

HOW TO PREPARE A NONDISPOSAL FACILITY ELEMENT

INCLUDING A MODEL NONDISPOSAL FACILITY ELEMENT

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Office of Local Assistance

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**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
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NOTE: Legislation (SB 63, Strickland, Chapter 21, Statutes of 2009) signed into law by Gov. Arnold Schwarzenegger eliminated the California Integrated Waste Management Board (CIWMB) and its six-member governing board effective Dec. 31, 2009.

CIWMB programs and oversight responsibilities were retained and reorganized effective Jan. 1, 2010, and merged with the beverage container recycling program previously managed by the California Department of Conservation.

The new entity is known as the Department of Resources Recycling and Recovery (CalRecycle).

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Introduction

The California Integrated Waste Management Act (Act) requires cities and counties in California to prepare, adopt, and implement Source Reduction and Recycling Elements (SRREs) and Household Hazardous Waste Elements (HHWEs). It also requires counties or regional agencies to prepare a Countywide or Regional Siting Element. All of these Elements are to be included in a Countywide or Regionwide Integrated Waste Management Plan.

In 1992, the California legislature enacted Assembly Bill 3001 (Cortese) which amended the Act. This statute required California cities and counties to prepare another Element, the Nondisposal Facility Element (NDFE). This document provides a Model Nondisposal Facility Element. It is an example of appropriate content and format for an NDFE. However, the model provided in this document is not the only method of presenting the information required and jurisdictions may determine that other presentations are better suited to their needs.

This model consists of three sections. The first section identifies applicable statutes and regulations. It provides the definition of a Nondisposal Facility. The second section identifies the statutory and regulatory requirements for preparation and adoption of the NDFE. The third section is the model NDFE which has been prepared for a hypothetical California city.

Section 1 Definition and Requirements

Applicable Statutes

The basic statutory requirements for the content and format of the NDFE are found in Public Resources Code (PRC), Division 30, Part 2, Chapter 4.5, Sections 41730 et seq. These sections also include statutory requirements for adopting and amending the NDFE. These statutory requirements are further clarified in regulations proposed by the California Integrated Waste Management Board (Board) describing the contents of the NDFE (California Code of Regulations (CCR), Title 14, Division 7, Chapter 9, Article 6.4, proposed new sections 18752 through 18754.5).

A Nondisposal Facility is defined by PRC Section 40151 as any solid waste facility required to obtain a state solid waste facility permit other than solid waste disposal and transformation facilities. Thus, transfer stations, material recovery facilities, large-scale composting facilities, and other waste processing or recycling facilities which require a solid waste facility permit, and which are needed to implement local SRREs, are considered Nondisposal facilities that need to be identified and described in the NDFE. Solid waste landfills and incinerators, however, are not included within the definition of a Nondisposal facility. Likewise, small scale activities which do not need a solid waste facility permit such as backyard composting or a small scale beverage container buy-back center, are also not included within the definition of

a Nondisposal facility and need not be discussed in the NDFE.

PRC Section 41733 clarifies further the way in which transfer stations are to be dealt with in the NDFE. It notes that all new solid waste facilities and solid waste facility expansions (except for landfills and transformation facilities) which recover for reuse or recycling at least 5 percent of the total volume of material received by the facility, shall be identified and described in the NDFE. Furthermore, transfer stations which recover less than 5 percent of the volume of materials received shall also be included in the NDFE. However, the portion of the element describing these transfer stations are not subject to approval by the California Integrated Waste Management Board (Board).

Planning Requirements

The statutory requirements for preparation of the NDFE (PRC Section 41732) are relatively simple and straightforward. The NDFE must "include a description of new facilities and the expansion of existing facilities which will be needed to implement the jurisdiction's SRRE," and they may include either "the identification of specific locations or general areas" where new or expanded solid waste facilities will be sited.

An important point to note is that PRC Section 41732 does not limit this requirement to just those Nondisposal facilities located, or to be located, in the jurisdiction preparing the NDFE; any Nondisposal facility which is needed to implement the jurisdiction's SRRE must be described in the NDFE. Thus, for example, a city which has indicated in its SRRE that its source separated yard waste will be taken to a new composting facility that is planned to be sited and developed in the unincorporated County, would need to include the new County yard waste composting facility in its NDFE.

The regulations guiding preparation of the NDFE are also simple and straightforward. The overall scope of the NDFE is first identified in CCR Section 18752. This section states that the NDFE is required to identify the Nondisposal Facilities which will be used by a local jurisdiction to achieve the 25% and 50% waste diversion mandates. It further indicates that the NDFE must reflect only information available to a local jurisdiction at the time the NDFE is prepared. It is permissible, however, for a local jurisdiction to include additional information in the NDFE as it deems appropriate (CCR Section 18752[c]). In addition, the introductory section of these regulations indicates that it is allowable to include in the NDFE other facilities not defined as Nondisposal Facilities (CCR Section 18752[d]).

Content of the NDFE

The specific requirements for the content of the NDFE are contained in CCR Sections 18753, 18753.5, 18754, and 18754.5. These regulations identify the specific requirements for existing, proposed, or for expanding nondisposal facilities located within and located outside of the reporting jurisdiction. Table A below identifies the specific requirements for each type of facility and facility location.

**Table A
NDFE Planning Requirements For Nondisposal Facilities**

	Located Within Jurisdiction	Located Outside of Jurisdiction
Nondisposal Facility	<p>Must include:</p> <ul style="list-style-type: none"> 1) type of facility; 2) facility capacity; 3) diversion rate or expected diversion rate; and 4) participating jurisdictions. <p>May additionally include:</p> <ul style="list-style-type: none"> 1) address of facility; or 2) description of the general area. 3) other information deemed appropriate by a local jurisdiction 	<p>Must include:</p> <ul style="list-style-type: none"> 1) type of facility; 2) estimated amount of waste sent to the facility; 3) diversion rate or expected diversion rate; and 4) location of facility.
Transfer Station (recovering <5% of total waste received)	<p>Must include:</p> <ul style="list-style-type: none"> 1) name of facility; and 2) participating jurisdictions. <p>May additionally include:</p> <ul style="list-style-type: none"> 1) address of facility; or 2) description of the general area. 3) other information deemed appropriate by a local jurisdiction 	<p>Must include:</p> <ul style="list-style-type: none"> 1) name of facility; and 2) location of facility.

Section 2 Adoption and Amendment of the NDFE

The following statutory references to NDFEs in the PRC concern the requirements for adopting and amending the NDFE. These provisions include the following:

- The NDFE is not subject to the environmental review requirements of the California Environmental Quality Act (CEQA) (PRC Section 41735[a]).
- After completion of the NDFE, each city is to transmit a copy to the county in which the city is located. Likewise, each county is to submit its NDFE to each city located in the county (PRC Sections 41730 and 41731).
- In addition, prior to adopting or amending an NDFE, a city or county is required to submit its NDFE to the Local Task Force (LTF) for review and comment. These comments are limited to an assessment of the regional impacts of potential diversion facilities. They are to be submitted to the city or county which prepared the NDFE and to the Board within 90 days of the date the LTF receives the NDFE for comment (PRC Sections 41734[a] and[b]).
- The NDFE and any amendments are not required to be approved by any jurisdiction other than the one which prepared the NDFE (PRC Sections 41730 and 41731).
- After local adoption or amendment of the NDFE, it is to be submitted to the Board for review and approval. A copy should also be submitted to the County in which the city is located for inclusion into the Summary Plan for the county. The County also submits its NDFE to each city in the county (PRC Sections 41730, 41731, and 41791.5).
- Cities and counties are not required to revise their previously adopted SRREs to make these documents consistent with subsequently adopted NDFEs. The NDFEs shall be incorporated into the SRREs at the time of the first five-year revision (PRC Section 41736).

Section 3
MODEL NONDISPOSAL FACILITY ELEMENT

This section presents a model NDFE for a hypothetical California City. It includes an introductory section explaining the statutory requirement for preparation of the NDFE document and several fact sheets providing the descriptive information required in an easy-to-read tabular format.

City Of Sussex

Nondisposal Facility Element

California Public Resources Code (PRC), Sections 41730 et seq, require every California city and county to prepare and adopt a Nondisposal Facility Element (NDFE) for all new Nondisposal facilities, and any expansions of existing Nondisposal facilities, which will be needed to implement local Source Reduction and Recycling Elements (SRREs). A Nondisposal facility is defined as any solid waste facility required to obtain a state solid waste facility permit except a disposal facility or a transformation facility (PRC Section 40151).

The City of Sussex has prepared, adopted and hereby transmits to Gibb County the City's NDFE, as required by PRC Section 41730. The City is also submitting a copy of its NDFE to the California Integrated Waste Management Board for review and approval. The City's NDFE will be appended to the City's SRRE at the time of the five year revision.

This NDFE identifies the utilization of transfer stations, material recovery facilities (MRFs) and a yard waste composting facility as Nondisposal facilities necessary to implement the City's waste diversion goals. Tables M-1, M-2, and M-3, attached, identify the Nondisposal facilities the City intends to utilize to implement its SRRE and meet the solid waste diversion requirements of PRC Section 41780.

A draft of this NDFE was submitted to the Gibb County Local Task Force (LTF) for review and comment regarding the regional impacts of the Nondisposal facilities identified in this Element, in accordance with the requirements of PRC Sections 41734(a) and (b). As indicated by PRC Section 41735(a), the adoption or amendment of this element is not subject to environmental review under the California Environmental Quality Act (CEQA).

**Table M-1
City of Sussex NDFE
Slocum Heights Waste Recovery and Transfer Facility
Fact Sheet**

TYPE OF FACILITY	The Slocum Heights Waste Recovery and Transfer Facility (WRTF) is a proposed new solid waste material recovery and transfer facility which will receive and process loads of mixed waste and source separated recyclable materials.
FACILITY CAPACITY	The Slocum Heights WRTF is designed to process an average of 1,000 tons per day of waste material and will handle a peak capacity of 1,600 tons per day.
EXPECTED DIVERSION RATE	The Slocum Heights WRTF will divert from disposal approximately 17.5 percent of the wastes generated yearly in the City of Sussex based on the following calculations. It is assumed that on average 500 tons of waste, or approximately half of the 1,000 tons of wastes generated daily in Sussex, will be taken to the Slocum Heights WRTF for waste processing. Overall, the Slocum Heights WRTF is expected to divert from disposal approximately 35 percent of the waste material received at this facility. The amount of Sussex waste diverted from disposal by the waste processing activity of the Slocum Heights WRTF is 175 tons per day (35% of 500 tons = 175 tons). This amounts to a rate of diversion of 17.5 percent (175 tons diverted, divided by 1,000 tons generated, = 17.5 percent).
PARTICIPATING JURISDICTIONS	Cities of Sussex, Wessex and Essex and unincorporated Gibb County.
LOCATION	The Slocum Heights WRTF will be located in an industrial area of North Sussex. A specific site for this facility has not yet been identified. Three potential sites in the Slocum Heights area of North Sussex are presently under consideration. An Environmental Impact Report (EIR) is presently being prepared on the Slocum Heights WRTF. It is expected that this effort will identify an environmentally preferred location for this facility.

**Table M-2
City of Sussex NDFE
Wildwood Yard Waste Composting Facility
Fact Sheet**

<p>TYPE OF FACILITY</p>	<p>The Wildwood Yard Waste Composting Facility will serve as the principal large scale regional composting facility for Gibb County and its cities. The facility is owned and operated by Gibb County. The materials to be composted will consist of yard waste, other plant debris, and wood waste fines. These materials will usually be pre-processed in chipping and grinding operations that occur at Gibb County's transfer stations. The composting operations at the Wildwood facility will consist of curing in windrows, post-processing screening to remove oversize material, and storage of the finished product before being removed to markets.</p>
<p>AMOUNT OF WASTE SENT TO FACILITY</p>	<p>Approximately 195 tons per day of yard waste and other compostable material will be sent to the Wildwood Yard Waste Composting Facility from the City of Sussex.</p>
<p>EXPECTED DIVERSION RATE</p>	<p>The Wildwood Yard Waste Composting Facility will divert from disposal approximately 19.5 percent of the wastes generated yearly in the City of Sussex based on the following calculations. The waste generation study performed for the City of Sussex SRRE indicates that yard waste and other compostable material comprise approximately 20 percent of the wastes generated in the City (200 tons per day of the 1,000 tons generated per day of City wastes are yard waste). Approximately 5 percent of the City's total waste stream (5 tons per day) will be diverted from disposal by back yard composting activity. As noted above, the remaining 195 tons per day of yard waste and other compostable material will be sent to the Wildwood Composting Facility. The 195 tons per day of yard waste going to the Wildwood Facility represents 19.5 percent of the total estimated 1,000 tons generated daily in Sussex.</p>
<p>LOCATION</p>	<p>Unincorporated Gibb County; Mountain Road east of the City of Wessex.</p>

**Table M-3
City of Sussex NDFE
Pettit Road Transfer Station
Fact Sheet**

<p>NAME OF FACILITY</p>	<p>The Pettit Road Transfer Station is an existing small-volume transfer station owned and operated by the City of Sussex. This facility handles mainly loads of mixed residential waste brought to the facility by the City's municipal refuse collection vehicles. The City of Sussex is planning an expansion of operations at this facility by adding a second shift of operations. This activity will increase the average daily throughput of this facility from 75 to 150 cubic yards of waste material per day.</p>
	<p>At present there are limited scavenging activities at the Pettit Road Transfer Station, primarily manual picking of aluminum cans from off the tipping floor. In this manner, approximately 3 cubic yards per day of recyclable material are collected. With the expansion of site operations, it is expected that the total volume of materials diverted from landfill disposal will increase to 5 cubic yards per day.</p>
<p>PARTICIPATING JURISDICTIONS</p>	<p>The City of Sussex is the only jurisdiction which utilizes the Pettit Road Transfer Station.</p>
<p>LOCATION</p>	<p>2460 East Grease Street in the southern part of Sussex at the intersection of East Grease Street and Navy Boulevard.</p>