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Santa Barbara County
PUBLIC Health
DEPARTMENT

Environmental Health Services

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May 31, 2006

Robert Holmes
CIWMB
1001 I Street, MS #15
P.O. Box 4025
Sacramento, California 95812-4025

Dear Mr. Holmes,

Subject: **AB 1497 Draft Regulations**

Environmental Health Services the Local Enforcement Agency (LEA) for Santa Barbara County has been following the progress of the CIWMB's effort to implement regulations in response to the passing of Assembly Bill 1497. The Santa Barbara County LEA is pleased to find that our comments provided during the 2005 Diamond Bar workshop and in a letter dated April 28, 2005 have been addressed, and the proposed regulatory changes reflect our suggestions effectively.

The Santa Barbara County LEA has reviewed the February 28, 2006 version of the draft AB 1497 implementation regulations. The following comments, mainly in regards to Issue # 1, the Significant change process, are provided here for your use:

1. Section 21620. It appears that these draft regulations are providing an additional notification process whereby a proposed change would be evaluated before the applicant would formally submit the change in the form of an RFI amendment, permit modification, or permit revision. This process currently takes place on an informal basis, but it may be helpful to delineate a written process for the instances where a paper trail is desirable.
2. Section 21620(a)(1)(D). This section should be re-labeled as section (E), and a new section (D) should state, "The EA has been consulted and has agrees that the change will not require a permit revision, a permit modification, or an amendment to the RFI."
3. Section 21620(a)(1)(D) Alternative 1 (iii). Please revise to read, "Changes in any name, phone number, mailing address, or other contact information...."

4. Section 21620(a)(1)(D) Alternative 1 (iii), add the phrase, "provided that the appropriate changes are made to the RFI as part of the next application for RFI amendment."
5. Section 21620(a)(1)(D) Alternative 2 (ii). This item is more restrictive than item (iii) and should be removed from the list in favor of item (iii).
6. Section 21620(a)(1)(D) Alternative 2 (v). The change in name of owner/operator should be handled with the modification of the permit.
7. Section 21620(a)(1)(D) Alternative 2 (vi). The change in background information should be handled on a case-by-case basis and may require an RFI amendment or permit action.
8. Section 21620(a)(1)(D) Alternative 2 (ix). Changes in on site traffic patterns may require the amendment of an RFI.
9. Section 21620(a)(1)(D) Alternative 2 (xi). Change in location of facility records may require the amendment of an RFI.
10. Section 21620(a)(1)(D) Alternative 2 (xii). Change of designated enforcement agency should be handled on a case-by-case basis and may require an RFI amendment or permit modification.
11. Section 21620(a)(1)(E). "A reasonable time" should be changed to "the operator shall notice the EA preferably before the change, but no later than 30 days after the change has been made."
12. Section 21650(b). The sentence should be revised to read, "The EA shall either accept or reject the application package within sixty days of its receipt." This language is necessary to account for the wording in statute under PRC Section 44004(h) that places the EA in a double-bind situation. The section requires that a public hearing be held within 60 days of receipt of the application, and before making a determination on the application. The section specifies as follows:

(h) (1) (A) Before making its determination pursuant to subdivision (d), the enforcement agency shall submit the proposed determination to the board for comment and hold at least one public hearing on the proposed determination. The enforcement agency shall give notice of the hearing pursuant to Section 65091 of the Government Code, except that the notice shall be provided to all owners of real property within a distance other than 300 feet of the real property that is the subject of the hearing, if specified in the regulations adopted by the board pursuant to subdivision (i). The enforcement agency shall also provide notice of the hearing to the board when it submits the proposed determination to the board.

As referenced above, PRC Section 44004(d) is quoted below:

(d) Within 60 days from the date of the receipt of the application for a revised permit, the enforcement agency shall inform the operator, and if the enforcement agency is a local enforcement agency, also inform the board, of its determination to do any of the following:

(1) Allow the change without a revision to the permit.
(2) Disallow the change because it does not conform with the requirements of this division or the regulations adopted pursuant to this division.

(3) Require a revision of the solid waste facilities permit to allow the change.

(4) Require review under Division 13 (commencing with Section 21000) before a decision is made.

13. Section 21660.3(a)(4). Change wording to state, "Date the EA received the solid waste facilities permit revision/new permit application."

14. Section 21660.4(a)(4). Change wording to state, "Date the EA received the solid waste facilities permit revision/new permit application."

Please do not hesitate to call James Hamlin at (805) 346-8466 or the undersigned at (805) 681-4942 for clarification on any of these comments.

Sincerely,



Lisa Sloan
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Santa Barbara County Local Enforcement Agency

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