is the primary vehicle for establishing the parameters for the “operation” of a solid waste facility, or 3) require written confirmation from planning agency verifying proposed SWFP activities are consistent with land use entitlements.</p>	<p>No change. Please see comment #1, above.</p>