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September 21, 2006

Ms. Bobbie Garcia
California Integrated Waste Management Board
Permitting and Enforcement Division
P.O. Box 4025, MS-16
Sacramento, CA 95812-4025

Dear Ms. Garcia:

CHANGES TO PROPOSED PERMIT IMPLEMENTATION REGULATIONS

Thank you for giving the Solid Waste Management Program (SWMP), acting as the Local Enforcement Agency (LEA) for the County of Los Angeles, an opportunity to comment on the proposed permitting implementation regulations. The SWMP has the following comments:

1. Section 21563(d)(6) – The section refers to the California Environmental Quality Act (CEQA) as Title 14 of the California Code of Regulations, Section 15000 et seq. Title 14 of the California Code of Regulations, [Division 2,] Section 15000 et seq. is the State CEQA Guidelines. A more appropriate citation would be Division 13 (commencing with Section 21000) of the Public Resources Code.
2. Section 21570(f)(9) – The requirement, currently in Title 27 of the California Code of Regulations, for a land and/or conditional use permit as part of a complete and correct permit application package has been deleted in its entirety. The SWMP believes that this may unnecessarily lead to conflicts between permits or other approvals, which have been issued by different regulatory agencies, regarding the same solid waste issues, e.g., hours for the receipt of waste. The land and/or conditional use permit is usually the first discretionary approval for a solid waste facility and is normally the result of compliance with the CEQA. If, due to local considerations, the land and/or conditional use permit had more restrictive hours for the receipt of waste than the CEQA document cited in the permit application package, the SWMP feels that the solid waste facility permit should not be used to circumvent the land and/or conditional use permit regarding solid waste issues, which are within the purview of the LEA. If anything, the stricter condition would better protect public health and safety, prevent environmental

Ms. Bobbie Garcia
September 25, 2006
Page 2

damage, and help ensure long-term protection of the environment. The SWMP respectfully requests that the requirement for a land and/or conditional use permit as part of a complete and correct permit application package be unchanged.

3. Section 21570(f)(11) – The word, “public,” should be inserted before “meeting” to clarify that the meetings held applicable to the proposed solid waste facilities permit are public meetings.
4. Section 21620(a)(1)(E)(xi) – With the latest deletion in the text, this subsection is the same as the previous subsection, 21620(a)(1)(E)(x), and should be deleted.
5. Section 21620(a)(1)(E)(xvi) – The phrase, “and/or adjacent improved properties,” was inserted. It is unclear what effect(s) is(are) intended to be prevented: physical, aesthetics, and/or financial. 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. This phrase should be removed or rephrased to clarify how the inclusion of this phrase will protect public health and safety and prevent environmental damage.
6. Section 21660.2(c)(3) – The phrase, “noticing beyond 300 feet if the nearest residence or business is not within 300 feet of the site,” was inserted. However, without an outer limit as to the noticing distance or a definite number of notices to be issued, there is no way for the LEA to meet this noticing requirement, since there is a seemingly infinite number of residences and businesses beyond 300 feet. In addition, it has been the SWMP’s experience that there are some members of the public who are not satisfied with an LEA’s noticing even if the noticing complies with applicable statute. Thus, the inclusion of this phrase could expose LEAs to unnecessary criticism.

[Note: Although California Integrated Waste Management Board staff is required to respond only to newly proposed changes to the regulations, the SWMP has a comment regarding the single-underlined word, “additional.” This word indicates there are required noticing measures. However, Section 21660.2(c) does not list the required noticing measures or reference Government Code, Section 65091, subsections (a) – (c). Since the informational meeting for new and revised full solid waste facilities permits must meet noticing requirements in Section 21660.3, subsections (a) and (b), the SWMP suggests that subsection (c)(3) of Section 21660.2 be revised to reference Section 21660.3, as it pertains to new and revised full solid waste facilities permits, which includes additional noticing measures in subsection (b)(4).]

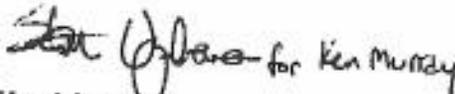
7. Section 21660.3(b)(2) – The two subsections, (a) and (b), should be changed to (A) and (B).
8. Section 21660.3(b)(4) – Please see comments regarding Section 21660.2(c)(3) above.
9. Section 21685(b)(6) – Please see comments regarding Section 21570(f)(9) above.

Ms. Bobbie Garcia
September 25, 2006
Page 3

10. Section 18104.1(h) – Please see comments regarding Section 21570(f)(11) above.
11. Section 18105.1(j) – Please see comments regarding Section 21570(f)(11) above.

If you have any questions, please contact Stan Uyehara at (626) 430-5542.

Very truly yours,

 for Ken Murray

Ken Murray
Chief Environmental Health Specialist

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