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May 30, 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:

PROPOSED REVISIONS TO THE 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 and 85 cities within the County, the opportunity to comment on the proposed revisions to the permit implementation regulations, dated February 28, 2006. The SWMP has the following comments:

1. Section 21563(d)(2) – This section, which defines “correct”, has been revised to include the statement, “This does not include verifying for correctness information contained in the land use and/or conditional use permit which the applicant submits pursuant to §21570(f)(9).”

The inclusion of this statement means that a Solid Waste Facility Permit (SWFP) application could include a Report of Facility Information (RFI) that describes a solid waste facility’s parameters that conflict with the conditions of the land use permit/Conditional Use Permit (CUP). For example, a RFI describes a solid waste facility that receives solid waste for longer hours than allowed by the CUP, a violation of its CUP [Note: Assume the California Environmental Quality Act document for the solid waste facility allowed the longer hours for the receipt of solid waste.].

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The SWMP normally incorporates conditions of the CUP, which pertain to solid waste, e.g., hours of receipt of solid waste, into the proposed SWFP. If the proposed permitting implementation regulations are adopted, the SWMP would be required to accept the application given in the example. Yet, the proposed SWFP would have hours of receipt of solid waste that would be in conflict with the RFI.

Assuming the applicant did not revise the RFI to reflect the proposed SWFP with regards to the hours for the receipt of solid waste, this could result in the applicant appealing the proposed SWFP to the hearing panel pursuant to Section 2165(g) of Title 27 of the California Code of Regulations (27CCR) or the California Integrated Waste Management Board (CIWMB) receiving a proposed permit that conflicted with the accepted application package submitted pursuant to Section 21650(f)(2) of 27CCR, both of which would result in an unnecessarily time-consuming and confusing situation.

The SWMP respectively requests that the additional statement be removed from Section 21563(d)(2), or that the statement be expanded to require the applicant, as a part of the application package, provide a written confirmation from the host jurisdiction that the proposal is consistent with their requirements, i.e. land use entitlement, CUP, zoning.

2. Section 21580 – Inclusion of an application for a revised SWFP in the added statement, “For an application for a new or revised solid waste facilities permit, within 30 days after deeming the application complete, the EA shall notice and conduct an informational meeting as required by §§21660.2 and 21660.3.”, appears to be inconsistent with Section 44008 of the Public Resources Code (PRC), which was cited earlier in this section.

Section 44008 specifies that a decision to issue or not issue the SWFP shall be made within 120 days from the date that the application is deemed complete. This is consistent with the issuance or non-issuance of a new SWFP.

However, Section 44004 of the PRC requires an application for revision of a SWFP be submitted at least 180 days in advance of the date the proposed modification is to take place. Allowing 30 days to review the application for revision of a SWFP, this means the determination to issue or not issue the revised SWFP may be made within up to 150 days from the date that the application is deemed complete. Therefore, the waiving of the statutory time limit in Section 44008 does not apply to the acceptance of an incomplete application to revise a SWFP.

[Note: The SWMP was informed by the CIWMB that Section 21580 did not apply to applications for permit review. Although this is not part of the proposed permitting implementation regulations, the SWMP would appreciate if the CIWMB would consider revising this section at this time to specify the type of permit actions for which an incomplete application may be submitted.]

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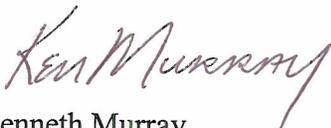
3. Section 21650(e) – This new section states that after acceptance of an application for a new or revised SWFP as complete and correct and within 60 days of receipt of the application by the Enforcement Agency (EA), the EA shall notice and conduct an informational meeting.

However, in the case of the acceptance of an incomplete application, the determination that the application is complete and correct could occur up to 180 days after its receipt. Thus, it is possible that the EA could not accept the application as complete and correct and conduct an informational hearing within 60 days of receipt of the application.

4. Section 21663(a)(1) – We request that the “design” definition for disposal site be expanded to specify the maximum quantity of waste materials that can be delivered to the facility for processing, on-site beneficial use including alternative daily cover, and disposal.
5. Section 21663(a)(2) – It is requested that the definition of “operation” be expanded to stipulate the facility daily operating hours, hours of receipt of waste, and the weekdays of operation.
6. Section 21675(a) – We believe that it is the *responsibility* of the facility operator to insure preparation and submittal of the SWFP five year review report to the EA prior to, but not later than, five years from the issuance date of the SWFP. We request that the regulations be revised to clarify this responsibility to be on the facility operator. The EA understands that the EA *is required* to give the operator a notice of the five year review 180 days before the said report is due.
7. Section 21620(a)(1)(E) – It is requested that the term “reasonable time” be defined. The SWMP suggests “fifteen (15) calendar days” as an alternative.

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

Very truly yours,



Kenneth Murray
Chief Environmental Health Specialist