

1 CCR Title 14
2 Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste Facility Permits; Loan
3 Guarantees

4
5 Article 2. Designation of a Local Agency and the Appointment of Hearing Panels or Hearing Officer

6
7 § 18050. Scope.

8 This Article sets forth the requirements for the designation of a local agency as an enforcement agency, and the
9 establishment of hearing panels or selection of a hearing officer pursuant to the California Integrated Solid Waste
10 Management Act of 1989. A local governing body of a city, county, or a joint powers body may designate a single
11 local agency to be its enforcement agency pursuant to Section 18051 of this Article. Upon board approval of the
12 designation and certification(s) of the local agency pursuant to Articles 2.0, 2.1, and 2.2 of this Chapter, the
13 designated local agency shall become the local enforcement agency (LEA) in the designated jurisdiction. A local
14 governing body may enter into a contract or joint powers agreement with another LEA for permitting, inspection,
15 and enforcement duties within its territorial jurisdiction. This action is subject to board approval of the designation
16 and certification of the contract LEA or the joint powers LEA.

17 NOTE: Authority cited: Sections 40502, 43020 and 43200, Public Resources Code. Reference: Sections 43200-45601, Public
18 Resources Code.

19
20 § 18051. Designation of a Local Agency.

21 Each local governing body that wishes to designate a local agency shall so notify the board. The notice of
22 designation, by the local governing body of a local agency, shall be part of a designation information package (DIP)
23 which includes the following information:

24 (a) A completed form CIWMB 1000 "Notice of Designation of Local Agency" (1994), which is incorporated
25 herein by reference (See Appendix A.);

26 (b) A cover letter requesting approval of the designation by the board;

27 (c) Copies of all resolutions and other official documents necessary to establish the manner in which Article 1 of
28 Chapter 2 (commencing with Section 43200) and Chapter 4 (commencing with 44308) of the Public Resources
29 Code and Section 18060 of this Chapter have been satisfied;

30 (d) An organizational chart documenting the separation of the designated agency from public agencies or
31 departments that are the operating units under the local governing body;

32 (e) An organizational chart documenting the organization of the designated agency;

33 (f) An identification of each required hearing panel or hearing officer pursuant to Section 18060 and
34 18081~~(d)~~(e)(2) of this Chapter.

35 (g) A tabulation of city resolutions including the listing of all city names, their populations, and the percent of
36 cities and populations approving the designation for the jurisdiction;

37 (h) An enumeration of every solid waste facility and disposal site in the jurisdiction including permitted, closed,
38 abandoned, exempt, illegal, and inactive facilities. The enumeration shall include the site address or location, the
39 owner(s) and operator(s) name(s), address(es), and site/emergency telephone numbers, and shall state whether the
40 site or facility lies within the unincorporated area of the jurisdiction, or within an incorporated city and the city
41 name; and

42 (i) An enumeration of every solid waste handling and collection operator in the jurisdiction. The enumeration
43 shall include the requirements of 14 CCR 17332.

44 NOTE: Authority cited: Sections 40502, 43020 and 43200, Public Resources Code. Reference: Sections 43200 and 43203
45 through 43207, Public Resources Code.

46
47 § 18060. Appointment of Hearing Panel(s) or Hearing Officers.

48 (a) Before the board can approve a designation, the designated local agency's local governing body shall appoint a
49 hearing panel or hearing officer. The hearing panel shall be composed of either members of the local governing
50 body or an independent hearing panel pursuant to Section 18081~~(d)~~(e)(2). There shall be an independent hearing
51 panel or hearing officer when in the jurisdiction of the enforcement agency there exists a publicly owned or
52 operated solid waste facility or disposal site.

53 (b) Notice of the appointment of a hearing panel(s) or hearing officer shall be given the board and shall include
54 the following:

1 (1) The name of each member and her or his position in the local governing body. If an independent hearing panel
2 is appointed pursuant to Section 44308 of the Public Resources Code, an indication of which person is the technical
3 expert in solid waste management, which person is the member of the local governing body, and which person is
4 the representative of the public at large;

5 (2) the address to which filings and correspondence shall be mailed;

6 (3) indication whether each hearing panel was appointed pursuant to Section 44308(a)(1) or (a)(2) of the Public
7 Resources Code; and

8 (4) The date, terms and conditions of the appointment.

9 (c) Notices of appointments to vacant positions on the hearing panel or hearing officer shall be given in the same
10 manner.

11 (d) When the board serves as the enforcement agency, hearing panels shall be as set forth in Public Resources
12 Code Section 44309.

13 NOTE: Authority cited: Sections 40502, 43020 and 43200, Public Resources Code. Reference: Sections 43200 and 44308,
14 Public Resources Code.

15 16 Article 2.1. LEA Certification Requirements

17 18 § 18070. Scope.

19 (a) This article sets forth the LEA certification types, the requirements for certification and certification
20 maintenance including, but not limited to: technical expertise, adequacy of staff resources, adequacy of budget
21 resources, training, and the LEA's Enforcement Program Plan (EPP), which the designated local agency shall
22 develop, submit for board approval, and adopt pursuant to Public Resources Code Section 43209(e) and Section
23 18077 of this Chapter, and the periodic review of the LEA certification(s) pursuant to Article 2.2 of this Chapter.

24 (b) After certification(s) is issued and upon board approval, the designated local agency shall become the sole
25 LEA in its jurisdiction, and shall maintain and comply with its board approved EPP to exercise its statutory power
26 and authority pursuant to Division 30 of the Public Resources Code, 14 CCR Division 7, and 27 CCR Division 2,
27 Subdivision 1 (§20005 et seq.). The LEA shall enforce the state and local minimum standards for solid waste
28 collection, handling, storage, and disposal for the protection of the air, water, and land from pollution and nuisance,
29 and for the protection of the public health and safety, and the environment. This Article also addresses board
30 directories of hearing panels or hearing officers and enforcement agencies.

31 NOTE: Authority cited: Sections 40502, 43020 and 43200, Public Resources Code. Reference: Sections 43200-45601, Public
32 Resources Code.

33 34 § 18072. Technical Expertise.

35 (a) Performance of permitting, inspection, and enforcement duties and responsibilities of comprehensive solid
36 waste enforcement issues shall reside solely within an LEA. The LEA shall have one or more full time staff
37 members dedicated solely for solid waste issues. For all certification types the dedicated staff shall be composed of
38 at least one registered environmental health specialist (REHS), pursuant to Sections ~~514-106600~~ through ~~534~~
39 106735 of the Health and Safety Code. Additional staff for permitting, inspection, and enforcement duties may be a
40 REHS(s), or person(s) meeting the requirements of Sections 106635 of the Health and Safety Code, as certified by
41 the LEA program director or manager.

42 (1) The REHS shall have experience and training in solid waste enforcement. This experience and training shall
43 be current and subsequent to the enactment of the California Integrated Waste Management Act of 1989
44 commencing with Section 40000 of the PRC.

45 (2) The REHS experience and training shall include the following:

46 (A) permitting and closure/postclosure duties as described in 14 CCR 18082;

47 (B) inspection duties as described in 14 CCR 18083; and

48 (C) enforcement duties as described in 14 CCR 18084.

49 (3) (A) For type "A" certification, pursuant to 14 CCR 18071(a)(1), LEA review of documents or reports
50 generated pursuant to engineering requirements of Public Resources Code Division 30 and 27 CCR Division 2,
51 Subdivision 1 (§20005 et seq.), beyond the technical abilities of the LEA's staff, shall be performed by public and
52 private entities as specified in the LEA's EPP, whose staff meet the following definitions contained in 27 CCR
53 20164: "Certified Engineering Geologist," "Registered Civil Engineer," and "Soil Engineer."

1 (B) The LEA review in subsection (a) (3) (A) may be contracted for by the LEA or the LEA may use appropriate
2 CIWMB staff to perform those duties.

3 (4) For type "B" and "C" certifications, pursuant to 14 CCR 18071(a) (2 and 3), LEA review of documents or
4 reports generated pursuant to engineering requirements of Public Resources Code Division 30 and 14 CCR
5 Division 7, may be performed by public and private entities, as specified in the LEA's EPP, under contract to the
6 LEA, which meet the following definitions contained in 27 CCR 20164: "Certified Engineering Geologist,"
7 "Registered Civil Engineer," and "Soil Engineer."

8 (b) Counties or cities may have contracts or joint powers agreements pursuant to Government Code, section 6500
9 et. seq. or as authorized by law, with another county, city, or joint powers jurisdiction LEA to provide permitting,
10 inspection, and enforcement duties and responsibilities in the designated jurisdiction of the local governing body(s),
11 with approval of the board. The above contracts or joint powers agreements shall preclude conflict of interest
12 between the cities or counties, their designated LEA, or the LEA's consultants and facility operators in the
13 jurisdiction. The following consulted professionals defined in 27 CCR 20164 shall not be facility operators or
14 consultants for solid waste facilities or disposal sites within the LEA's jurisdiction unless approved by the board:
15 "Certified Engineering Geologists," "Professional Land Surveyor," "Registered Civil Engineer" "Registered
16 Geologist," and "Soil Engineer".

17 (c) Any opinion, report, analysis, or other deliverable provided to an LEA through contract or joint powers
18 agreement shall be endorsed, affirmed or denied by the contracting LEA.

19 (d) Notwithstanding subsection (a), designated local agencies for jurisdictions having a population of less than
20 50,000 persons and existing LEAs whose jurisdictional population grows beyond 50,000 persons, but does not
21 exceed 80,000 persons, may alternately implement the following staffing provisions to demonstrate their technical
22 expertise and adequacy of staff resources.

23 (1) staffing shall be determined and submitted for board approval pursuant to 14 CCR 18073; and

24 (2) permitting, inspection, and enforcement duties, for a designated local agency having demonstrated its
25 adequacy of staff resources with one or less full time staff member, shall be performed by one individual REHS.

26 (e) Designated local agencies, which elect subsection (d) to fulfill staffing requirements, shall be issued
27 temporary certification(s) by the board.

28 (1) This temporary certification(s) shall expire upon conclusion of the LEA performance evaluation by the board.

29 (2) The LEA shall be issued full certification(s) by the board when the evaluation confirms LEA compliance with
30 Article 2.2 of this Chapter.

31 (f) LEAs with one or less staff members shall, upon the loss of staff, provide staff resources meeting the
32 requirements of this section within 90 days, or the board shall become the enforcement agency within the LEA's
33 jurisdiction until another local designated agency is approved and issued certification(s) by the board.

34 (g) The LEA shall resume temporary certification(s) status when staff is replaced pursuant to subsection (f) until
35 the requirements of subsection (e)(1) and (2) are met.

36 NOTE: Authority cited: Sections 40502, 43020 and 43200, Public Resources Code. Reference: Sections 43200-43204, 43207
37 and 43209, Public Resources Code.

38
39 § 18075. Training Requirements.

40 (a) LEA personnel shall be trained in solid waste enforcement. The LEA's training program shall be coordinated
41 with the board as well as other state and local agencies, be part of the LEA's Enforcement Program Plan pursuant to
42 14 CCR 18077, and provide specific training in the following areas:

43 (1) permitting, inspection, and enforcement duties and responsibilities pursuant to Public Resources Code
44 Division 30, Parts 4 and 5, 14 CCR Division 7 and 27 CCR Division 2, Subdivision 1 (§20005 et seq.), and local
45 ordinances and resolutions relating to solid waste collection, handling, processing, storage, and disposal;

46 (2) inspection techniques and scheduling;

47 (3) preparation for hearing panel or hearing officer and court proceedings;

48 (4) administration practices within a solid waste enforcement program;

49 (5) monitoring equipment, data evaluation, and interpretation of the results as related to solid waste enforcement;

50 (6) attendance of board approved seminars and workshops;

51 (7) field staff health and safety training in the categories of: planning of field inspections, safety equipment, on-
52 site procedures, decontamination and hazard recognition, and avoidance; and

53 (8) for type "A" certification, specific training in performance standards pursuant to 27 CCR 20695, when
54 applicable.

1 NOTE: Authority cited: Sections 40502, 43020, 43200 and 43214, Public Resources Code. Reference: Sections 43200-43204
2 and 43209, Public Resources Code.

3
4 § 18077. Enforcement Program Plan (EPP).

5 (a) The LEA shall develop, adopt, and submit for board approval an EPP pursuant to Public Resources Code
6 Section 43209(e). The EPP shall embody the designation and certification requirements and demonstrate that the
7 LEA meets all the requirements pursuant to Public Resources Code Sections 43200, 43203, 43207, and 43209, 14
8 CCR Division 7, Chapters 3 and 5, and 27 CCR Division 2, Subdivision 1 (Section 20005 et seq.). At a minimum,
9 the EPP shall include the following written components:

- 10 (1) a certification request letter;
- 11 (2) an accepted designation information package (DIP) pursuant to 14 CCR Section 18051;
- 12 (3) a statement of EPP goals and objectives;
- 13 (4) a copy of the enabling ordinance(s) or resolution(s) for the LEA jurisdictional authority;
- 14 (5) a copy of all local solid waste collection, handling, storage, and disposal statutes or ordinances;
- 15 (6) a comprehensive list of all types of solid waste facilities and disposal sites, and solid waste handling and
16 collection vehicles within the jurisdiction;
- 17 (7) a time task analysis demonstrating the adequacy of staff resources pursuant to 14 CCR Section 18073;
- 18 (8) a demonstration of staff technical expertise;
- 19 (9) an operating budget demonstrating adequacy of budget resources pursuant to 14 CCR Section 18074;
- 20 (10) a detailed staff training procedure pursuant to 14 CCR Section 18075;
- 21 (11) a procedure manual for solid waste facility permitting and closure or postclosure;
- 22 (12) a procedure manual for inspection, investigation, compliance assurance, enforcement, and hearing panel or
23 hearing officer utilization; and
- 24 (13) a procedure manual for disposal site identification, assessment, and corrective actions.

25 NOTE: Authority cited: Sections 40502, 43020, 43200 and 43214, Public Resources Code. Reference: Sections 43200-43209,
26 Public Resources Code.

27
28 § 18078. Directory of Enforcement Agencies, ~~and~~ Hearing Panels, and Hearing Officers.

29 The board shall maintain a statewide directory of hearing panels, hearing officers and local enforcement agencies
30 as approved and issued certification(s) by the board. The directory shall include a description of the jurisdiction and
31 mailing address of each and shall be open to the public inspection pursuant to Article 4 of Chapter 1 of this
32 division. The board shall promptly respond to inquiries by the public regarding the identity or location of an
33 enforcement agency, ~~or~~ hearing panel, or hearing officer.

34 NOTE: Authority cited: Sections 40502, 43020 and 43200, Public Resources Code. Reference: Sections 43200, 43201, 43204,
35 44800 and 44801, Public Resources Code.

36
37 Article 2.2. LEA Performance Standards, Evaluation Criteria, and Duties and Responsibilities

38
39 § 18081. LEA Performance Standards and Evaluation Criteria.

40 (a) In performing its permitting, closure and postclosure, inspection, and enforcement functions, the LEA shall
41 meet its duty requirements and comply with the standards pursuant to Public Resources Code Division 30, Parts 4,
42 5, and 6; 14 CCR Division 7, 27 CCR Division 2, Subdivision 1 (§20005 et seq.) and its EPP. Deviation from these
43 standards may result in a performance review by the board pursuant to Public Resources Code Sections 43214,
44 43215 and 43219, including establishment of LEA compliance schedules or withdrawal of designation and
45 certification(s) approvals. The board's evaluation and decisions will consider the severity of the deviation(s) as
46 related to the potential negative impacts on public health, safety or the environment.

47 (b) The LEA shall be assessed for compliance with the certification requirements pursuant to Article 2.1 and 2.2
48 of this Chapter, Public Resources Code Section 43209, and its board-approved EPP.

49 (c) All facilities and disposal sites within the LEA's jurisdiction shall:

- 50 (1) be in compliance with the state minimum standards and either the terms and conditions of the solid waste
51 facility permits, the board-approved final closure and postclosure maintenance plans, have completed postclosure
52 maintenance and monitoring pursuant to 27 CCR Sections 21180 and 21900, or have ceased operation prior to
53 January 1, 1988; and

1 (2) be permitted, exempted, governed by board-approved final closure and postclosure maintenance plans, or
2 have completed postclosure maintenance and monitoring pursuant to 27 CCR Sections 21180 and 21900; or
3 (3) be under appropriate enforcement action(s) pursuant to 14 CCR Section 18084 to remedy any violations.

4 (d) All operations within the LEA's jurisdiction shall:

5 (1) be in compliance with the state minimum standards, as applicable; and

6 (2) meet notification requirements as applicable; or

7 (3) be under appropriate enforcement action(s) pursuant to 14 CCR Section 18084 to remedy any violations.

8 (e) All LEAs shall retain their certification(s) and designation approvals by maintaining compliance with their
9 board-approved EPP and this Chapter.

10 (1) The LEA shall provide for, obtain, and maintain the necessary technical, safety and regulatory equipment,
11 clothing and vehicles for field inspectors. The LEA shall identify in its board-approved EPP what constitutes
12 "necessary" for staff safety and field monitoring, measurement, inspection, and enforcement requirements for all its
13 solid waste enforcement duties and responsibilities and its certification(s).

14 (2) When in the jurisdiction of the EA there exists a publicly owned or operated solid waste facility or disposal
15 site, the local governing body shall maintain an independent hearing panel or hearing officer for permit,
16 enforcement and appeal purposes, as per Section 18060 of this Chapter and Sections 44308 through 44310 of the
17 Public Resources Code.

18 (3) The LEA/EA shall provide for technical review of corrective actions and postclosure land use pursuant to
19 Sections 43500-43510 and 45000 of the Public Resources Code.

20 (4) The components of the EPP shall be reviewed and amended by the LEA annually or more frequently as
21 determined by the board to reflect any changes. The amended components shall be submitted to the board for
22 approval.

23 (f) The LEA/EA shall perform all applicable duties related to the California Environmental Quality Act, Public
24 Resources Code Sections 21000 et. seq.

25 NOTE: Authority cited: Sections 40502, 43020, 43200, 43203 and 43214, Public Resources Code. Reference: Sections 43200-
26 43204, 43207 and 43209, Public Resources Code.

27 28 Article 3.0. Regulatory Tier Requirements

29 30 § 18104.4. Completeness Appeal.

31 If an application is determined to be incomplete, the applicant may appeal that determination to the enforcement
32 agency within 15 days of the date that notification was received. Such an appeal must be in writing and specify the
33 grounds for the appeal. A final written determination on the appeal shall be made by the hearing panel or hearing
34 officer designated pursuant to section 44800 of the Public Resources Code, no later than 60 days after receipt of the
35 applicant's appeal.

36 NOTE: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020, 43021 and
37 43000-45802, Public Resources Code.

38 39 § 18105.4. Completeness Appeal.

40 If an application is determined to be incomplete, the applicant may appeal that determination to the enforcement
41 agency within 15 days of the date that notification was received. Such an appeal must be in writing and specify the
42 grounds for the appeal. A final written determination on the appeal shall be made by the hearing panel or hearing
43 officer designated pursuant to section 44800 of the Public Resources Code, no later than 60 days after receipt of the
44 applicant's appeal.

45 NOTE: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020, 43021 and
46 43000-45802, Public Resources Code.

47 48 § 18105.6. Appeal of Decision.

49 (a) Any applicant may appeal the decision of the enforcement agency taken pursuant to section 18105.2(g)(3) or
50 of the Board taken pursuant to section 18105.5 to the enforcement agency within 15 days of the date that the
51 decision was received. Such an appeal must be in writing and specify the grounds for the appeal. A final written
52 determination on the appeal shall be made by the hearing panel or hearing officer designated pursuant to section
53 44800 of the Public Resources Code, no later than 60 days after receipt of the applicant's appeal.

54 NOTE: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43020, 43021 and
55 43000-45802, Public Resources Code.

1
2 Article 3.1. Application for Solid Waste Facilities Permits
3

4 § 18209. Denial of Permit.

5 (a) The enforcement agency shall deny the permit when any of the following occur:

6 (1) The enforcement agency determines that the proposed facility is not consistent with the county solid waste
7 management plan or cannot conform to the state standards.

8 (2) The Board has objected to the proposed permit and either:

9 (A) there are less than 45 days remaining before the statutory deadline for action on the application and the
10 applicant declines to waive the deadline; or

11 (B) the enforcement agency determines that it will be impossible to propose a permit that will be mutually
12 satisfactory to the enforcement agency, the board, and the applicant. The enforcement agency may deny the permit
13 under any other circumstances provided by law.

14 (b) Upon denial of a permit, the enforcement agency shall give written notice of the denial to the applicant, the
15 board, and any other person who has requested in writing that such notice be given. Notice to the applicant shall be
16 accompanied by a form request for a hearing, which the applicant may use to obtain a hearing before the hearing
17 panel or hearing officer.

18 (c) An applicant who desires a hearing on the denial of a permit shall file with the enforcement agency a written
19 request for a hearing. The enforcement agency shall provide the board with copies of the request, the statement of
20 issues, and the notice of defense within five business days of service upon the applicant.

21 NOTE: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 44007-44017 and 44300,
22 Public Resources Code.
23

24 Article 4. Enforcement by EA and Review by Board
25

26 § 18304. Notices and Orders.

27 (a) The EA as it deems appropriate or when required by statute, shall issue a notice and order pursuant to
28 subsection (b) and section 18304.1 if, in the course of an investigation or at any other time, the EA determines that
29 any facility, disposal site, operation or person(s):

30 (1) Is in violation of Division 30 of the Public Resources Code;

31 (2) Is in violation of any regulations adopted pursuant to Division 30;

32 (3) Is in violation of any terms or conditions of the solid waste facility permit under which the facility or disposal
33 site is operating;

34 (4) Causes or threatens to cause condition of hazard or pollution; or

35 (5) Poses a potential threat to public health and safety or the environment.

36 (b) The notice and order shall contain the following information:

37 (1) The identity of the EA.

38 (2) The name or names of each person or entity to whom it is directed.

39 (3) A description of the facility, operation or site where the violation was documented with a specific description
40 of the location of the violation.

41 (4) A description of the violation.

42 (5) The statutes, regulations, or permit terms and conditions the EA has determined are being violated.

43 (6) A schedule, as described in section 18304.1(a), by which the operator is to take specified action(s).

44 (7) The penalty for not complying within the specified schedule, as described in section 18304.1(b).

45 (8) A notice informing the owner/operator of their right to appeal the notice and order to the hearing panel or
46 hearing officer under PRC 44307.

47 (9) The date of issuance and signature of an authorized officer or employee of the EA.

48 (c) The notice and order shall be accompanied by a declaration or affidavit under penalty of perjury of an
49 employee or officer of the EA stating that the allegations contained in the notice and order are based either on
50 personal knowledge or information and belief. If the basis of the allegations is the personal knowledge of the
51 declarant or affiant, the declaration or affidavit shall state generally how such knowledge was obtained, including
52 the date of any inspection. If the basis of the allegations is information and belief, the declaration or affidavit shall
53 state generally the source of the information; however, in no case shall the identity of an informant be required to
54 be revealed.

1 (d) Within five business days of issuance of the notice and order, it shall be served on the owner and operator of
2 the site, facility or operation, or person as applicable, in the following manner:

3 (1) If the site or facility has been issued a permit, or if an application for the site or facility is pending, or if the
4 EA has received a Notification for the operation, by certified mail, return receipt requested, to the address last given
5 by the owner and operator or by personal service if certified mail attempts are unsuccessful; or

6 (2) If no permit has been issued and no application is pending, or no Notification has been filed, by posting a
7 copy at no less than one conspicuous place at the site or facility. Additional copies shall be mailed to addresses of
8 the owner and operator if known to the EA.

9 (e) A copy of any notice and order shall be sent to the board within five business days of issuance.

10 Enforcement: For efficient administration, a single notice and order form will be used to initiate any of the various
11 enforcement actions provided by the Act. However, it should be noted that certain enforcement actions are
12 available only for certain types of violations.

13 NOTE: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 45000-45024, Public
14 Resources Code.

15 § 18304.2. Final Orders.

16 An order becomes final when either:

17 (a) A notice and order has been requested by the operator and/or owner to be reviewed by the local hearing panel
18 or hearing officer, and the hearing process has been completed pursuant to PRC sections 44307 & 44310, and any
19 subsequent appeals to the board or Superior Court have been resolved pursuant to PRC sections 45030-45042, or;

20 (b) Within 15 days of receipt if no review was requested by the operator.

21 NOTE: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 44307, 44310, 45017 and
22 45030-45042, Public Resources Code.

23 § 18306. Emergency Actions.

24 (a) If the EA or the board determines that a violation exists that poses an imminent threat to public health and
25 safety or the environment, the EA or the board may clean up, abate, or otherwise remedy the violations immediately
26 upon failure of the owner and operator to take corrective actions by the deadline in a corrective action order issued
27 pursuant to sections 18304 and 18304.1. An owner's or operator's request to review the EA's or board's action by a
28 hearing panel or hearing officer pursuant to PRC section 44307, and any subsequent appeals, does not stay the
29 effect of the order or prevent the EA or board from taking or contracting for corrective action.

30 (b) If any action is taken pursuant to subsection (a) of this section, the EA or the board shall give notice in the
31 manner specified in section 18304(d) to the owner and operator as soon as practicable, but in no case later than five
32 business days after taking the action. A copy of the notice shall be transmitted to the board within five business
33 days of issuance.

34 (c) The EA or the board may bring an action in the superior or municipal court to recover the costs of emergency
35 remedial measures. Upon the bringing of such an action, the EA shall advise the board of the action in writing
36 accompanied by a copy of the complaint within five business days. When the board brings its own action in
37 superior or municipal court, it shall notify the appropriate EA of the action in writing, accompanied by a copy of
38 the complaint within five business days.

39 NOTE: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 45000-45042, Public
40 Resources Code.

41 § 18307. Actions to Suspend or Revoke a Permit.

42 (a) If the EA determines that there is cause for suspension or revocation of a permit pursuant to PRC sections
43 44305 or 44306 respectively, and the EA has previously notified the operator in writing of the violation or other
44 condition which is cause for suspension or revocation, the EA may issue to the operator, via certified mail with
45 return receipt requested or by personal service if certified mail attempts are unsuccessful, a Notice of Intent to
46 Suspend (NIS) or a Notice of Intent to Revoke (NIR) the permit. The NIS or NIR shall inform the operator of the
47 EA's intent to suspend or revoke the permit and of the operator's right to request the matter to be heard in front of
48 the hearing panel or hearing officer pursuant to PRC section 44310. If the operator does not request a hearing
49 within 15 days of receipt of the NIS or NIR, the EA may take action to suspend or revoke the permit without a
50 hearing or it may hold a hearing prior to taking such action.
51
52
53

1 (b) The EA may, in its discretion, precede the issuance of the NIS or NIR filing by service of an appropriate
2 notice and order in the manner specified in section 18304, or it may include the NIS or NIR within a notice and
3 order as long as the EA has previously notified the operator in writing of the violation or other condition which is
4 cause for suspension or revocation.

5 (c) Within five business days of issuing a NIS or NIR, the EA shall notify the board by providing it with a copy of
6 the NIS or NIR.

7 (d) If, after an NIS or NIR has been issued, the proceeding to suspend or revoke a permit is terminated in any
8 manner other than by decision of the hearing panel or hearing officer, the LEA shall so advise the board in writing.

9 NOTE: Authority cited: Sections 40502, Public Resources Code. Reference: Sections 44305-44310, Public Resources Code.

4 **CIWMB 1000**

5 NOTICE OF DESIGNATION
6 OF LOCAL AGENCY
7 (14CCR SECTION 18051)

_____ (Name of Agency)		
_____ (Street Address)		
_____ (City)	_____ (State)	_____ (Zip)
_____ (Date)		

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22 TO: CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

23
24 **PLEASE TAKE NOTICE that the** _____ has
25 (Name of Local Agency)
26 been designated as the local agency in:

27 _____
28 _____
29 _____
30 _____ on _____
31 (County, City, or Special District) (Date)

32
33 Attached is a sheet listing additional jurisdictions:

34
35 1. The designation was made in accordance with California Public Resources Code Section 43203, using the following procedure:

- 36 a. The local agency was designated by the County Board of Supervisors and was approved by a majority of the cities within the county which contain a majority of the population of the incorporated area of the county;
- 37 b. A joint exercise of powers agreement pursuant to Government Code Section 6500 was formed as referenced in Public Resources Code Section 43203(b);
- 38 c. The local agency was designated by the _____ since the city has decided to
39 designate a separate enforcement agency; (City)
- 40 d. The County Board of Supervisors designated the local agency for the unincorporated areas of the county.

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42
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45
46
47 2. The above designation (is) (is not) in specific accordance with the designation indicated in the County-wide Integrated
48 Waste Management Plan.

49
50 3. The following are exceptions to our territorial jurisdiction shown in the first paragraph of this NOTICE: (Please include a map clearly identifying
51 the jurisdictional boundaries)

52 _____
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57
58 4. The name and address of the governing body of this local agency is:

59 _____
60 (Name)
61 _____
62 (Street Address) (City) (State) (Zip Code)
63 _____
64 (Telephone Number)

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5. Name and address of the hearing panel or hearing officer of this local agency is/are

(Name (s))

(Street Address) (City) (State) (Zip Code)

(Telephone Number)

6. The person responsible for direction or management of the local agency and its designated persons are:

(Name of Local Enforcement Agency Program Manager)

(Telephone No.)

(Name of Contact Person)

(Telephone No.)

7. All resolutions and other documents relevant to compliance with Public Resources Code Section 43203, and Title 14 California Code of Regulations Sections 18051 and 18052 have been certified and are enclosed.

8. The undersigned certifies that the designated local agency is not the operating unit for any solid waste handling or disposal operation, solid waste facility, or disposal site in the designated jurisdiction.

9. Attached is a listing of every permitted, closed, abandoned, exempt, illegal, and inactive solid waste facility and disposal site in the local agency jurisdiction.

Signed by:

(Local Governing Body or Authorized Representative)

(Typed or Printed Name)

(Title)

NOTE: New information necessary to update the contents of this form, other than the designated agency or its jurisdiction, may be provided in letter format. Local governing body signature is not required for minor change(s).

1 CCR Title 27
2 Chapter 4 Documentation and Reporting For Regulatory Tiers, Permits, WDRs, and Plans
3 Subchapter 3. Development of Waste Discharge Requirements (WDRs) and Solid Waste Facility Permits
4

5 Article 1. General
6

7 § 21563. CIWMB – Scope. (T14:§18200, §18200.1)

8 (a) This Subchapter sets forth the method of application for a full solid waste facilities permit and procedures for
9 review and action on the application package. This Subchapter also addresses related matters of exemptions from
10 the solid waste facilities permit requirements, application for changes in design or operation, reinstatement of solid
11 waste facilities permits after disciplinary actions, periodic reviews and revisions of solid waste facilities permits,
12 and amending application information. Matters related to EA actions to amend, suspend or revoke solid waste
13 facilities permits are included in Article 2, Chapter 5.

14 (b) The provisions of this Subchapter shall apply to solid waste facilities or disposal sites and any other operations
15 requiring a full solid waste facilities permit pursuant to this Division. Specific provisions of this Subchapter
16 outlining the different responsibilities of the applicant, EA and the CIWMB may be found below as follows:

- 17 (1) Exemption from a solid waste facilities permit Article 1.
- 18 (2) Applicant Requirements Article 2.
- 19 (3) EA Requirements Article 3.
- 20 (4) CIWMB Requirements Article 3.1.

21 (c) Except as otherwise noted, for purposes of this chapter only, "facility" means solid waste facility, disposal site
22 or any other operation requiring a full solid waste facilities permit pursuant to this division.

23 (d) For purposes of these articles (Articles 1-3.1), the following definitions apply:

24 (1) "Complete" means all requirements placed upon the operation of the solid waste facility by statute, regulation,
25 and other agencies with jurisdiction have been addressed in the application package.

26 (2) "Correct" means all information provided by the applicant regarding the solid waste facility must be accurate,
27 exact, and must fully describe the parameters of the solid waste facility.

28 (3) "Application Filing" means the enforcement agency has determined the application package is complete and
29 correct and the statutory time limit contained in Public Resources Code §44008 commences.

30 (4) "Informational Meeting" means a meeting where the public is invited to hear and comment on the preliminary
31 determination of the action taken by the EA on an accepted application package. The meeting is strictly
32 informational and no official decision is made at the meeting regarding the formal determination on the solid waste
33 facilities permit application. EA-conducted Informational Meetings fulfill the requirements set forth in Public
34 Resources Code §44004 related to holding a "public hearing", unless the EA substitutes another meeting/hearing
35 that meets the provisions in §21660.4. The definition used herein, does not apply to public hearings~~s~~, or hearings
36 before hearing panels or hearing officers set forth in Public Resources Code §44300, Chapter 4, Articles 1 and 2,
37 having to do with denial of solid waste facilities permits and related recourses.

38 (5) "Nonmaterial change" means a change that would require a change to a solid waste facilities permit but would
39 not result in any physical change that would alter the approved design or operation of the facility. The definition is
40 only for purposes of determining when a permit modification is needed as determined by the EA pursuant to
41 §21665(d)(1).

42 (6) "Significant Change in the design or operation of the solid waste facility that is not authorized by the existing
43 permit" means a change in design or operation of a solid waste facility where the EA has determined pursuant to
44 §21665 that the change is of such consequence that the solid waste facilities permit needs to include further
45 restrictions, prohibitions, mitigations, terms, conditions or other measures to adequately protect public health,
46 public safety, ensure compliance with State minimum standards or to protect the environment. The definition is
47 only for purposes of determining when a permit needs to be revised and should not be utilized for any other
48 purpose.

49 NOTE: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43020, 43021 and 43000-
50 45802, Public Resources Code.

51
52 Article 2. CIWMB–Applicant Requirements.
53

54 § 21615. CIWMB–Completeness Appeal. (T14: §18203(f))

1 If an application is determined not to be complete, the applicant may appeal the decision to the EA within fifteen
2 (15) days of the date of notification. Such an appeal must be in writing and specify the grounds for the appeal. A
3 final written determination on the appeal shall be made by the hearing panel or hearing officer designated pursuant
4 to Public Resources Code §§44308 or 44309, whichever is applicable, no later than 60 days after the EA's receipt of
5 the applicant's appeal.

6 NOTE: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43000-45802, Public
7 Resources Code.

8
9 § 21620. CIWMB-Change in Operation (new).

10 (a) This section applies to any operator proposing to make a change in the design (as defined in subsection
11 21663(a)(1)) or operation (as defined in subsection 21663(a)(2)) of the facility, where such change is subject to the
12 authority of the EA acting pursuant to the Integrated Waste Management Act or regulations promulgated under
13 such Act and one of the following categories apply: (1) Minor Change - the change qualifies as a minor change
14 pursuant to §21620(a)(1), in which case the operator shall comply with §21620(a)(1)(F); (2) RFI Amendment - the
15 EA has determined that an amendment to the RFI is required for the change, in which case the operator shall
16 comply with §21620(a)(2); (3) Modified Permit - the EA has determined that the solid waste facilities permit
17 requires modification pursuant to §21665(d), in which case the operator shall comply with §21620(a)(3); or (4)
18 Revised Permit - the EA has determined that the solid waste facilities permit requires revision pursuant to
19 §21665(e) or §21620(a)(4), in which case the operator shall comply with §21620(a)(4).

20 This section does not apply to changes to the facility, where such change is not subject to the authority of the EA
21 acting pursuant to the Integrated Waste Management Act or regulations promulgated under such Act.

22 (1) Minor Changes

23 An operator may implement a minor change without EA review and approval if all of the criteria set forth in
24 subdivisions (A) through (D) are met and the operator notifies the EA of the minor change as required under
25 subdivision (F):

26 (A) the change is subject to the authority of the EA acting pursuant to the Integrated Waste Management Act or
27 regulations promulgated under such Act; and

28 (B) the change is consistent with State minimum standards pursuant to Chapter 3 of this subdivision or applicable
29 minimum standards in Title 14 (commencing with §17200), and including financial assurances and operating
30 liability criteria pursuant to Chapter 6 of this subdivision if applicable; and

31 (C) the change is consistent with the terms and conditions in the current solid waste facilities permit; and

32 (D) the change does not conflict with the design and operation of the facility as provided in the current RFI
33 pursuant to §21600, 14 CCR §§17346.5, 17863, 17863.4, 18221.6, 18223.5, or 18227.

34 (E) Provided that they satisfy the criteria set forth in subdivisions (a)(1)(A - D), minor changes include, but are
35 not limited to, the following:

36 (i) Correction of typographical errors in any documents/documentation submitted by the owner or operator.

37 (ii) Changes in the training plan that do not affect the type or decrease the amount of training given to employees.

38 (iii) Changes in any name and phone number, mailing address, or other contact information that does not include
39 a change of the owner or operator.

40 (iv) Changes in emergency equipment (e.g., used for spill or release response) with the same functionally
41 equivalent equipment at the same or higher level of quality.

42 (v) Replacing equipment that consists of functionally equivalent components and specifications as the equipment
43 being replaced, which does not cause any change to location or design from the formerly used equipment.

44 (vi) Changes in procedures for cleaning or decontamination of facility equipment or structures.

45 (vii) Changes in tanks used for storage of materials utilized as part of the operation of the facility such as fuel,
46 motor oil, and water without a change in location.

47 (viii) Changes in the rental company or location of where the back-up equipment may be sought.

48 (ix) Replacement of an existing environmental or operational monitoring point that has been damaged or rendered
49 inoperable, without change to location or design of the monitoring point.

50 (x) Updated changes to other regulatory agency documents that are included by reference in a RFI only.

51 (xi) Changes in containers used for temporary storage of materials separated for recycling.

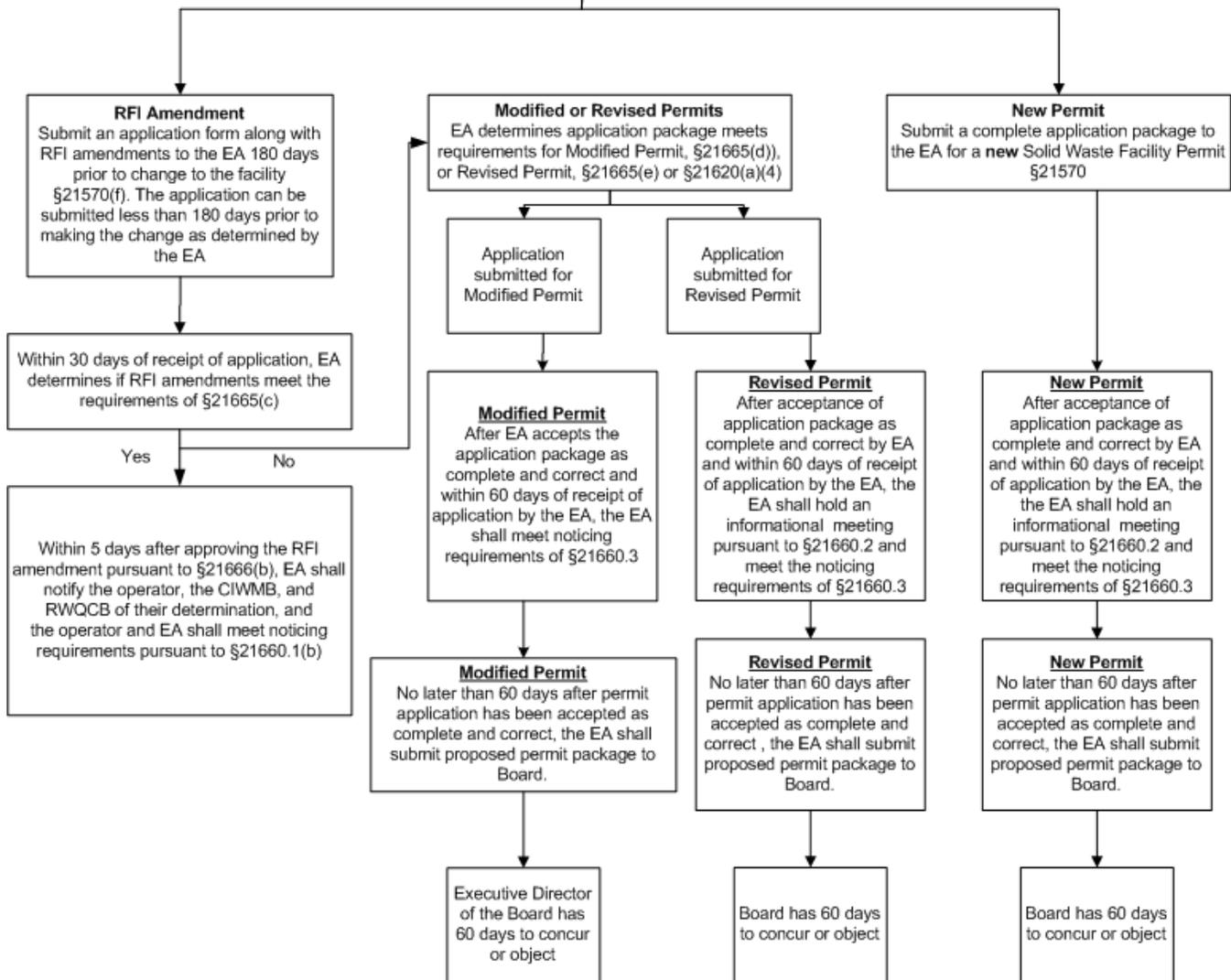
52 (xii) Change in narrative information (e.g., background information) outside the permitted boundary.

53 (xiii) Change to facility signage wording.

54 (xiv) Changes to improve personnel protective equipment and other safety procedures.

- 1 (xv) Changes to traffic patterns on site that do not affect off-site traffic, and/or adjacent properties.
2 (xvi) Changes to adjacent land use map.
3 (xvii) Change in location of facility records.
4 (xviii) Changes in name, address, or phone number of contact in post-closure plan.
5 (xix) Changes to equipment maintenance operations associated with the operation of the facility.
6 (xx) Acquisition of property adjacent to the facility if not used for solid waste activities.
7 (xxi) Updated changes to documents that are included by reference in a permit or RFI.
8 (xxii) Regulation re-numbering as referenced in RFI.
- 9 (F) the operator shall notice the EA at the time of the change or within 30 days after the change has been made,
10 and the following provisions shall apply:
- 11 (i) the notice shall be in writing and delivered to the EA by regular mail, e-mail, or fax;
12 (ii) the operator shall identify the minor change in the notice and indicate the effective date of the change;
13 (iii) the notice is for informational purposes only and is not subject to EA compliance measures; however, if the
14 EA determines at a later date that the change does not meet the criteria for minor change, the EA shall provide a
15 finding to the operator in writing as to why the change did not qualify as a minor change and the EA shall require
16 the operator to comply with all applicable requirements; and
17 (iv) During the regular permit review, the EA shall review the minor change notices and determine which should
18 be incorporated into the RFI.
- 19 (2) Amendment to Report of Facility Information
20 For those changes in design or operation that do not qualify under subdivision (a)(1) and that require an
21 amendment to the RFI, the operator shall file an amendment to the RFI with the EA at least 180 days prior to the
22 proposed change unless otherwise determined by the EA. Notwithstanding, the EA may determine, based on
23 consultation with the applicant and review of the RFI amendment, that the change meets the criteria in §21665(c),
24 in which case the applicant may file an application less than 180 days prior to making the proposed change.
25 Proposed RFIs or amendments to the RFI shall be accompanied by an application form. All amendments shall be
26 submitted as specified in §21570. The applicant shall only submit those items listed in §21570(f) that have changed
27 or are proposed to change, unless otherwise specified by the EA. Such amendments or lack thereof may become the
28 basis for changes in the solid waste facilities permit as determined by the EA as described in §21665. The operator
29 shall have the right to appeal the EA's decision before the hearing panel or hearing officer.
- 30 (3) Modified Permit
31 If the change in design or operation does not qualify under subdivision (a)(1) or (a)(2), but does meet the
32 requirements of §21665(d) for a modified solid waste facilities permit, the operator shall submit an application
33 package for a modified solid waste facilities permit pursuant to §21570 which the EA shall process pursuant to
34 §21650.
- 35 (4) Revised Permit
36 All other changes in design or operation require a revised solid waste facilities permit pursuant to §21665(e). The
37 operator shall submit an application package for a solid waste facilities permit revision pursuant to §21570 which
38 shall be processed by the EA pursuant to §21650.
- 39 Notwithstanding anything to the contrary in §21665(e), the following changes in design or operation are
40 considered significant and require an application for a revised permit:
- 41 (A) Increase in maximum amount of permitted tonnage of all waste received.
42 (B) Increase in the facility's permitted acreage.
43 (C) Increase in the permitted hours of operation.
44 (D) For landfills, increase in permitted disposal footprint and/or permitted (final grade) maximum overall height.
- 45 *Note: changes relative to only those items described in the RFI and not addressed in the current solid waste*
46 *facilities permit as written by the LEA may be requested, after consultation, through an application pursuant to*
47 *§21666. To help better understand the process for RFI amendment, and modified, revised and new solid waste*
48 *facilities permits, but not supplant the regulations, a flow diagram is provided below:*

**Process For An RFI Amendment and Modified,
Revised, and New Solid Waste Facility Permits
California Code of Regulations
Title 27**



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NOTE: Authority cited: Sections 40502, 43020 and 43021, Public Resources Code. Reference: Sections 43103, 44004 and 44012, Public Resources Code.

Article 3. CIWMB–Enforcement Agency (EA) Requirements

§ 21650. CIWMB–EA Processing Requirements. (T14:§18203)

(a) Upon its receipt, the EA shall stamp the application package with the date of receipt. The EA shall examine the application package to determine whether it meets the requirements of §21570. If the EA finds the package meets the requirements of §21570, the application package shall be accepted and stamped with the date of acceptance. Notwithstanding any other provision of this division, the application package shall be deemed filed on the date of acceptance.

(b) The EA shall either accept or reject the application package within thirty days of its receipt.

(c) Within five days of filing, the EA shall notify the CIWMB, and the RWQCB if applicable, of its determination. The EA shall submit as its notification to the CIWMB a copy of the accepted application form. The EA shall also forward a copy of the application form to the RWQCB if applicable.

1 (d) If the EA determines that the application package does not meet the requirements of §21570, it shall reject and
2 not file the application, and it shall, within five days of determination, so notify the applicant, the CIWMB, and the
3 RWQCB if applicable, enumerating the grounds for rejection. The EA shall include in its notification to the
4 CIWMB a copy of the rejected application form. The application package, together with the notice of rejection,
5 shall be kept in the EA's file.

6 (e) After acceptance of an application for a new or revised full solid waste facilities permit as complete and
7 correct and within 60 days of receipt of the application by the EA, the EA shall notice and conduct an informational
8 meeting as required by §§21660.2 and 21660.3. For modified solid waste facilities permits, the EA shall provide
9 notice as required by §21660.3 after finding the permit application complete and correct and within 60 days of
10 receipt of the application by the EA.

11 (f) Upon request of the applicant, the EA may accept an incomplete application package. As a condition of
12 acceptance, the operator and the EA shall waive the statutory time limit contained in Public Resources Code
13 §44009. [Note: Section 21580 is the section for processing the applicant's waiver of timeframes and timing for
14 noticing and holding an informational meeting after the EA deems a previously submitted incomplete package to be
15 complete.] The EA shall notify the applicant within 30 days if the applicant's request for review under this
16 subsection has been accepted. If the application package does not conform with the requirements of §21570 within
17 180 days from the date of the EA agreeing to accept the package as incomplete the EA shall reject the application
18 package, pursuant to ¶(d). If the EA finds the application package meets the requirements of §21570, the
19 application package shall be accepted pursuant to ¶(c).

20 (g) No later than 60 days after the application package has been accepted as complete and correct and after
21 conducting an informational meeting if required by §§21660.2 and 21660.3, the EA shall mail to the CIWMB the
22 following:

23 (1) A copy of the proposed solid waste facilities permit;

24 (2) The accepted application package;

25 (3) A certification from the EA that the solid waste facilities permit application package is complete and correct,
26 including a statement that the RFI meets the requirements of §21600, 14CCR §§17863, 17863.4, 17346.5, 18221.6,
27 18223.5, or 18227.

28 (4) Documentation, if applicable, of the applicant's compliance with any RWQCB enforcement order or the status
29 of the applicant's WDRs, as described in Public Resources Code §44009;

30 (5) Any written public comments received on a pending application and a summary of comments received at the
31 informational meeting and, where applicable, any steps taken by the EA relative to those comments. Subsequent to
32 the transmittal of the proposed solid waste facilities permit, the EA shall, within five (5) days of receipt, provide a
33 copy of any additional written public comments to the CIWMB.

34 (6) A solid waste facilities permit review report which has been prepared pursuant to §21675, within the last five
35 years.

36 (7) EA finding that the proposed solid waste facilities permit is consistent with and is supported by existing
37 CEQA analysis, or information regarding the progress toward CEQA compliance.

38 (h) At the time the EA submits the proposed solid waste facilities permit to the CIWMB, the EA shall submit a
39 copy of the proposed solid waste facilities permit to the applicant, the RWQCB if applicable, and any person so
40 requesting in writing. The copy of the proposed solid waste facilities permit provided to the applicant shall also be
41 accompanied by a form for request for hearing, which the applicant may use to obtain a hearing before a hearing
42 panel or hearing officer to challenge any condition in the solid waste facilities permit. In cases where a hearing
43 panel or hearing officer may be requested, the EA shall notify the CIWMB within seven days of being noticed by
44 the operator.

45 (i) The proposed solid waste facilities permit shall contain the EA's conditions. The proposed solid waste
46 facilities permit shall not contain conditions pertaining solely to air or water quality, nor shall the conditions
47 conflict with conditions from WDRs issued by the RWQCB.

48 [Note: The process to obtain a full solid waste facilities permit might not include the RWQCB if the facility is
49 other than a landfill or disposal site. Therefore, EA submittals of forms and documents to the RWQCB will be made
50 if applicable to the type of facility.

51 When writing conditions pursuant to 21650(i) the EA shall take into consideration PRC §44012, which requires
52 the EA to ensure that primary consideration is given to protecting public health and safety and preventing
53 environmental damage, and the long-term protection of the environment. The EA may also take into consideration
54 other permits, entitlements and approvals when writing terms and conditions (e.g., conditional use permit, zoning,

1 *Air Pollution Control District/Air Quality Management District permits to construct and operate, Department of*
2 *Toxic Substances Control hazardous waste facility permit, Department of Fish and Game permits, Coastal*
3 *Commission approvals, Army Corps of Engineers permit, Federal Aviation Administration notification, and other*
4 *required local and county ordinances/permits)]*

5 NOTE: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 40055, 43103 and 44001-
6 44014, Public Resources Code.

7
8 § 21680. CIWMB—Reinstatement of Suspended and Revoked Permits. (T14:§18212)

9 (a) If a permit has been suspended, it is reinstated without further action on the date specified in the suspension or
10 upon completion of specified acts. A suspended permit shall be due for review five years after its original issuance
11 or last review or revision, including the period of suspension.

12 (b) If a permit has been revoked, it may be reinstated by application, no less than one year after the effective date
13 of the revocation and no less than one year after any similar application. Such an application shall be made in the
14 manner specified in §21570 and shall be handled in the same manner as an application for a new permit; however,
15 nothing in this section is intended to prevent the EA, hearing panel or hearing officer, or CIWMB from considering
16 the revocation and grounds therefor in reviewing the application. A permit reinstated after revocation shall be due
17 for review five years after its reinstatement.

18 (c) No less than one year after the effective date of the revocation and no less than one year after any similar
19 petition, a person whose permit has been revoked may petition the EA for reduction of the penalty. If the petition is
20 denied, the person is entitled to a hearing before the hearing panel or hearing officer.

21 [*Comment: Suspension of a permit is a punitive or remedial action not intended to deprive the permit holder*
22 *indefinitely of the right to operate. Revocation of a permit, a more severe action, closes the facility for at least one*
23 *year, at the end of which the holder of the revoked permit may apply for reinstatement in the same manner as one*
24 *applies for a permit for a new facility.*]

25 NOTE: Authority cited: Sections 40502 and 43020, Public Resources Code. Reference: Sections 43103, 44500-44503 and
26 44817, Public Resources Code.