

**From:** Mike Hoover [mailto:Mhoover@cgl-smts.com]  
**Sent:** Wednesday, June 14, 2006 10:23 AM  
**To:** Garcia, Bobbie  
**Cc:** Bill Worrell; John Cupps  
**Subject:** AB 1497

Ms. Garcia,

This e-mail comments on the AB 1497 rulemaking process. Please forward these comments to the appropriate Staff and all Board members.

The Chicago Grade Landfill is a 300 ton per day solid waste facility located in central part of California near the coast. We serve approximately 100,000 people located in the northern portion of San Luis Obispo County. One of our most significant problems is providing competitive disposal rates to our customers while at the same time responding to and complying with the numerous regulations that govern our day to day activities. We have taken time to respond to the AB 1497 process, since the proposed rules will adversely impact the operations at our facility and the ratepayers of San Luis Obispo County.

We have previously responded to Staff's process as it pertains to the implementation of AB 1497. Both State Senator Maldonado and Mr. Leary were involved in that process. The point that we were trying to make in our previous correspondence is that, in essence, the Staff goes well beyond what the Legislature appears to have intended with respect to regulating minor day-to-day activities at solid waste facilities, while at the same time falling short with respect to requiring proper notice and process when permitting of new small to medium facilities. Our concerns with respect to permitting new facilities are contained, in part, in our consultant's letter dated June 6, 2006 (see attached). What I suggest with respect to new facilities is that the Notification Permit process be abolished. A new facility processing 200 tons per day (for example) should not be allowed to be permitted without a public hearing and CEQA compliance. In short, we should not sacrifice environmental protection, even for recycling. The lowest tier should be the Registration Permit process, which should require a "sign off" from the local authority with respect to CEQA compliance (Initial Study included). A zoning/land use consistency determination should also be made in writing by the local planning official. Although a public hearing is required for a Registration Permit, more public notice is suggested, as outlined by Mr. Cupps.

Lastly, Section 21020 (1) of the latest draft of the proposed rules is overly burdensome on the small operator. The subject section, commonly known as "the list", itemizes 25 very minor changes that, if made, require the operator to notify the LEA/EA in writing. For example, at our facility I am the person who will be required to inform the LEA or EA of minor changes required by the current draft of the rules. While I have a problem with informing the LEA or EA of just about everything on the list (except verbally during the normal monthly inspection), the ones I have singled out as epitomizing State-level micro-management of solid waste facilities are the following: purchase new equipment (even if it is like for like), relocation of portable fuel tanks, a change in back-up rental equipment providers, land use changes on **adjacent** properties, changes in sign wording, **improvements** in protective equipment, changes in traffic patterns **that do not affect traffic**, and equipment maintenance changes. Somehow I'm supposed to find the time to inform the EA of all of things listed in Section 21020 (1) (many of which happen every week or every day), manage two facilities located 55 miles apart, perform RWQCB Waste Discharge Order compliance, conduct meetings for my Board of Directors, re-permit the facilities every 5 years and expansions when required, manage 15 employees, manage payables and receivables of 4.8 million dollars per year, manage new liner projects, and manage a 1 million dollar closure fund. While a large municipal or nation-wide operator may have 10 or more people performing these tasks, small operators typically have one person. Thus the passage of the proposed rules implementing AB 1497 is disproportionately burdensome on the small operator.

What needs to be done is to eliminate all of the things I have mentioned above from Section 21620(1), or to make the notice a monthly occurrence conducted verbally during the LEA/EA inspection. If you talk to the EA/LEA Staff and the operators individually they will tell you that there is not the unanimity that the staff report purports on the issue.