



**COUNTY OF ORANGE
HEALTH CARE AGENCY**

**REGULATORY HEALTH SERVICES
ENVIRONMENTAL HEALTH**



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

Subject: Proposed Permit Implementation Regulations (AB 1497) – Comments and Recommendations on Draft Dated February 28, 2006.

Dear Ms. Garcia:

The Orange County Solid Waste Local Enforcement Agency (LEA) has reviewed the proposed regulatory changes and would like to first applaud the concept of a decision tree for Local Enforcement Agencies to use in determining how to process proposed changes at solid waste facilities and to determine significant change in design or operation of the solid waste facility that is not authorized by the existing Solid Waste Facility Permit. The decision tree process as outlined in Title 27 Californian Code of Regulations (CCR), §21665 describes a transparent decision making process that allows for Local Enforcement Agency discretion and is well suited to the diversity of solid waste facilities and the communities they serve.

We are also supportive of the additional noticing requirements for proposed modified permits and new and revised permits as well as the informational meeting requirements for new and revised permits. These additional requirements will give the community we serve an opportunity to be better informed about the operations at the solid waste facilities in their community as well as the responsibilities and duties of a solid waste local enforcement agency. We do not see a need for the noticing requirements for amendments to the Report of Facility Information (RFI). These amendments are more administrative in nature and do not require any changes to the solid waste facility permit.

We are not supportive of the minor change list alternative 1 and 2 as it has been our experience that exceptions to such lists can become problematic for solid waste facilities. We would suggest that the minor change lists be placed in a LEA Advisory for use by the LEA and operator as examples of minor changes that will allow discretion on the part of the LEA to accept such changes with noticing from the operator similar to what is described in § 21620 (a)(1)(E).

We are adamantly opposed to the Alternative 3 Significant Change List as this list is in direct conflict with the decision tree concept in determining significant change to design and operation at a particular solid waste facility. The one-size-fits-all approach has been shown to be ineffective for the diversity of facilities and communities in California.

We also oppose requiring under the noticing requirements the availability of appeals pursuant to Public Resources Code §44307. The noticing is to provide information on an application that has been received and/or an informational meeting that will be conducted. At this point in the permitting process there has not been per PRC §44307 an alleged failure of the LEA to act as required by law or regulations. The LEA at least needs to take a discretionary action before there can be a dispute that there was some kind of failure to act as required by law or regulation. As an alternative, we suggest that the availability of appeals be placed in §21660.2, to be provided during the informational meetings for revised or new permits.

We request that the requirement for informational meetings be only for full solid waste facility permits and not be required for standardized or registration permits. AB 1497 required public meetings for revised solid waste permits and it is only in these proposed regulations that new permits were added to this requirement. We support having informational meetings for new full solid waste permits but do not see a need for informational meetings for standardized or registration permitted facilities. These facility type permits were established by the Board due to determination of no need to add site specific conditions to the permits and, in the case of registration permits, the need for Board concurrence. Also, because it appears that standardized and registration permits cannot be modified, a new informational meeting will be required for minor changes to the permits. Requiring informational meetings for standardized or registration permits is not needed and will be overly burdensome on the limited resources of LEAs and represent an unnecessary cost to operators.

Finally, we request specific language be added to §21660.0(b)(4) and 21660.4(b)(4) allowing the LEA to require increase public noticing beyond 300 feet of the property boundary if there is a significantly impacted community. (Communities adjacent to landfills usually are not within 300 feet of the property boundary because there are buffer zones or planned green areas to set back the community.)

Thank you for the opportunity to comment on these proposed regulations. Should you have any questions please do not hesitate to contact me at (714) 433-6270.

Sincerely,

Original signed

Patricia Henshaw, REHS, MPA
Supervising Hazardous Waste Specialist
Orange County Solid Waste Local Enforcement Agency
Environmental Health

cc: Justin Malan, Executive Director, CCDEH
Bill Prinz, EAC Chair
Elisabeth J. Gonzalez, Program Manager, Orange County LEA
Robert Holmes, CIWMB