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SOLID WASTE ASSOCIATION  
of North America

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May 4, 2005

Rosario Marin, Chair  
California Integrated Waste Management Board  
1001 I Street  
P.O. Box 4025  
Sacramento, CA 95814

**RE: Comments on Permit Implementation Regulations (AB1497)**

Dear Chairwoman Marin,

The Solid Waste Association of North America (SWANA) is composed of approximately 7000 public and private sector solid waste management professionals throughout North America dedicated to the development and enhancement of environmentally and economically sound practices and policies for the integrated management of municipal solid waste. There are approximately 900 members of SWANA in California.

The new and revised regulations for implementing the requirements of Assembly Bill 1497 (Stats. 2003, Ch. 823), in regards to applying new construction and demolition requirements to the regulation of other solid wastes, and clarifying permit process requirements.

SWANA is providing comments on the following six issues presented by CIWMB staff:

1. Significant Change and Modified Permit Process
2. Public Notice and Hearing Requirements
3. Relationship of Solid Waste Facilities Permit to Local Land Use
4. Tracking Community Outreach Efforts
5. Five Year Permit Review Noticing
6. Surprise Random Inspections

**1. Significant Change and Modified Permit Process**

SWANA is encouraged that staff is proposing a process to allow for changes to solid waste permits without undergoing a full permit revision. There are many "insignificant" changes that occur at solid waste facilities including the examples utilized by staff in Attachment C that warrant some form of simplified permit approval process. The proposed Modified Permit Process needs further discussion.

Additional items that should be included in the discussion are to include in the simplified permit process the ability for minor design or operation changes and for greater ability for Enforcement Agency approval of simple permit changes.

There is still a need to establish criteria or examples that indicates whether a change is "significant" and thus requiring a permit revision, modification, or amendment. We encourage the CIWMB staff to continue work on the Proposed Decision Tree.

**2. Public Notice and Hearing Requirements**

SWANA agrees with staff's proposal to allow other local public hearings to satisfy the public notice requirement in AB 1497. Changes at publicly owned facilities are a frequent agenda item at local Board of Supervisors and City Councils meetings. In many cases, an additional hearing is not necessary. The public notice requirements should allow the use of other

established hearings to meet the AB 1497 requirements. The scope of modified permits should be further defined before imposing public noticing requirements.

**3. Relationship of Solid Waste Facilities Permit to Local Land Use**

SWANA supports allowing the local land use agency to determine consistency of the solid waste permit to the Conditional Use Permit. Additional oversight by the CIWMB or the EA is not necessary. Operators must adhere to the most restrictive permit or requirements imposed on the operations.

**4. Tracking Community Outreach Efforts**

The proposal to require solid waste facilities to track community outreach efforts should be removed from consideration. AB 1497 requires that a public hearing be held therefore the solid waste permit process should focus on that meeting and not broaden the scope to include all outreach efforts. Solid waste facilities are involved in numerous community outreach efforts. A requirement such as this would also be a source of potential violations that are totally unrelated to the operation of the solid waste facility.

**5. Five Year Permit Review Noticing**

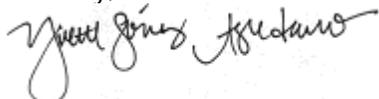
The requirement for noticing when a five year permit review is required should be revised to indicate that the EA is the responsible entity for initiating the notice to review the permit.

**6. Surprise Random Inspections**

SWANA supports the recommended language that "To the greatest extent possible, all inspections shall be unannounced and shall be conducted at irregular intervals"

SWANA looks forward to working with the CIWMB staff on this regulatory package to clarify solid waste permitting requirements. Thank you for your consideration of our comments.

Sincerely,



Yvette Gómez Agredano  
Legislative Advocate  
SWANA, California Chapters

cc: Other CIWMB Members  
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