



## THE CITY OF SAN DIEGO

September 25, 2006

Ms. Bobbie Garcia  
California Integrated Waste Management Board  
PO Box 4025, MS: 16  
1001 "T" Street  
Sacramento, CA 95812-4025

VIA FACSIMILE: (916) 319-7535

Subject: Permit Implementation Regulations (AB1497)

Dear Ms. Garcia:

The City of San Diego Solid Waste Local Enforcement Agency (LEA) appreciates the opportunity to review and provide comments on the draft proposed *Permit Implementation Regulations (AB1497)*.

### General Comments:

As previously stated in our May 18, 2006, comment letter, the LEA **strongly supports** the decision tree concept as described in Title 27, California Code of Regulations, §21665. The decision tree provides for an efficient processing of operational and design changes at solid waste facilities based on the resultant impacts of the proposed change. In addition, a real benefit of the decision tree concept is the elimination of a one-size-fits-all approach; it acknowledges the diversity of California as a whole.

In addition, the LEA can support the processing of Minor Changes as proposed in §21620(a)(1) (previously referred to as Alternative Minor Lists 1 and 2). The Minor Change List approach provides an easy and clearly defined mechanism for the operator to make certain updates without the burden of filling out the solid wastes facilities permit application form.

The LEA continues to **adamantly oppose** §21620(a)(4)(A) – (D), (previously referred to as Alternative 3 Significant Change List). This approach attempts to implement a one-size-fits-all approach state wide and it disregards local issues (or lack thereof).

The LEA supports removing the Land Use and Conditional Use Permits as requirements for a complete and correct solid waste facility permit application. Additionally, the LEA supports the approach taken in §21650(i) that it takes into consideration PRC §44012, which requires the EA to ensure that primary consideration is given to protecting public



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health and safety and preventing environmental damage, and the long term protection of the environment. The EA should be aware of and take into consideration other permits and approvals when writing terms and conditions. This approach acknowledges the land use permits but does not put an LEA in the undesirable position of enforcing local land use permit conditions through the solid waste facility permit.

**Specific Comments:**

1. Section 21620(a)(1)(E)(x) and (xi)

These two sections are duplicative. Delete (xi) and re-letter (xii) – (xxiii) accordingly.

2. Section 21160(a)(2)

Strongly suggest deleting second half of sentence that reads, "*and within 5 days from the EA receiving the application for new, revised, and modified permits, the EA shall mail written notice of an application to every person who has submitted a written request for such notice.*" or modifying as follows, "*and within 5 days from the EA accepting for filing the application for new, revised, and modified permits, the EA shall mail written notice of an application to every person who has submitted a written request for such notice.*" An EA cannot anticipate the actual submittal date of an application package and the modified language does not cause additional noticing for application packages that are rejected for filing.

3. Section 21660.3(b) (Page 15), Title

Please delete "and Modified" as this section deals with a "meeting notice" [see immediate paragraph under this section title] and modified permits do not require an information meeting.

4. Section 21660.3(b) (page 15 and page 16)

There are two subsections (b). Is the subsection (b) on page 16 supposed to be subsection (c)??? If so, then there is a formatting issue with (b)(3) and (b)(4).

5. Section 21660.4(a)(9)

Please delete "modified" permits from this section as this section deals only with new and revised full permit applications.

6. Section 21665(d)(2)

Suggest including "terms" in this section to be consistent with the language added to

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§21563(d)(6).

7. Section 21665(3) – Decision Tree (box 5)

Suggest including “terms” in this section to be consistent with the language added to §21563(d)(6).

8. Section 21685(c), last sentence:

Please consider deleting the option of the Executive Director reporting to the CIWMB via a memo regarding the concurrence or denial of modified permits. The spirit of AB1497 is notification and to increase awareness of solid waste permitting activities. Therefore, the LEA feels that it is more in line with the spirit of AB1497 to require the Executive Director to report to CIWMB on their concurrence or denial of modified permits at the next regularly scheduled meeting and to post information on the CIWMB’s website and agenda.

Thank you again for the opportunity to provide comments. If you have any questions or require clarification, please contact me at (619) 533-3695 or Rebecca Lafreniere at (619) 533-3694.

Sincerely,



Victoria L. Gallagher, REHS, MPH  
LEA Program Manager

Cc (via email): Mark de Bie, CIWMB  
Kelly Broughton, DSD  
Ben Gale, CCDEH SW Committee Chair  
Matt Fore, EAC Chair  
Rebecca Lafreniere, LEA