

Don Dier

Meeting of the

CALIFORNIA WASTE MANAGEMENT BOARD

December 14-15, 1989

CALIFORNIA WASTE MANAGEMENT BOARD1020 NINTH STREET, SUITE 300
SACRAMENTO, CALIFORNIA 95814

Meeting of the
CALIFORNIA WASTE MANAGEMENT BOARD
 River City Bank Building
 1020 Ninth Street, Suite 300
 Sacramento, CA 95814

December 14-15, 1989

NOTICE AND AGENDA

Note: The Board will convene at 9:00 a.m., December 14, 1989. This agenda represents the order in which items are scheduled to be considered. Since the Chairman, however, may change this order, participants and other interested parties are advised to be available during the entire meeting. Items not considered on December 14, may be continued until December 15, beginning at 9:00 a.m.

If written comments are to be submitted to the Board, 15 copies should be provided.

	<u>PAGE</u>
1. CONSIDERATION OF ADOPTION OF CLOSURE/POSTCLOSURE REGULATIONS	
A. CHAPTER 5, ARTICLE 3.5, FINANCIAL RESPONSIBILITY FOR CLOSURE AND POSTCLOSURE MAINTENANCE	1
B. CHAPTER 3, ARTICLE 7.8, DISPOSAL SITE CLOSURE AND POSTCLOSURE	52
C. CHAPTER 5, ARTICLE 3.4, APPLICATION AND APPROVAL OF CLOSURE AND POSTCLOSURE MAINTENANCE PLANS	90
2. DISCUSSION OF DRAFT EMERGENCY REGULATIONS FOR SOURCE REDUCTION AND RECYCLING ELEMENTS REQUIRED UNDER AB 939	117
3. STATUS REPORT AND CONSIDERATION OF CLOSURE/POSTCLOSURE CERTIFICATIONS PURSUANT TO AB 2448	119
4. CONSIDERATION OF APPROVAL OF THE CONTRA COSTA COUNTY SOLID WASTE MANAGEMENT PLAN REVISION	138
5. CONSIDERATION OF APPROVAL OF THE RESUBMITTED RIVERSIDE COUNTY SOLID WASTE MANAGEMENT PLAN	157

	<u>PAGE</u>
6. CONSIDERATION OF A DETERMINATION OF CONFORMANCE AND CONCURRENCE IN A REVISED SOLID WASTE FACILITIES PERMIT FOR THE POTRERO HILLS LANDFILL, SOLANO COUNTY	1
7. CONSIDERATION OF A DETERMINATION OF CONFORMANCE AND CONCURRENCE IN A REVISED SOLID WASTE FACILITIES PERMIT FOR THE HIGHGROVE LANDFILL, RIVERSIDE COUNTY	203
8. CONSIDERATION OF A DETERMINATION OF CONFORMANCE AND CONCURRENCE IN A NEW SOLID WASTE FACILITIES PERMIT FOR THE TWIN BRIDGES LANDFILL, SHASTA COUNTY	225
9. CONSIDERATION OF CONCURRENCE IN A NEW SOLID WASTE FACILITIES PERMIT FOR THE RICE ROAD TRANSFER STATION, FRESNO COUNTY	246
10. CONSIDERATION OF ACCEPTABILITY OF FINANCIAL MECHANISM FOR SCHOLL CANYON LANDFILL, LOS ANGELES COUNTY	259
11. CONSIDERATION OF ACCEPTABILITY OF FINANCIAL MECHANISM FOR CALABASAS AND PUENTE HILLS LANDFILLS, LOS ANGELES COUNTY	267
12. CONSIDERATION OF DRAFT USED OIL RECYCLING REPORT FOR 1988	271
13. REPORT BY LOCAL ENFORCEMENT AGENCY ON LOPEZ CANYON LANDFILL MONITORING AND ENFORCEMENT ACTIVITIES, LOS ANGELES COUNTY	272
14. REPORT ON REVIEW OF TUOLUMNE COUNTY LOCAL ENFORCEMENT AGENCY	273
15. REPORT ON REVIEW OF EL DORADO COUNTY LOCAL ENFORCEMENT AGENCY	312
16. REPORT ON ENFORCEMENT ADVISORY COUNCIL MEETING	331
17. PRESENTATION BY HARVEY HOLDEN, EXECUTIVE DIRECTOR OF SAN GABRIEL VALLEY ASSOCIATION OF CITIES, ON A JOINT POWER AUTHORITY FOR ESTABLISHMENT OF A REGIONAL SOLID WASTE RAIL HAUL SYSTEM	334
18. STATUS REPORT ON THE BOARD'S STUDY OF THE DETERMINATION OF LANDFILL COSTS IN CALIFORNIA	363
19. UPDATE ON BOARD'S PUBLIC AWARENESS ACTIVITIES	367
20. CONSIDERATION OF INVITATION FOR BIDS ON PUBLIC INFORMATION PROGRAM	369

21. STAFF PRESENTATION ON THE WORLD HEALTH ORGANIZATION AND U. S. AGENCY FOR INTERNATIONAL DEVELOPMENT ACTIVITIES IN SOLID WASTE MANAGEMENT
22. UPDATE ON SIGNIFICANT STAFF ACTIVITIES
23. REVIEW OF FUTURE BOARD AGENDA ITEMS
24. OPEN DISCUSSION
25. ADJOURNMENT

Note: The Board may hold a closed session to discuss personnel, as authorized by State Agency Open Meeting Act, Government Code section 11126(a), and litigation, pursuant to the attorney-client privilege, Government Code section 11126(q).

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A D D E N D U M T O
N O T I C E A N D A G E N D A

Note: The following items are being added for Friday,
December 15, 1989.

- | | <u>PAGE</u> |
|--|-------------|
| 11-A. CONSIDERATION OF FURTHER ENFORCEMENT ACTION AT THE MC COURTNEY LANDFILL, NEVADA COUNTY FOR FAILURE TO COMPLY WITH NOTICE AND ORDER NO. 89-01 | 269 |
| 11-B. CONSIDERATION OF DETERMINATION OF CONFORMANCE AND CONCURRENCE IN A SOLID WASTE FACILITIES PERMIT FOR DURHAM ROAD LANDFILL, ALAMEDA COUNTY | 270 |

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CALIFORNIA WASTE MANAGEMENT BOARD

AGENDA ITEM # 1A

DECEMBER 14-15, 1989

ITEM:

Consideration of Adoption of Closure/Postclosure Regulations: Chapter 5, Article 3.5, Financial Responsibility for Closure and Postclosure Maintenance.

KEY ISSUES:

- o AB 2448 required operators of solid waste landfills to establish a trust fund or equivalent arrangement to cover the costs of closure and postclosure maintenance.
- o Emergency Regulations setting standards for closure and postclosure responsibility were adopted on June 7, 1989 and approved by the Office of Administrative Law on August 18, 1989.
- o The 45-day public comment period began on October 6, 1989 and ended with a public hearing on November 20, 1989. Responses to written comments and oral testimony presented at the hearing have been prepared and the regulations have been amended accordingly.

BACKGROUND:

STATUTORY AUTHORITY

Government Code Section 66796.22(d) requires the California Waste Management Board (Board) to adopt emergency regulations on or before July 1, 1989, to implement the financial responsibility provisions for operators of solid waste landfills. These major provisions are as follows:

1. Provide evidence of financial ability to cover the cost of closure and postclosure maintenance, either in the form of a trust fund or an equivalent financial

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arrangement acceptable to the Board.

2. Adjust the method of financial responsibility to equal any revised estimates to the cost of closure and postclosure maintenance.

In addition, the review and approval of the method of financial responsibility is to be conducted in conjunction with the review and approval of the closure and postclosure maintenance plans also required by this section. These provisions are to apply to operators of solid waste landfills that were operating on or after January 1, 1988, and to operators of all new solid waste landfills upon application for a solid waste facilities permit.

The Legislature also required that operators submit a certification on January 1, 1989, to the Board and the local enforcement agency (LEA) on the establishment of the financial mechanism described in item (1) above, the development of initial cost estimates for the cost of closure and postclosure maintenance, and that the deposit of funds on an annual basis into the mechanism will be sufficient to cover the costs of closure and postclosure maintenance.

REGULATORY DEVELOPMENT

In April, 1988, the Board held a public workshop on the financial requirements that the Board is mandated to implement. The purpose of this workshop was to evaluate the types and availability of financial mechanisms to fulfill these requirements and to gather information on the types of financial coverage which operators have obtained to meet other obligations or state and local requirements.

In August 1988, the Board developed the document: **Certification Guidelines - Initial Cost Estimates and Alternative Financial Mechanisms for Solid Waste Landfills** (Guidelines) to help operators provide the certifications required by January 1, 1989. Two workshops were held in September, 1988, for operators to discuss the Guidelines.

Based upon testimony received at the April, 1988, workshop and the technical expertise that was required to develop the Guidelines, the Board let a contract in November, 1988, to develop the regulations for financial responsibility for closure and postclosure maintenance (Financial Responsibility) to ICF, Incorporated (ICF).

An analysis of the available financial mechanisms for closure and postclosure maintenance, was presented to the Board at its February Board meeting for discussion. The Board directed ICF to incorporate the comments received at the Board meeting and any other written or oral comments received, into the analysis for presentation and consideration at the March Board meeting. The revised analysis was considered by the Board and ICF was given specific direction on the mechanisms to be included in the draft regulations. At the March meeting, the Board also established an

REGULATIONS DEVELOPMENT CHRONOLOGY

February 1987 Meeting	Board commits to a comprehensive review of the Board's regulations with closure/postclosure as one of the top priorities.
July 1987	Ad hoc staff regulations group created to perform comprehensive review of regulations.
August 1987 Meeting	Introduction of ad hoc regulations group staff and topics to the Board.
September 28, 1987	AB 2448 (Eastin) signed by Governor and becomes effective as an urgency measure.
December 1987	Closure/postclosure regulations unit created, funded under AB 2448.
January 1988	Comprehensive review of regulations distributed to the Board.
April 1988 Meeting	Discussion on regulatory issues and options on disposal site standards for closure and postclosure.
May 1988 Meeting	Continue discussion on regulatory issues and options on disposal site standards for closure and postclosure.
September 1988	Mass mailing of draft disposal site standards for closure and postclosure and public input workshops in Northern and Southern California.
January 1989 Meeting	Discussion of revised draft disposal site standards for closure and postclosure.
February 1989	Mass mailing of revised draft disposal site standards for closure and postclosure for review and comment.
April 1989 Meeting	Discussion of major policy issues raised in comments received by March 31, 1989.
May 1989 Meeting	Discussion of specific comments and staff responses to comments received by March 31, 1989.
May 1989	Mass mailing of proposed emergency regulations including disposal site standards for closure and postclosure.
June 1989	Board adopts Emergency Regulations.
August 18, 1989	Office of Administrative Law (OAL) approves Emergency Regulations.
September 1989	Submitted Notice of Rulemaking Activity and Initial Statement of Reasons to OAL.
September 1989	Mass mailing of approved Emergency Regulations.

FORMAL RULEMAKING PROCESS

October 6, 1989	OAL publishes Notice of Rulemaking Activity beginning 45-day public comment period and mailed the Initial Statement of Reasons.
November 20, 1989	Public Hearing held and Public Comment period ends.
November 29, 1989	15-day Renotice of regulations.
December 14-15, 1989	Public Hearings on the changes to the proposed regulations, and consideration of adoption.
December 18, 1989	Emergency Regulations lapse.

ad hoc committee comprised of two Board members, Board staff and representatives of publicly operated landfills to discuss financing

concepts for public operators.

The adhoc committee met on both March 29, 1989, and April 19, 1989, to develop recommendations for the Board to consider while developing financial responsibility regulations as they apply to public operators. At the Board's April 20-21, 1989, meeting, ICF presented draft regulations for Financial Responsibility to the Board. The recommendations of the adhoc committee were also presented at this time. The Board received both written and oral testimony on the draft regulations at this meeting and directed ICF to revise the draft regulations in specific areas.

EMERGENCY REGULATIONS

The emergency regulations fill the requirements of Government Code Section 66796.22 by identifying those financial mechanisms which the Board deems as acceptable, specifying for each of those mechanisms the rate at which funds must be demonstrated, establishing a procedure for the modification or termination of the mechanism, and the development of standardized language for the establishment of each mechanism, as applicable, for both consistency and legal acceptability.

FORMAL RULEMAKING

To start the formal rulemaking process, Board staff began a 45-day public comment period and noticed formal rulemaking with OAL on October 6, 1989. During this comment period Board staff received written comments from the public at large. A total of 34 sets of written comments were received. Pursuant to the rulemaking process a public hearing was held by the Board on November 20, 1989 to receive public comment and oral testimony on the permanent regulations. These comments, both written and oral, must be addressed by the Board and were used to revise the regulations where appropriate. Changes made to the regulations up to this point have been either non-substantial or sufficiently related. Sufficiently related changes require an additional 15 day public comment period, and notice to this effect was submitted to OAL on November 29, 1989. This 15-day public comment period ends on December 14, 1989.

The comments pertaining to Chapter 5, Article 3.5 were directed at the scope and applicability, acceptable mechanisms and combinations of mechanisms, definitions and the financial means test, the pledge of revenue, and insurance as a financial mechanism. The remainder of the comments concerned procedural, technical, or non-substantial issues.

BOARD FINDINGS

The Board must make several findings pursuant to OAL regulations and the Administrative Procedures Act (APA) in the process of

formally adopting regulations. The regulatory package needs to include a statement of reasons and a determination that the adopting agency finds that no alternatives considered would be more effective and less burdensome than the proposed regulations pursuant to Government Code Sections 11346.14 and 11346.7. The Board must determine if these regulations impose a mandate on local agencies or school districts pursuant to Government Code Section 11346.7. The Board must also demonstrate that any provisions incorporated by reference are necessary because they would be cumbersome, unduly expensive or impractical to publish in the California Code of Regulations. This finding is to be made within the final statement of reasons pursuant to OAL regulations in Title 1 California Code of Regulations Section 20.

RULEMAKING PROCEDURES

Several other regulatory procedures are required by the APA. These procedures and the above findings are addressed within the resolution that follows this agenda item. The Board must transmit to OAL a certified copy of every regulation adopted pursuant to Government Code Section 11343. A certificate of compliance pursuant to Government Code Section 11346.1 must be filed with OAL. Where the regulations mandate the use of specific technologies or equipment, the Board must give reasons why performance standards cannot be used in lieu of prescriptive standards as discussed in Government Code Section 11346.14. The public must be notified of the proposed regulatory action and at least a 45-day public comment period granted pursuant to Government Code Section 11346.4 and 11346.5. The rulemaking record must be made available to the public pursuant to Government Code Section 11346.5. The Board must address economic impacts on small businesses, and cost impacts on private persons or businesses pursuant to Government Code Section 11346.53. The Board needs to submit to OAL a final statement of reasons pursuant to Government Code Section 11346.7. The Board must hold a public hearing and accept comments pursuant to Government Code Section 11346.8. Finally, the Board must maintain a rulemaking file pursuant to Government Code Section 11347.3.

Should the Board elect to make changes to the proposed regulations other than of grammatical or non-substantial nature, then further public comment will be necessary. If the changes are sufficiently related to the original notice published with OAL, then only a 15-day public comment period will be necessary before the Board can adopt the regulations. OAL, however, requires that the rulemaking process be started if major changes are necessary.

Board staff have revised the attached proposed regulations. Specific changes are indicated by ~~strikeout~~ for deletions and redline for additional language.

Based upon the Board's direction and both written and oral comments received, staff has revised the draft Financial Responsibility regulations. The following changes have been included in the emergency regulations approved by the Office of Administrative Law.

Pledge of Revenue -

1. Allows a public agency that owns a landfill site or controls rates where the landfill site is located to act as a provider of financial assurance on behalf of the landfill operator.
2. Require annual demonstration that the pledge is still in effect.
3. Allows the Board to direct payment for postclosure maintenance from pledged revenue.

Trust Fund -

4. Allow direct payment instead of reimbursement in accordance with a payment schedule approved in conjunction with the final closure plan.

Acceptable Mechanism and Combination of Mechanisms -

5. Restrict the operator use of the build-up formula to the portion covered by the trust fund and/or enterprise fund when combined with other mechanisms.

Board staff will highlight the changes made to the regulations and discuss public comments received concerning these changes. Additional oral testimony may be given by the public at the December 14-15, 1989 Board meeting.

BOARD OPTIONS:

Option 1. Adopt regulations with non-substantial changes. The Board would adopt the regulations package with non-substantial changes for submittal to the Office of Administrative Law (OAL).

Option 2. Direct staff to amend regulations with sufficiently related changes. The Board may determine that changes, which are sufficiently related to the original text, are necessary as a condition of adoption. By choosing this option, the Board would direct staff to make specific changes identified during the Board meeting based on written comments, oral testimony, additional staff work. This option would require a 15-day public comment period. The amended regulations would be presented for consideration of adoption at the January 24-26, 1990 Board meeting. If this option is chosen, the Emergency Regulations would lapse unless OAL grants a time extension.

Option 3. Adopt specific regulations. Using this option, the Board would adopt specific regulations at this time, and direct staff to amend the remaining regulations with changes that are either substantial or sufficiently related. This option would require either renoticing the amended regulations with OAL for a 45-day public comment period, restarting the rulemaking process,

or would require a 15 day public comment period. If this option is chosen, specific Emergency Regulations not adopted would lapse unless OAL grants a time extension.

Option 4. Amend regulations with major changes. If the above options cannot resolve major areas of concern, it would be appropriate for the Board to amend the regulations with changes that are significantly different from the original text, and restart the rulemaking process. If this option is chosen, the Emergency Regulations would lapse unless OAL grants a time extension. Staff would pursue necessary revisions based on Board direction and guidance.

STAFF RECOMMENDATION:

Staff recommends that the Board adopt Option 1.

Attachment

CALIFORNIA WASTE MANAGEMENT BOARD

**RESOLUTION # 89-99
FOR THE ADOPTION OF REGULATIONS FOR:
CHAPTER 5, ARTICLE 3.5, FINANCIAL RESPONSIBILITY
FOR CLOSURE AND POSTCLOSURE MAINTENANCE.**

DECEMBER 15, 1989

WHEREAS, Government Code Section 66796.22 required the Board to adopt Emergency Regulations for the closure and postclosure of solid waste landfills on or before July 1, 1989; and

WHEREAS, the Board adopted Emergency Regulations on June 9, 1989; were approved by the Office of Administrative Law and went into effect on August 18, 1989; and

WHEREAS, a Certificate of Compliance pursuant to Government Code Section 11346.1 must be filed with the Office of Administrative Law within 120 days from August 18, 1989 with regard to these regulations; and

WHEREAS, formal notice of rulemaking activity was published on October 6, 1989; there has been a 45-day public comment period; and the Board held a public hearing regarding the financial responsibility for closure and postclosure maintenance, Chapter 5, Article 3.5, of Title 14 of the California Code of Regulations on November 20, 1989; and

WHEREAS, the Board has taken these public comments under consideration; and

WHEREAS, since the Board has fulfilled all the requirements of Government Code Sections 11343., 11346.1, 11346.14, 11346.4, 11346.5, 11346.53, 11346.7, 11346.8, and 11347.3; and Title 1 California Code of Regulations Section 20; and

WHEREAS, the Board has maintained rulemaking file which shall be deemed to be the record for the rulemaking proceedings pursuant to the Government Code Section 11347.3; and

WHEREAS, the Board finds that proper closure and postclosure maintenance are necessary for the protection of air, land and water from the effects of pollution from solid waste landfills.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the regulations found in Chapter 5, Article 3.5 (effective as Emergency Regulations August 18, 1989), with only non-substantial changes and direct staff to submit the regulations package and rulemaking file to the Office of Administrative Law.

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CERTIFICATION

The undersigned Chief Executive Officer of the California Waste Management Board does hereby certify that the foregoing is a full true and correct copy of a resolution duly and regularly adopted at a meeting of the California Waste Management Board held December 14-15, 1989.

Dated:

George Eowan
Chief Executive Officer

TITLE 14. CALIFORNIA WASTE MANAGEMENT BOARD

CHAPTER 5. ENFORCEMENT OF SOLID WASTE MINIMUM STANDARDS AND
ADMINISTRATION OF SOLID WASTE FACILITIES PROGRAMArticle
3.5

Financial Responsibility for Closure and Postclosure Maintenance

DETAILED ANALYSIS

Section	
18280	Scope and Applicability
■18281	Definitions
18282	Amount of Required Coverage
■18283	Acceptable Mechanisms and Combinations of Mechanisms
■18284	Trust Fund
18285	Enterprise Fund
18286	Government Securities
18287	Letter of Credit
18288	Surety Bond
18289	Financial Means Test
■18290	Pledge of Revenue
18291	Guarantee
18292	Substitution of Mechanisms by Operator
18293	Cancellation or Nonrenewal by a Provider of Financial Assurance
18294	Bankruptcy or Other Incapacity of an Operator or a Provider of Financial Assurance
18295	Depository Trust Fund
■18296	Recordkeeping and Reporting
18297	Release of an Operator from the Requirements

- Sections that have been modified from originally noticed text currently in effect as emergency regulations and are subject to comment.

**CHAPTER 5: ENFORCEMENT OF SOLID WASTE MINIMUM STANDARDS AND
ADMINISTRATION OF SOLID WASTE FACILITIES PROGRAM**

**ARTICLE 3.5: FINANCIAL RESPONSIBILITY FOR CLOSURE
AND POSTCLOSURE MAINTENANCE**

Section 18280. Scope and Applicability.

(a) This Article requires operators of solid waste landfills to demonstrate the availability of financial resources to conduct closure and postclosure maintenance activities. This financial responsibility is essential for providing long-term assurance that solid waste landfills will be closed and maintained during the postclosure period in a manner that protects public health and safety, and the environment from pollution due to the disposal of solid waste.

(b) The requirements of this Article apply to operators of all landfills that are required to be permitted as solid waste landfills pursuant to Chapter 5, Article 3.1, Section 18200 et seq. and have been or will be operated on or after January 1, 1988.

NOTE: Authority cited: Sections 66790(f) and 66796.22(d), Government Code. Reference: Sections 66796.22(a) and 66796.22(f), Government Code.

Section 18281. Definitions.

When used in this Article, the following terms shall have the meanings given below:

(a) "Assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity as a result of past transactions.

(b) "Current assets" means cash or other assets or resources commonly identified as those that are reasonably expected to be realized in cash or sold or consumed during the normal operating cycle of the business.

(c) "Current closure cost estimate" means the most recent of the estimates prepared in accordance with Chapter 5, Article 3.4, Section 18263.

(d) "Current liabilities" means obligations whose liquidation is reasonably expected to require the use of existing resources properly classifiable as current assets or the creation of other current liabilities.

(e) "Current postclosure cost estimate" means the most recent of the estimates prepared in accordance with Chapter 5, Article 3.4, Section 18266.

(f) "Enterprise fund" means a fund meeting the requirements of Section 18285, of this Article, that is established to account for the financing of self-supporting activities of a government unit that renders services on a user-fee basis.

(g) "Financial means test" means the financial assurance mechanism specified in Section 18289, of this Article, by which an operator demonstrates its ability to pay future postclosure maintenance costs by satisfying a prescribed set of financial criteria.

(h) "Financial reporting year" means the twelve-month period for which financial statements that are used to support the financial means test are prepared.

(i) "Government securities" means financial obligations meeting the requirements of Section 18286, of this Article, that are issued by a federal, state, or local government, including general obligation bonds, revenue bonds, and certificates of participation.

(j) "Guarantee" means a contract meeting the requirements of Section 18291, of this Article, by which a guarantor promises that, if the operator fails to perform postclosure maintenance, the guarantor will perform postclosure maintenance or will establish and fund a trust fund in the name of the operator to pay for such activities.

(k) "Letter of credit" means a contract meeting the requirements of Section 18287, of this Article, by which the issuing institution promises to extend credit on behalf of an operator to the Board or the local enforcement agency upon the presentation of the mechanism in accordance with its terms.

(l) "Liabilities" means probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future, as a result of past transactions or events.

(m) "Net working capital" means current assets minus current liabilities.

(n) "Net worth" means total assets minus total liabilities and is equivalent to owner's equity.

(o) "Operating" means currently active or the period of site activity from the first receipt of waste until the final receipt of waste consistent with the normal pattern of operation in the solid waste facilities permit.

(p) "Parent corporation" means a corporation that owns directly or through its subsidiaries at least 50 percent of the voting stock of a corporation that operates a solid waste landfill.

(q) "Pledge of revenue" means a financial assurance mechanism meeting the requirements of Section 18290, of this Article, by which a government unit promises to make specific, identified future revenue available to pay future postclosure maintenance costs.

(r) "Permitted capacity filled during the past year" means the portion of a solid waste landfill's total permitted capacity that was filled during the following period:

(1) From the effective date of this Article until 60 days prior to any anniversary date of the establishment of a trust fund or an enterprise fund that occurs within one year after the effective date; and

(2) From 60 days before any other anniversary date of the establishment of a trust fund or an enterprise fund to 60 days before the subsequent anniversary date.

(s) "Provider of financial assurance" means an entity, other than an operator, that provides financial assurance to an operator of a solid waste landfill, including a trustee, an institution issuing a letter of credit, a surety company, a guarantor, or an institution providing a financial assurance mechanism used in conjunction with an enterprise fund or government securities, or pledge of revenue.

(t) "Substantial business relationship" means a business relationship that arises from a pattern of recent or ongoing business transactions, in addition to the issuance of a guarantee under Section 18291 of this Article.

(u) "Surety bond" means a contract meeting the requirements of Section 18288, of this Article, by which a surety company promises that, if the operator fails to perform required closure and/or postclosure maintenance, the surety company will be liable for the operator's responsibilities as specified by the bond.

(v) "Tangible net worth" means the tangible assets that remain after deducting liabilities; such assets do not include intangibles such as goodwill and rights to patents or royalties.

~~(w)(w)~~ "Total permitted capacity" means the capacity approved by the landfill's permit, including any changes in capacity approved by a new permit or a permit modification; but excluding any capacity filled prior to ~~the effective date of these regulations, August 18, 1989~~.

~~(w)(x)~~ "Trust fund" means a contract meeting the requirements of Section 18284, of this Article, by which the operator transfers assets to a trustee to hold on behalf of the Board or its designee to pay closure and/or postclosure maintenance costs.

NOTE: Authority cited: Sections 66790(f) and 66796.22(d), Government Code. Reference: Section 66796.22(f), Government Code.

Section 18282. Amount of Required Coverage.

(a) Except as otherwise noted in subsections (b) through (d), the operator of each solid waste landfill shall demonstrate financial responsibility to the Board and the local enforcement agency in at least the following amounts:

- (1) For closure, the current closure cost estimate; and
- (2) For postclosure maintenance, the current postclosure cost estimate.

(b) Except as provided in subsections (c) and (d) and Section 18283(c) of this Article, an operator that uses a trust fund or an enterprise fund to demonstrate financial responsibility shall maintain a fund balance that equals or exceeds the amount specified by the following provisions:

(1) By each anniversary date of the establishment of the fund, the operator shall estimate the permitted capacity filled during the past year. This estimate shall be consistent with information in the landfill's Report of Disposal Site Information specified in Chapter 5, Article 3.2, Section 18222(c).

(2) On the effective date of this Article, the minimum fund balance shall be zero dollars (\$0).

(3) On each anniversary date of the establishment of the fund, the minimum fund balance shall be increased by the quantity determined by the following formulas, where C_t is the permitted capacity filled in the past year, C_r is the total permitted capacity, and E is the current closure and/or postclosure cost estimate(s) covered by the fund:

- (i) $C_t/C_r \times E$, for anniversary dates that occur before September 28, 1993; and
- (ii) $2 \times C_t/C_r \times E$, for anniversary dates that occur on or after September 28, 1993.

(4) The fund buildup shall be complete when the fund balance is at least equal to the current closure and/or postclosure cost estimate(s) covered by the fund.

(c) Except as provided in subsection (d) and Section 18283(c) of this Article, if an operator establishes a trust fund or an enterprise fund after having used one or more alternate mechanisms, the initial fund balance shall be at least equal to the amount specified by subsection (b).

(d) If an operator uses a trust fund or an enterprise fund to demonstrate financial responsibility for a solid waste landfill that is scheduled to close prior to September 28, 1992, the operator shall build up the fund balance according to a schedule of payments, established by the operator and approved by the Board and the local enforcement agency, under which the buildup shall be complete by the estimated date of closure.

NOTE: Authority cited: Sections 66790(f) and 66796.22(d), Government Code. Reference: Sections 66796.22(b), 66796.22(f), and 66796.22(h), Government Code.

Section 18283. Acceptable Mechanisms and Combinations of Mechanisms.

(a) Subject to the limitations of subsections (b) through (f), an operator shall use any one or any combination of the mechanisms specified in Sections 18284 through 18291, of this Article, to demonstrate financial responsibility for one or more solid waste landfills.

(b) Any mechanism used to demonstrate financial responsibility shall be updated within 60 days after changes are made in the amount of any current closure or postclosure cost estimate covered by the mechanism.

(c) If an operator combines a trust fund and/or an enterprise fund with any other mechanism to cover closure costs and/or to cover postclosure maintenance costs, the operator ~~shall not be eligible to~~ may only use the fund buildup authorized by Section 18282(b), of this Article, for ~~such the portion of~~ closure and/or postclosure maintenance costs ~~covered by the trust fund and/or enterprise fund.~~

(d) The enterprise fund, ~~and government securities, and pledge of revenue~~ mechanisms are acceptable only for solid waste landfills that are operated by a government agency. ~~A government operator may use a pledge of revenue may be used by an operator or provider of financial assurances that is a government agency for a solid waste landfill to demonstrate financial responsibility for postclosure maintenance only.~~

(e) An operator shall not combine a performance bond with any other mechanism(s) for closure or for postclosure maintenance.

(f) The financial means test and guarantee are acceptable mechanisms only for solid waste landfills that are operated by private firms.

(1) A private operator may use a financial means test and/or guarantee to demonstrate financial responsibility for postclosure maintenance only.

(2) A private operator may combine a financial means test with a guarantee only if, for the purpose of meeting the requirements of the financial means test, the financial statements of the operator are not consolidated with the financial statements of the guarantor.

~~(g) A government agency may act as a provider of financial assurance for a solid waste landfill by using a pledge of revenue to demonstrate financial responsibility for postclosure maintenance on behalf of the operator, if either:~~

~~(1) the agency owns the solid waste landfill; or~~

~~(2) the agency is the rate setting authority and has control of the waste stream in the jurisdiction where the solid waste landfill is located.~~

NOTE: Authority cited: Sections 66790(f) and 66796.22(d), Government Code. Reference: Section 66796.22(f), Government Code.

Section 18284. Trust Fund.

(a) The trust fund shall have a trustee that is authorized to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

(b) The trust agreement shall be worded as specified by and established by utilizing CWMB Form 100 (611/89) which is incorporated by reference.

(c) If, at any time, the value of the trust fund is greater than the required amount of coverage minus the amount of coverage demonstrated by other mechanisms, the operator may request in writing that the Board authorize the release of the excess funds. No later than 60 days after receiving such a request, the Board will review the request and, if any excess funds are verified, will instruct the trustee to release the funds.

NOTE: Authority cited: Sections 66790(f) and 66796.22(d), Government Code. Reference: Section 66796.22(f), Government Code.

Section 18285. Enterprise Fund.

(a) The enterprise fund shall dedicate its revenue exclusively or with exclusive first priority to financing closure and/or postclosure maintenance.

(b) Revenue generated by an enterprise fund shall be deposited into a financial assurance mechanism that the operator demonstrates, to the satisfaction of the Board, meets the following requirements:

(1) The mechanism will provide equivalent protection to a trust fund in ensuring that the assured amount of funds will be available in a timely manner for closure and/or postclosure maintenance;

(2) The revenue deposited into the mechanism will be used exclusively to finance closure and/or postclosure maintenance and will remain inviolate against all other claims, including any claims by the operator, the operator's governing body, and the creditors of the operator and its governing body;

(3) The mechanism authorizes the Board to direct the provider of financial assurance to pay closure or postclosure maintenance if the Board determines that the operator has failed to perform closure or postclosure maintenance activities covered by the mechanism;

(4) The financial operations of the provider of the financial assurance are regulated by a federal or state agency, or the provider is otherwise certain to maintain and disburse the assured funds properly;

(5) If the provider of financial assurance has authority to invest revenue deposited into the mechanism, the provider shall exercise investment discretion similar to a trustee; and

(6) The mechanism meets other requirements that the Board determines are needed to ensure that the assured amount of funds will be available in a timely manner for closure and/or postclosure maintenance.

NOTE: Authority cited: Sections 66790(f) and 66796.22(d), Government Code. Reference: Section 66796.22(f), Government Code.

Section 18286. Government Securities.

(a) The terms of issuance of government securities shall specify that proceeds from the sale of the securities shall be deposited into a financial assurance mechanism that meets the requirements of Section 18285(b) of this Article.

(b) The securities shall have been issued and the proceeds already deposited into the financial assurance mechanism.

NOTE: Authority cited: Sections 66790(f) and 66796.22(d), Government Code. Reference: Section 66796.22(f), Government Code.

Section 18287. Letter of Credit.

(a) The institution issuing a letter of credit shall have the authority to issue letters of credit and its letter-of-credit operations shall be regulated and examined by a federal or state agency.

(b) The letter of credit shall be worded and completed as specified by CWMB Form 101 (6/89) which is incorporated by reference.

(c) The letter of credit shall be accompanied by a letter from the operator identifying the number, issuing institution, and date of issuance of the letter of credit and the name, address, solid waste information system number, and amount of funds assured by the letter of credit for closure and/or postclosure maintenance for each solid waste landfill.

(d) The letter of credit shall be irrevocable and shall be issued for a period of at least one year, except as noted in subsection (2).

(1) The letter of credit shall provide that the expiration date will be automatically extended for a period of at least one year, unless the issuing institution provides notice of termination as specified in Section 18293(a) of this Article.

(2) If an operator fails to demonstrate alternate coverage within 60 days after receiving of a notice of termination, the Board may allow an issuing institution to extend the term of a letter of credit for a period of time shorter than one year.

(e) The issuing institution shall become liable under the terms of the letter of credit if the Board determines that the operator has failed to perform closure or postclosure maintenance as guaranteed by the mechanism.

NOTE: Authority cited: Sections 66790(f) and 66796.22(d), Government Code. Reference: Section 66796.22(f), Government Code.

Section 18288. Surety Bond.

(a) The surety company issuing a surety bond shall be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury which is published on July 1 of each year in the Federal Register and which is incorporated by reference.

(b) The surety bond shall be worded and completed as specified by one of the following forms, which shall be supplied by the Board:

(1) CWMB Form 102 (6/89) which is incorporated by reference, for a surety bond guaranteeing performance; or

(2) CWMB Form 103 (6/89) which is incorporated by reference, for a surety bond guaranteeing payment.

(c) The surety company shall become liable under the terms of the bond if the Board determines that the operator has failed to perform closure or postclosure maintenance as guaranteed by the bond.

NOTE: Authority cited: Sections 66790(f) and 66796.22(d), Government Code. Reference: Section 66796.22(f), Government Code.

Section 18289. Financial Means Test.

(a) To pass the financial means test, an operator or a guarantor shall meet the criteria of either subsection (c) or (d) based on year-end financial statements for the latest completed fiscal year.

(b) The phrase "current cost estimates covered by the test" as used in subsections (c) and (d) refers to the current closure and/or postclosure cost estimates required by subsection (e)(1) to be shown in paragraphs 1 and 2 of the letter from the chief financial officer.

(c) The operator or guarantor shall have:

(1) Two of the following three ratios: a ratio of total liabilities to net worth that is less than 2.0; a ratio of the sum of net income plus depreciation, depletion, and amortization to total liabilities that is greater than 0.1; and a ratio of current assets to current liabilities that is greater than 1.5; and

(2) Net working capital and tangible net worth each at least six times the sum of the current cost estimates covered by the test; and

(3) Tangible net worth of at least \$10 million; and

(4) Assets located in the United States amounting to at least 90 percent of its total assets or at least six times the sum of the current cost estimates covered by the test.

(d) The operator or guarantor shall have:

- (1) A current rating for its most recent bond issuance of AAA, AA, A, or BBB issued by Standard and Poor or Aaa, Aa, A, or Baa as issued by Moody's; and
- (2) Tangible net worth at least six times the sum of the current cost estimates covered by the test; and
- (3) Tangible net worth of at least \$10 million; and
- (4) Assets located in the United States amounting to at least 90 percent of its total assets or at least six times the sum of the current cost estimates covered by the test.

(e) To demonstrate that the financial means test criteria are met, the operator or guarantor shall submit the following items to the Board and the local enforcement agency and, in the case of a guarantor, to the operator within 90 days after the close of each financial reporting year:

(1) A letter on the operator's or guarantor's official letterhead stationary that is worded and completed as specified in CWMB Form 104 (6/89) which is incorporated by reference and contains an original signature of the operator's or guarantor's chief financial officer.

(2) A copy of an independent certified public accountant's report on examination of the operator's or guarantor's financial statements for the latest completed fiscal year, with a copy of the operator's or guarantor's financial statements for the latest completed fiscal year.

(3) A special report by an independent certified public accountant stating that:

(A) He or she has compared the data that the letter from the chief financial officer specifies as having been derived from the latest year-end financial statements of the operator or guarantor, with the amounts in such financial statements; and

(B) In connection with that comparison, no matters came to his or her attention that caused him or her to believe that the specified data should be adjusted.

(4) A copy of the operator's or guarantor's most recent Form 10-K filed with the U.S. Securities and Exchange Commission, if the operator or guarantor is required to make such a filing.

(f) The Board may require reports of financial condition at any time from the operator. If the Board finds, on the basis of such reports or other information that the operator no longer meets the financial means test requirements of subsections (c) or (d) based on year-end financial statements, the operator shall obtain alternate coverage within 30 days after receiving the notification of such a finding.

(g) If an operator using the financial means test to provide financial assurance fails to meet the requirements of the financial means test under subsections (c) or (d) based on the year-end financial statements, the operator shall obtain alternate coverage within 120 days after the end of the year for which financial statements have been prepared.

(h) If the operator fails to obtain alternate coverage within the times specified in subsections (f) or (g), the operator shall notify the Board and the local enforcement agency of such failure.

NOTE: Authority cited: Sections 66790(f) and 66796.22(d), Government Code. Reference: Section 66796.22(f), Government Code.

Section 18290. Pledge of Revenue.

(a) A pledge of revenue shall consist of a resolution by the governing body of the operator or provider of financial assurance authorizing an agreement between the operator or provider of financial assurance and the Board to establish the pledge. The resolution and the agreement shall remain effective continuously throughout the period in which the pledge of revenue is used to satisfy the requirements of Section 18283 of this Article.

(b) The agreement establishing the pledge of revenue shall contain the following items:

- (1) The types and sources of pledged revenue;
- (2) The amount of revenue pledged from each source;
- (3) The period of time that each source of revenue is pledged to be available; and
- (4) The solid waste landfill(s) and the current postclosure cost estimate(s) that are covered by the pledge.

~~(5) The authorization for the Board to direct payment for postclosure maintenance if the Board determines that the operator has failed to perform postclosure maintenance activities covered by the mechanism.~~

(c) ~~An operator or provider of financial assurance~~ shall pledge the following types of revenue that the operator ~~or provider of financial assurance~~ controls and that will be available in a timely manner to pay for postclosure maintenance:

- (1) User fees, rents, or other guaranteed revenue from existing or planned solid waste facilities;
- (2) Tax increases within statutory limitations; and/or
- (3) Other guaranteed revenues that are acceptable to the Board.

(d) If an operator ~~or provider of financial assurance~~ ceases at any time to retain control of its ability to allocate any pledged revenue to pay postclosure maintenance costs, the operator ~~or provider of financial assurance~~ shall notify the Board and the local enforcement agency and shall obtain alternate coverage within 60 days after control lapses.

NOTE: Authority cited: Sections 66790(f) and 66796.22(d), Government Code. Reference: Section 66796.22(f), Government Code.

Section 18291. Guarantee.

(a) The guarantor shall be:

- (1) A parent corporation of the operator;
- (2) A firm whose parent corporation is also the parent corporation of the operator; or
- (3) A firm engaged in a substantial business relationship with the operator and issuing the guarantee as an act incident to that business relationship.

(b) The guarantor shall meet and comply with the requirements of Section 18289(a), (b), (c) or (d), and (e) of this Article.

(c) The guarantee shall be worded and completed as specified by CWMB Form 105 (6/89) which is incorporated by reference.

(d) The terms of the guarantee shall specify that if the operator fails to perform postclosure maintenance in accordance with the applicable approved postclosure plan and permit requirements when required to do so, the guarantor shall either:

- (1) Perform postclosure maintenance in accordance with the applicable approved postclosure plan and permit requirements; or
- (2) Establish and fund a trust fund, as specified in Section 18284(a) and (b), of this Article, in the name of the operator in the amount of the applicable current postclosure cost estimate covered by the guarantee.

(f) If the guarantor fails to meet the requirements of the financial means test under Section 18289(c) or (d), of this Article, based on the year-end financial statements, the guarantor shall, within 90 days after the end of that financial reporting year and before cancellation or nonrenewal of the guarantee, send by registered or certified mail notice of such failure to the operator, the Board, and the local enforcement agency. The guarantee will terminate no less than 120 days after the date that the operator, the Board, and the local enforcement agency have all received the notice of such failure, as evidenced by the return receipts.

(g) The Board may require reports of financial condition at any time from a guarantor. If the Board finds, on the basis of such reports or other information, that the guarantor no longer meets the financial means test requirements of Section 18289(c) or (d), of this Article, or any requirements of Section 18291, the Board will notify the guarantor and operator of such finding and the guarantee shall terminate no less than 120 days after the date both the guarantor and the operator receive such notification.

NOTE: Authority cited: Sections 66790(f) and 66796.22(d), Government Code. Reference: Section 66796.22(f), Government Code.

Section 18292. Substitution of Mechanisms by Operator.

(a) An operator may substitute any alternate financial assurance mechanism(s) acceptable to the Board as specified in this Article, provided that at all times the operator maintains an effective mechanism or a combination of effective mechanisms that satisfies the requirements of Section 18283 of this Article.

(b) After obtaining alternate financial assurance, an operator may request that the Board terminate or authorize the termination of a financial assurance mechanism. The operator shall submit such a request in writing with evidence of alternate financial assurance.

(c) Following approval by the Board, the operator may cancel a financial assurance mechanism by giving notice to the provider of financial assurance.

NOTE: Authority cited: Sections 66790(f) and 66796.22(d), Government Code. Reference: Section 66796.22(f), Government Code.

Section 18293. Cancellation or Nonrenewal by a Provider of Financial Assurance.

(a) Except as otherwise provided, a provider of financial assurance may cancel or fail to renew a financial assurance mechanism by sending a notice of termination by registered or certified mail to the operator, the Board, and the local enforcement agency.

(b) Termination of a letter of credit, a surety bond, or a guarantee shall not occur until 120 days after the date on which the operator, the Board, and the local enforcement agency have all received the notice of termination, as evidenced by the return receipts.

(c) If a provider of financial assurance cancels or fails to renew a mechanism for reasons other than its bankruptcy or incapacity, the operator shall obtain alternate coverage within 60 days after receiving the notice of termination. If the operator fails to obtain alternate coverage within the 60 days, the operator shall notify the Board and the local enforcement agency of such failure.

NOTE: Authority cited: Sections 66790(f) and 66796.22(d), Government Code. Reference: Section 66796.22(f), Government Code.

Section 18294. Bankruptcy or Other Incapacity of Operator or Provider of Financial Assurance.

(a) Within 10 days after commencement of a voluntary or involuntary proceeding under the Bankruptcy Code, 11 U.S.C., Sections 101-1330, naming an operator as debtor, the operator shall notify the Board and the local enforcement agency by registered or certified mail of such commencement and submit the appropriate evidence listed in Section 18296(b), of this Article, documenting current financial responsibility.

(b) Within 10 days after commencement of a voluntary or involuntary proceeding under the Bankruptcy Code, 11 U.S.C., Sections 101-1330, naming a provider of financial assurance as debtor, such provider shall notify the operator, the Board, and the local enforcement agency by registered or certified mail of such commencement.

(c) An operator will be deemed to be without the required financial assurance in the event of bankruptcy or other incapacity of its provider of financial assurance or in the event of a suspension or revocation of the authority of the provider of financial assurance to issue a mechanism. If such an event

occurs, the operator shall demonstrate alternate financial assurance as specified in this Article within 60 days after receiving notice of the event. If the operator fails to obtain alternate coverage within the 60 days, the operator shall notify the Board and the local enforcement agency of such failure.

NOTE: Authority cited: Sections 66790(f) and 66796.22(d), Government Code. Reference: Section 66796.22(f), Government Code.

Section 18295. Depository Trust Fund.

(a) The Board may require an operator using a letter of credit, a surety bond, or, as applicable, a financial assurance mechanism used in conjunction with an enterprise fund or with government securities, to establish a depository trust fund meeting the requirements of subsection (c) if:

(1) The operator fails to demonstrate alternate financial assurance within 60 days after receiving notice of cancellation of the mechanism; or

(2) The operator fails to perform closure or postclosure maintenance in accordance with the applicable approved closure or postclosure plan and permit requirements when required to do so by the Board or the local enforcement agency and, in the case of a performance bond, the surety company fails to perform such activities on behalf of the operator.

(b) The Board may require an institution issuing a letter of credit, a surety company, or, as applicable, a provider of a financial assurance mechanism used in conjunction with an enterprise fund or government securities to:

(1) Establish a depository trust fund meeting the requirements of subsection (c) if the operator fails to establish a depository trust fund as required by subsection (a); and

(2) Place into the depository trust fund an amount of funds, stipulated by the Board, up to the limit of funds provided by the financial assurance mechanism.

(c) The depository trust fund shall meet the requirements of Section 18284(a) and (b) of this Article.

(d) The Board may draw on the depository trust fund as specified by the trust agreement.

(e) If, at any time, the value of the depository trust fund is greater than the required amount of coverage minus the amount of coverage demonstrated by other mechanisms, the provider of financial assurance that established the depository trust fund may request in writing that the Board authorize the release of the excess funds. No later than 60 days after receiving such a request, the Board will review the request and, if any excess funds are verified, will instruct the trustee to release the funds.

NOTE: Authority cited: Sections 66790(f) and 66796.22(d), Government Code. Reference: Section 66796.22(f), Government Code.

Section 18296. Recordkeeping and Reporting.

(a) An operator shall maintain evidence of all financial assurance mechanisms used to demonstrate financial responsibility until the operator is released from the requirements of this Article under Section 18297. This evidence shall be maintained at the solid waste landfill, whenever possible. When no office is located at the landfill, the evidence shall be maintained at an alternate, designated location that is approved by the Board and accessible to the operator.

(b) The operator shall maintain the following types of evidence:

(1) Each operator shall maintain the original or a copy of each assurance mechanism used to provide financial responsibility under this Article and documentation of the estimated total permitted capacity of the solid waste landfill.

(2) An operator using a trust fund or an enterprise fund with a buildup period specified by Section 18282(b), of this Article, shall maintain documentation of the remaining capacity filled during the past year for each landfill covered by the fund for each year of the buildup period.

(3) An operator using a trust fund or an enterprise fund with a schedule of payments specified under Section 18282(d), of this Article, shall maintain documentation of the schedule.

(4) An operator using an enterprise fund shall maintain a copy of the following:

(A) All official resolutions, forms, letters, or other pertinent documents generated to establish the fund;

(B) The annual financial statements of the fund; and

(C) With respect to the financial assurance mechanism into which enterprise fund revenue is deposited:

(i) The mechanism, which shall identify the solid waste landfills and the current closure and/or postclosure costs estimate(s) covered by the mechanism;

(ii) A letter from an authorized officer of the institution maintaining the mechanism identifying the amount of coverage provided by the mechanism as of the date of its establishment and each anniversary date of establishment; and

(iii) Documentation that the mechanism meets the requirements of Section 18285(b) of this Article.

(5) An operator using government securities shall maintain a copy of the following:

(A) All official resolutions, forms, letters, or other pertinent documents generated to issue the securities;

(B) The terms of issuance of the securities; and

(C) With respect to the financial assurance mechanism into which proceeds from the issuance are deposited, the information listed in subsection (4)(C)(i), (ii), and (iii).

(6) An operator using a pledge of revenue shall ~~maintain a copy of both~~ of the following:

(A) ~~Maintain a copy of the following:~~

(i) All official resolutions, forms, letters, and other pertinent documentation generated to authorize the pledge of revenue;

(B) ~~(i)~~ The agreement between the Board and the operator or provider of financial assurance as specified in Section 18290(b) of this Article; and

(C) ~~(ii)~~ Documentation that the pledged revenue will be available in a timely manner to pay postclosure maintenance costs.

(B) ~~Submit to the local enforcement agency and the Board, at least annually in conjunction with the adjustment of cost estimates pursuant to Title 14, CCR, Section 18272(d), a demonstration that the pledge is still in effect.~~

(7) An operator using a financial means test or a guarantee shall maintain a copy of the information specified in Section 18289(e) of this Article.

(8) An operator using a guarantee shall maintain documentation of the guarantor's qualifications for providing a guarantee under Section 18291(a) of this Article.

(c) An operator shall submit current evidence of financial responsibility, as described in subsection (b), to the Board and the local enforcement agency:

(1) Whenever a financial assurance mechanism is established or amended. In the case of a letter of credit, surety bond, financial test, or guarantee, such documentation shall include the original mechanism or amendment;

(2) With the submission of a closure or a postclosure plan required by Chapter 5, Article 3.4, Section 18255 or the amendment of a cost estimate in a closure or postclosure plan as required by Chapter 5, Article 3.4, Section 18272;

(3) If the operator fails to obtain alternate coverage as required by this Article, within 60 days after the operator receives notice of:

(A) Commencement of a voluntary or involuntary proceeding under the Bankruptcy Code, 11 U.S.C., Sections 101-1330, naming a provider of financial assurance as a debtor,

(B) Suspension or revocation of the authority of a provider of financial assurance to issue a financial assurance mechanism,

(C) Failure of a guarantor to meet the requirements of the financial means test, or

(D) Other incapacity of a provider of financial assurance; or

(4) If the operator fails to increase the balance of a trust fund or an enterprise fund in accordance with the buildup specified by Section 18282(b), of this Article, or with the schedule of payments specified by Section 18282(d) of this Article.

NOTE: Authority cited: Sections 66790(f) and 66796.22(d), Government Code. Reference: Section 66796.22(f), Government Code.

Section 18297. Release of an Operator from the Requirements.

(a) After receiving and approving certification of closure from an operator as specified by Chapter 5, Article 3.4, Section 18275, the Board shall notify the operator in writing that it is no longer required to maintain financial assurance for closure of the particular solid waste landfill pursuant to this Article.

(b) When the Board determines that an operator has completed postclosure maintenance in accordance with the applicable postclosure plan and permit requirements, the Board shall notify the operator in writing that it is no longer required to maintain financial assurance for postclosure maintenance of the particular solid waste landfill pursuant to this Article.

(c) When operational control of a solid waste landfill is transferred, the existing operator shall remain subject to the requirements of this Article until the Board issues a permit to the new operator.

(d) When the Board releases an operator that is using a trust fund or a similar financial assurance mechanism in conjunction with an enterprise fund or government securities from the requirements of this Article, the Board shall authorize the termination of the trust fund or the similar mechanism.

NOTE: Authority cited: Sections 66790(f) and 66796.22(d), Government Code. Reference: Section 66796.22(f), Government Code.

STANDARD CWMB FORMS

TRUST AGREEMENT

Trust Account Number: _____

This agreement is entered into as of _____ by and between:
(Date)

GRANTOR		TRUSTEE
Operator Name:		Trustee Name:
Address:		Address:
Corporation Partner In the State of _____	Association Proprietorship	Incorporated in the State of _____ A National Bank

TERMS OF AGREEMENT

WHEREAS, the California Waste Management Board (CWMB) has established regulations applicable to the Grantor in Title 14, California Code of Regulations, Chapter 5, Article 3.5, requiring that an operator of a solid waste landfill shall provide assurance that funds will be available when needed for closure and/or postclosure maintenance of the landfill, and

and WHEREAS, the Grantor has elected to establish a trust to provide all or part of such financial assurance for the landfills identified herein,

and WHEREAS, the Grantor, acting through its duly authorized officers, has selected the Trustee to be the trustee under this agreement, and the Trustee is willing to act as trustee,

NOW THEREFORE, the Grantor and Trustee agree as follows:

Section 1. Definitions. As used in this Agreement:

- (a) The term "Grantor" means the operator who enters into this Agreement and any successors or assigns of the Grantor.
- (b) The term "Trustee" means the Trustee who enters into this Agreement and any successor Trustee.
- (c) The term "Beneficiary" means State of California, Waste Management Board or its designee.
- (d) The term "Local Enforcement Agency" means the agency designated pursuant to California Government Code Section 66796 for the jurisdiction in which a landfill is located.

Section 2. Identification of Landfills and Cost Estimates. This Agreement pertains to the landfills, cost estimates, and determination of primary or excess coverage identified on attached Schedule A (for each landfill identified in Schedule A, list the solid waste information system number, name, address, the current closure and/or postclosure cost estimates (indicate the closure and postclosure amounts separately), or portions thereof for which financial assurance is demonstrated by this Agreement).

Section 3. Establishment of Fund. The Grantor and the Trustee hereby establish a trust fund, the "Fund," for the benefit of the Beneficiary. The Grantor and the Trustee intend that no third party have access to the Fund except as herein provided. The Fund is established initially as consisting of the property, which is acceptable to the Trustee, described in Schedule B attached hereto. Such property and any other property subsequently transferred to the Trustee is referred to as the Fund, together with all earnings and profits thereon, less any payments or distributions made by the Trustee pursuant to this Agreement. The Fund shall be held by the Trustee, IN TRUST, as hereinafter provided. The Trustee shall not be responsible nor shall it undertake any responsibility for the amount or adequacy of, nor any duty to collect from the Grantor, any payments necessary to discharge any liabilities of the Grantor established by the Beneficiary.

Section 4. Payment for Closure and Postclosure Maintenance. The Trustee shall make payments from the Fund as the Beneficiary shall direct, in writing, to provide for the payment of the costs of closure and/or postclosure maintenance of the landfills covered by this Agreement. The Trustee shall reimburse the Grantor or other persons as specified by the Beneficiary from the Fund for closure and postclosure expenditures in such amounts as the Beneficiary shall direct in writing. In addition, the Trustee shall refund to the Grantor such amounts as the Beneficiary specifies in writing. Upon refund, such funds shall not constitute part of the Fund as defined herein.

Section 5. Payments Comprising the Fund. Payments made to the Trustee for the Fund shall consist of cash or securities acceptable to the Trustee.

Section 6. Trustee Management. The Trustee shall invest and reinvest the principal and income of the Fund and keep the Fund invested as a single fund, without distinction between principal and income, in accordance with general investment policies and guidelines that the Grantor may communicate in writing to the Trustee from time to time, subject, however, to the provisions of this Section. In investing, reinvesting, exchanging, selling, and managing the Fund, the Trustee shall discharge his or her duties with respect to the trust fund solely in the interest of the Beneficiary and with the care, skill, prudence and diligence under the circumstances then prevailing that persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of a like character and with like aims; except that:

(i) Securities or other obligations of the Grantor, or any other operator or owner of the landfills, or any of their affiliates as defined in the Investment Company Act of 1940, as amended, 15 U.S.C.80a-2(a), shall not be acquired or held, unless they are securities or other obligations of the Federal or State Government.

(ii) The Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by an agency of the Federal or State Government; and

(iii) The Trustee is authorized to hold cash awaiting investment or distribution uninvested for a reasonable time and without liability for the payment of interest thereon.

Section 7. Commingling and Investment. The Trustee is expressly authorized in its discretion:

(a) To transfer from time to time any or all of the assets of the Fund to any common, commingled or collective trust fund created by the Trustee in which the Fund is eligible to participate, subject to all of the provisions thereof, to be commingled with the assets of other trusts participating therein; and

(b) To purchase shares in any investment company registered under the Investment Company Act of 1940, 15 U.S.C.80a-1 et seq., including one that may be created, managed, underwritten, or to which investment advice is rendered or the shares of which are sold by the Trustee. The Trustee may vote such shares in its discretion.

Section 8. Express Powers of Trustee. Without in any way limiting the powers and discretions conferred upon the Trustee by the other provisions of this Agreement or by law, the Trustee is expressly authorized and empowered:

(a) To sell, exchange, convey, transfer, or otherwise dispose of any property held by it, by public or private sale. No person dealing with the Trustee shall be bound to see to the application of the purchase money or to inquire into the validity or expediency of any such sale or other disposition;

(b) To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;

(c) To register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depository even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depository with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a Federal Reserve bank, but the books and records of the Trustee shall at all times show that all such securities are part of the Fund;

(d) To deposit any cash in the Fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by an agency of the Federal or State Government; and

(e) To compromise or otherwise adjust all claims in favor of or against the Fund.

Section 9. Taxes and Expenses. All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Fund shall be paid from the Fund. All other expenses incurred by the Trustee in connection with the administration of this Trust, including fees for legal services rendered to the Trustee, the

compensation of the Trustee to the extent not paid directly by the Grantor, and all other proper charges and disbursements of the Trustee shall be paid from the Fund.

Section 10. Annual Valuation. The Trustee shall annually, at least 30 days prior to the anniversary date of establishment of the Fund, furnish to the Grantor and Beneficiary a statement confirming the value of the Trust. Any securities in the Fund shall be valued at market value as of no more than 60 days prior to the anniversary date of establishment of the Fund. The failure of the Grantor to object in writing to the Trustee within 90 days after the statement has been furnished to the Grantor and to the Beneficiary shall constitute a conclusively binding assent by the Grantor, barring the Grantor from asserting any claim or liability against the Trustee with respect to matters disclosed in the statement.

Section 11. Advice of Counsel. The Trustee may from time to time consult with counsel, who may be counsel to the Grantor, with respect to any question arising as to the construction of this Agreement or any action to be taken hereunder. The Trustee shall be fully protected, to the extent permitted by law, in acting on the advice of counsel.

Section 12. Trustee Compensation. The Trustee shall be entitled to reasonable compensation for its services as agreed upon in writing from time to time with the Grantor.

Section 13. Successor Trustee. The Trustee may resign or the Grantor may replace the Trustee, but such resignation or replacement shall not be effective until the Grantor has appointed a successor trustee and this successor accepts the appointment. The successor trustee shall have the same powers and duties as those conferred upon the Trustee hereunder. Upon the successor trustee's acceptance of the appointment, the Trustee shall assign, transfer, and pay over to the successor trustee the funds and properties then constituting the Fund. If, for any reason, the Grantor cannot or does not act in the event of the resignation of the Trustee, the Trustee may apply to a court of competent jurisdiction for the appointment of a successor trustee or for instructions. The successor trustee shall specify the date on which it assumes administration of the trust in a writing sent to the Grantor, Beneficiary, and the present Trustee by certified mail ten days before such change becomes effective. Any expenses incurred by the Trustee as a result of any of the acts contemplated by this Section shall be paid as provided in Section 9.

Section 14. Instructions to the Trustee. All orders, requests, and instructions by the Grantor to the Trustee shall be in writing, signed by such persons as are designated in the attached Exhibit A or such other designees as the Grantor may designate by amendment to Exhibit A. The Trustee shall be fully protected in acting without inquiry in accordance with the Grantor's orders, requests, and instructions. All orders, requests, and instructions by the Beneficiary to the Trustee shall be in writing, signed by the Beneficiary designees, and the Trustee shall act and shall be fully protected in acting in accordance with such orders, requests, and instructions. The Trustee shall have the right to assume, in the absence of written notice to the contrary, that no event constituting a change or a termination of the authority of any person to act on behalf of the Grantor or the Beneficiary hereunder has occurred. The Trustee shall have no duty to act in the absence of such orders, requests, and instructions from the Grantor and/or Beneficiary, except as provided for herein.

Section 15. Notice of Nonpayment. The Trustee shall notify the Grantor, Beneficiary, and local enforcement agency, by either registered or certified mail, within 10 days following the expiration of the 30-day period after the anniversary of the establishment of the Trust, if no payment is received from the Grantor during that period. After the pay-in period is completed, the Trustee shall not be required to send a notice of nonpayment.

Section 16. Amendment of Agreement. This agreement may be amended by an instrument in writing executed by the Grantor, Trustee, and Beneficiary, or by the Trustee and Beneficiary, if the Grantor ceases to exist.

Section 17. Irrevocability and Termination. Subject to the right of the parties to amend this Agreement as provided in Section 16, this Trust shall be irrevocable and shall continue until terminated at the written agreement of the Grantor, the Trustee, and the Beneficiary, or by the Trustee and the Beneficiary, if the Grantor ceases to exist. Upon termination of the Trust, all remaining trust property, less final trust administration expenses, shall be delivered to the Grantor.

Section 18. Immunity and Indemnification. The Trustee shall not incur personal liability of any nature in connection with any act or omission, made in good faith, in the administration of this Trust, or in carrying out any directions by the Grantor or the Beneficiary issued in accordance with this Agreement. The Trustee shall be indemnified and saved harmless by the Grantor or from the Trust Fund, or both, from and against any personal liability to which the Trustee may be subjected by reason of any act in conduct in its official capacity, including all expenses reasonably incurred in its defense in the event the Grantor fails to provide such defense.

Section 19. Choice of Law. This Agreement shall be administered, construed, and enforced according to the laws of the State of California.

Section 20. Interpretation. As used in this Agreement, words in the singular include the plural and words in the plural include the singular. The descriptive headings for each Section of this Agreement shall not affect the interpretation or the legal efficacy of this Agreement.

IN WITNESS WHEREOF the parties have caused this Agreement to be executed by their respective officers duly authorized and their corporate seals to be hereunto affixed and attested as of the date first above written: The parties below certify that this document is being executed in accordance with the requirements of Section 18284 of Title 14, California Code of Regulations.

Signature of Grantor:	Title:
Typed or Printed Name of Person Signing:	Seal:
Attest: Title	
Signature of Trustee:	Title:
Typed or Printed Name of Person Signing:	Seal:
Attest: Title	

PRIVACY STATEMENT

This information is requested by the California Waste Management Board under Section 18284 of Title 14, California Code of Regulations in order to verify adequate financial assurance of Solid Waste Landfills. Completion of the form is mandatory. The consequence of not completing the form is denial of a permit to operate a solid waste landfill. Information may be provided to the U.S. Environmental Protection Agency (EPA), State Attorney General, Air Resources Board, California Department of Health Services, Energy Resources Conservation and Development Commission, Water Resources Control Board, and California Regional Water Quality Control Boards. For more information or access to your records, contact the California Waste Management Board, 1020 Ninth Street, Suite 300, Sacramento, CA 95814, (916) 322-3330.

SAMPLE

EXHIBIT A

TRUST AGREEMENT BY AND BETWEEN _____
AND THE _____

As provided for in Section 14 of the Trust Agreement, the persons, other than the officials of the Beneficiary identified in Section 14 of the Trust Agreement, who, until this Exhibit A is amended, shall have the authority to make orders, requests, and instructions to the Trustee are:

Officials of the Grantor.

Officials of the Grantor who have authority to give instructions are:

Name:

Title:

SAMPLE

EXHIBIT A

Any orders, requests or instructions by the Grantor to the Trustee, pursuant to the foregoing Agreement, may be signed by any one or more of the following persons:

Name:

Title:

TRUST AGREEMENT/DEPOSITORY TRUST

SAMPLE SCHEDULE A

This Agreement demonstrates financial assurance for the following cost estimate(s) for the following landfill(s):

Solid Waste Information System Number	Name of Landfill	Address of Landfill	Cost Estimates For Which Financial Assurance Is Being Demonstrated By This Agreement
			Closure: _____ Postclosure: _____ Total: _____

The cost estimates listed here were last adjusted on _____ Date

TRUST AGREEMENT (ONLY)

SAMPLE SCHEDULE B

The fund is established initially as consisting of the following:

\$ _____ as evidenced by
(Spell out dollar amount)

_____ Check Number _____
(Name of Institution drawn on)

dated _____

I hereby certify that funds have been received and deposited.

Authorized Signature	Title:
Typed or Printed Name of Person Signing	Address:

DEPOSITORY TRUST AGREEMENT (ONLY)

SAMPLE SCHEDULE B

List of Property Comprising Trust Fund

None at the time of trust establishment. Funding of this Depository Trust Agreement is contingent upon drafts against that

primary, _____ number _____ and issued by
(Surety Bond or Letter of Credit)

the _____ on _____ in
(issuing institution) (Date)

accordance with the terms of that _____
(Surety Bond or Letter of Credit)

IRREVOCABLE LETTER OF CREDIT

(The Letter of Credit as specified in California Code of Regulations shall preferably be on Bank Safety Paper and shall be worded as follows:)

Date _____

Letter of Credit No. _____

Chief Executive Officer
California Waste Management Board
1020 Ninth Street, Suite 300
Sacramento, CA 95814

Attn: _____

Dear Sir or Madam:

We hereby establish our Irrevocable Letter of Credit in your favor, at the request and for the account of _____ in the
(Operator's name) (address)
aggregate amount of \$ _____ (spell out amount in United States Dollars)
available upon presentation by you of:

- (1) Your sight draft(s) on us bearing reference to this Letter of Credit No. _____ and
- (2) Your signed and dated statement reading as follows:

"We certify that the amount of our draft drawn under _____ (Name of issuing institution)
Letter of Credit No. _____ is payable pursuant to regulations issued under authority of the California
Solid Waste Control Act.

Partial drawings are permitted.

Each draft must be marked "Drawn under _____ (Name of issuing institution)
Letter of Credit No. _____ dated _____."

Each draft must also be accompanied by the original of this Letter of Credit upon which we may endorse our payment.

We hereby agree with you that each draft drawn and presented to us at our above office in _____ (City)
California in compliance with the terms of the Letter of Credit shall be duly honored upon presentation to us, and we shall
deposit the amount of the draft directly into the depository trust fund of _____ (Operator)
in accordance with your instructions. We also hereby agree to establish a depository trust fund in accordance with your
instructions if the operator fails to establish a depository trust fund when required to do so under Section 18295 of Title 14,
California Code of Regulations.

Special Instruction:

This Letter of Credit is valid until _____ and shall thereafter be automatically renewed for a one-year
period upon such date and upon each successive anniversary of such date, unless at least one hundred twenty
(120) days prior to such expiration date or each successive anniversary of such date we notify you, the operator, and
its local enforcement agency in writing by either registered or certified mail that we elect not to renew the Letter of
Credit for such additional period. In the event of such notification, any unused portion of the credit shall be
available upon presentation to us of your clean sight draft on or before the then current expiration date.

This credit is subject to _____ (The most recent edition of the
_____ Uniform Customs and Practiced for Documentary Credits,
_____ Published by the International Chamber of Commerce, or "The Uniform Commercial Code." _____)

(Signature(s) of Official(s) of Issuing Institution)

(Title(s) of Official(s) of Issuing Institution)

(Address of Official(s) of Issuing Institution)

(Date Official(s) of Issuing Institution Signs)

Privacy Statement

This information is requested by the California Waste Management Board under Section 18287 of Title 14, California Code of Regulations in order to verify adequate financial assurance of Solid Waste Landfills. Completion of the form is mandatory. The consequence of not completing the form is denial of a permit to operate a solid waste landfill. Information may be provided to the U.S. Environmental Protection Agency (EPA), State Attorney General, Air Resources Board, California Department of Health Services, Energy Resources Conservation and Development Commission, Water Resources Control Board, and California Regional Water Quality Control Boards. For more information or access to your records, contact the California Waste Management Board, 1020 Ninth Street, Suite 300, Sacramento, CA 95814, (916) 322-3330.

PERFORMANCE BOND

Principal Name: _____

Address: _____

Type of Organization:				State of Incorporation:
<input type="checkbox"/> Joint Venture	<input type="checkbox"/> Individual	<input type="checkbox"/> Partnership	<input type="checkbox"/> Corporation	
Bond Number:	Date Executed:	Effective Date:	Total Penal Sum of Bond:	
Corporation:				Total Penal Sum:

Surety Name: _____

Surety Business Address: _____

SOLID WASTE LANDFILLS COVERED

(Enter closure and postclosure amounts separately. All amounts must total penal amounts.)

If additional space needed, add attachment.

Name of Landfill	Address	Solid Waste Information System Number	Closure Amount	Postclosure Amount
			Total	Total

KNOW ALL PERSONS BY THESE PRESENTS, THAT WE, the Principal and Surety(ies) hereto are firmly bound to the California Waste Management Board (hereinafter called CWMB), in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

WHEREAS said Principal is required, under state regulations, to have a permit in order to operate each solid waste landfill identified above, and

WHEREAS said Principal is required to provide financial assurance for closure and postclosure maintenance, as a condition of the permit, and

WHEREAS said Principal shall establish a depository trust fund as may be required under Section 18295 of Title 14, California Code of Regulations when a surety bond is used to provide such financial assurance;

WHEREAS said Principal shall establish a depository trust fund as may be required under Section 18295 of Title 14, California Code of Regulations when a surety bond is used to provide such financial assurance;

NOW THEREFORE, the conditions of this obligation are such that if the Principal shall faithfully perform closure, whenever required to do so, of each landfill for which this bond guarantees closure, in accordance with the closure plan and other requirements of the permit as such plan and permit may be amended, pursuant to all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended.

AND, if the Principal shall faithfully perform postclosure maintenance of each landfill for which this bond guarantees postclosure maintenance, in accordance with the postclosure plan and other requirements of the permit, as such plan and permit may be amended, pursuant to all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended.

OR, if the Principal shall provide alternate financial assurance as applicable, within 60 days after the date notice of cancellation is received by the Principal, its local enforcement agency, and CWMB from the Surety(ies), then this obligation shall be null and void, otherwise it is to remain in full force and effect.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above.

Upon notification by CWMB that the Principal has been found in violation of applicable closure requirements for a landfill for which this bond guarantees performance of closure, the Surety(ies) shall either perform closure in accordance with the closure plan and other permit requirements; or place the closure amount guaranteed for the landfill into the depository trust fund established by the Principal or, if the Principal fails to establish a depository trust fund, established by the Surety(ies), as directed by CWMB.

Upon notification by CWMB that the Principal has been found in violation of postclosure maintenance requirements for a landfill for which this bond guarantees performance of postclosure maintenance, the Surety(ies) shall either perform postclosure maintenance in accordance with the postclosure plan and other permit requirements; or place the postclosure amount guaranteed for the landfill into the depository trust fund established by the Principal or, if the Principal fails to establish a depository trust fund, established by the Surety(ies), as directed by CWMB.

Upon notification by CWMB that the Principal has failed to provide alternate financial assurance as required, during the 60 days following receipt by the Principal, its local enforcement agency, and CWMB of a notice of cancellation of the bond, the Surety(ies) shall place funds in the amount guaranteed for the landfill(s) into the depository trust fund as directed by CWMB.

The Surety(ies) hereby waive(s) notification of amendments to closure plans, permits, applicable laws, statutes, rules, and regulations and agrees that no such amendment shall in any way alleviate its (their) obligation on this bond.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by either registered or certified mail to the Principal, its local enforcement agency, and CWMB, provided, however, that cancellation shall not occur during the 120 days beginning on the date of receipt of the notice of cancellation by the Principal, its local enforcement agency, and CWMB, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety(ies), provided, however, that no such notice shall become effective until the Surety(ies) receive(s) written authorization from CWMB for termination of the bond.

The following paragraph is an optional rider that may be included, but is not required.

Principal and Surety(ies) hereby AGREE DO NOT AGREE to adjust the penal sum of the bond yearly so that it guarantees a new closure and/or postclosure amount, provided the penal sum does not increase by more than 20 percent in any one year, and no decrease in the penal sum takes place without written permission from CWMB.

IN WITNESS WHEREOF, the Principal and Surety(ies) have executed this Performance Bond and have affixed their seals on the date set forth above.

The parties below certify that this document conforms with the requirements of Section 18288 of Title 14, California Code of Regulations.

Principal Signature: ▶	Corporate Surety(ies) Name:		
Typed or Printed Name of Person Signing:	Address:		
Title:	Signature(s):		
Corporate Seal:	Typed or Printed Name of Person Signing:		
	Title:		
	State of Incorporation:	Liability Limit:	Bond Premium:
	Corporate Seal:		

PRIVACY STATEMENT

This information is requested by the California Waste Management Board under Section 18288 of Title 14, California Code of Regulations in order to verify adequate financial assurance of Solid Waste Landfills. Completion of the form is mandatory. The consequence of not completing the form is denial of a permit to operate a solid waste landfill. Information may be provided to the U.S. Environmental Protection Agency (EPA), State Attorney General, Air Resources Board, California Department of Health Services, Energy Resources Conservation and Development Commission, Water Resources Control Board and California Regional Water Quality Control Boards. For more information or access to your records, contact the California Waste Management Board, 1020 Ninth Street, Suite 300, Sacramento, CA 95814, (916) 322-3330.

FINANCIAL GUARANTEE BOND

Principal Name: _____

Address: _____

Type of Organization:				State of Incorporation:
<input type="checkbox"/> Joint Venture	<input type="checkbox"/> Individual	<input type="checkbox"/> Partnership	<input type="checkbox"/> Corporation	
Bond Number:	Date Executed:	Effective Date:	Total Penal Sum of Bond:	
Corporation:				Total Penal Sum:

Surety Name: _____

Surety Business Address: _____

SOLID WASTE LANDFILLS COVERED

(Enter closure and postclosure amounts separately and whether primary or excess coverage. All amounts must total penal amounts.)

If additional space needed, add attachment.

Name of Landfill	Address	Solid Waste Information System Number	Closure Amount	Postclosure Amount
			Total	Total

KNOW ALL PERSONS BY THESE PRESENTS, THAT WE, the Principal and Surety(ies) hereto are firmly bound to the California Waste Management Board (hereinafter called CWMB), in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where the Surety(ies) are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

WHEREAS said Principal is required, under state regulations, to have a permit in order to operate each solid waste landfill identified above, and

WHEREAS said Principal is required to provide financial assurance for closure and postclosure maintenance, as a condition of the permit, and

AND, if the Principal shall faithfully perform postclosure maintenance of each landfill for which this bond guarantees payment for postclosure maintenance, in accordance with the postclosure plan and other requirements of the permit, as such plan and permit may be amended, pursuant to all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended.

OR, if the Principal shall provide alternate financial assurance, as applicable, within 60 days after the date of notice of cancellation is received by the Principal, its local enforcement agency, and CWMB from the Surety(ies), then this obligation shall be null and void, otherwise it is to remain in full force and effect.

The Surety(ies) shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above. Upon notification by CWMB that the Principal has failed to perform as guaranteed by this bond, the Surety(ies) shall place funds in the amount guaranteed for the landfill(s) into the depository trust fund established by the Principal or, if the Principal fails to establish a depository trust fund, one established by the Surety(ies), as directed by CWMB.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety(ies) hereunder exceed the amount of said penal sum.

The Surety(ies) may cancel the bond by sending notice of cancellation by either registered or certified mail to the Principal, its local enforcement agency, and CWMB, provided, however, that cancellation shall not occur during the 120 days beginning on the date of receipt of the notice of cancellation by the Principal, its local enforcement agency, and CWMB as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety(ies), provided, however, that no such notice shall become effective until the Surety(ies) receive(s) written authorization from CWMB for termination of the bond.

The following paragraph is an optional rider that may be included, but is not required.

Principal and Surety(ies) hereby AGREE DO NOT AGREE to adjust the penal sum of the bond yearly so that it guarantees a new closure and/or postclosure amount, provided that the penal sum does not increase by more than 20 percent in any one year, and no decrease in the penal sum takes place without written permission from CWMB.

IN WITNESS WHEREOF, the Principal and Surety(ies) have executed this Financial Guarantee Bond and have affixed their seals on the date set forth above.

The parties below certify that this document conforms with the requirements of Section 18288 of Title 14, California Code of Regulations.

Principal Signature: ▶	Typed or Printed Name of Person Signing:	Title:
---------------------------	--	--------

Corporate Seal:

Corporate Surety(ies) Name:	Address:
State of Incorporation:	Liability Limit:

Signature(s):	Typed or Printed Name of Person Signing:	Title(s):
Corporate Seal:		

Bond Premium:

PRIVACY STATEMENT

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THIS PAGE INSTRUCTIONS ONLY

**Letter from the Chief Financial Officer
Financial Means Test for Postclosure Maintenance**

(a) A letter from the chief financial officer, as specified in Section 18289 of Title 14, California Code of Regulations, shall be on operator or guarantor letterhead stationery. It shall contain original signature of the chief financial officer and shall be worded as indicated on the attached proforma Form CWMB 104.

(b) The letter from the chief financial officer shall be accompanied by the following items, as specified in Section 18289 of Title 14, California Code of Regulations.

- (1) A copy of an independent certified public accountant's report on the financial statements for the latest completed fiscal year;
- (2) A special report from the independent certified public accountant on the financial data in the letter;
- (3) A copy of the financial statements for the latest completed fiscal year;
- (4) A copy of the Form 10-K most recently filed with the Securities and Exchange Commission, if required; and
- (5) If applicable, the guarantee with wording as specified in Section 18291 of Title 14, California Code of Regulations.

PRIVACY STATEMENT

This information is requested by the California Waste Management Board under Section 18289 of Title 14, California Code of Regulations in order to verify adequate financial assurance of Solid Waste Landfills. Completion of the form is mandatory. The consequence of not completing the form is denial of a permit to operate a solid waste landfill. Information may be provided to the U.S. Environmental Protection Agency (EPA), State Attorney General, Air Resources Board, California Department of Health Services, Energy Resources Conservation and Development Commission, Water Resources Control Board, and California Regional Water Quality Control Boards. For more information or access to your records, contact the California Waste Management Board, 1020 Ninth Street, Suite 300, Sacramento, CA 95814, (916) 322-3330.

ALTERNATIVE I
(Omit if using Alternative II)

1. Sum of current closure and postclosure cost estimates (total of all cost estimates shown in the two numbered paragraphs of the letter to CWMB) \$ _____
2. Total liabilities (if any portion of the closure or postclosure cost estimates is included in total liabilities, you may deduct the amount of that portion from this line and add that amount to lines 3 and 4) \$ _____
3. Tangible net worth \$ _____
4. Net worth \$ _____
5. Current assets \$ _____
6. Current liabilities \$ _____
7. Net working capital (line 5 minus line 6) \$ _____
8. The sum of net income plus depreciation, depletion, and amortization \$ _____
9. Total assets in the United States (required only if less than one 90 percent of the firm's assets are located in the United States) \$ _____
10. Is line 3 at least \$10 million? Yes No
11. Is line 3 at least 6 times line 1? Yes No
12. Is line 7 at least 6 times line 1? Yes No
13. Are at least 90 percent of firm's assets located in the United States? If not, complete line 14 Yes No
14. Is line 9 at least 6 times line 1? Yes No
15. Is line 2 divided by line 4 less than 2.0? Yes No
16. Is line 8 divided by line 2 greater than 0.1? Yes No
17. Is line 5 divided by line 6 greater than 1.5? Yes No

I hereby certify that this letter is worded as specified by the California Waste Management Board and is being executed in accordance with the requirements of Section 18289 of Title 14, California Code of Regulations.

Signature

Typed or Printed Name

Title

Date

Corporate Seal

ALTERNATIVE II
(Omit if using Alternative I)

1. Sum of current closure and postclosure cost estimates
(total of all cost estimates shown in the two numbered paragraphs
of the letter to CWMB) \$ _____

2. Current bond rating of most recent issuance of this firm
and name of rating service _____

3. Date of issuance of bond _____

4. Date of maturity of bond _____

5. Tangible net worth (if any portion of the closure and
postclosure cost estimates is included in "total liabilities"
on your firm's financial statements, you may add the amount
of that portion to this line) \$ _____

6. Total assets in the United States (required only if less than
90 percent of firm's assets are located in the United States) \$ _____

7. Is line 5 at least \$10 million? Yes No

8. Is line 5 at least 6 times line 1? Yes No

9. Are at least 90 percent of firm's assets located in the United States?
If not, complete line 10 Yes No

10. Is line 6 at least 6 times line 1? Yes No

I hereby certify that this letter is worded as specified by the California Waste Management Board and is being executed in accordance with the requirements of Section 18299 of Title 14, California Code of Regulations.

Signature

Typed or Printed Name

Title

Date

Corporate Seal

GUARANTEE

Shall be on guarantor's letterhead stationery. It shall also contain original signature of Guarantor and shall be worded as indicated on the proforma form CWMB 105

Chief Executive Officer
California Waste Management Board
1020 Ninth Street, Suite 300
Sacramento, CA 95814

Guarantee made this _____ by _____, a business
Date Name of Guarantoring Entity
entity organized under the laws of the State of _____, herein referred to as Guarantor, to
Insert Name of State
the California Waste Management Board (CWMB) obligee on behalf of _____
Operator
of _____
Business Address

Recitals

1. Guarantor meets or exceeds the financial means test criteria and agrees to comply with the reporting requirements for guarantors as specified in Sections 18289, 18291, and 18294 of Title 14, California Code of Regulations.
2. Guarantor is a parent corporation of the _____;
Operator
 is a firm whose parent corporation, _____, is also the parent corporation of
Corporate Parent
_____; or engages in a substantial business relationship with
Operator
_____, and is issuing this guarantee as an act incident to that
Operator
business relationship.
3. _____ operates the following solid waste landfill(s)
Operator
covered by this guarantee. [List for each landfill: solid waste information system number, name, and address.]
4. "Postclosure plans" as used below refer to the plan maintained as required by California Government Code Section 66793 (f), for the postclosure maintenance of landfills as identified above.
5. [Insert appropriate phrase: "On behalf of our subsidiary" (if guarantor is a parent corporation of the operator); "On behalf of our affiliate" (if guarantor is a firm whose parent corporation is also the parent corporation of the operator); or "Incident to our business relationship with" (if guarantor is providing guarantee as an incident to a substantial business relationship with the operator)] _____ Guarantor guarantees to CWMB
Operator
that in the event that _____ fails to perform postclosure maintenance
Operator
of the above landfill(s) in accordance with the postclosure plan and other permit requirements whenever required to do so, Guarantor shall do so or establish a trust fund as specified in Section 18284 of Title 14, California Code of Regulations, as applicable, in the name of _____
Operator
in the amount of the applicable current postclosure cost estimate.
6. Guarantor agrees that if at any time during or at the end of any fiscal year before termination of this guarantee the Guarantor fails to meet the financial means test criteria, Guarantor shall send within 90 days, by either registered or

certified mail, notice to CWMB, the _____, and the local enforcement agency of such failure and
that he or she intends to provide alternate financial assurance as specified in Section 18283, as applicable, in the name of
_____ if the _____ fails to obtain such assurance.
Operator Operator

Within 120 days after the end of such fiscal year or other occurrence, Guarantor shall establish such alternate financial
assurance in the name of _____ in the amount of the applicable current postclosure
cost estimate, unless _____ has done so.
Operator Operator

7. Guarantor agrees to notify CWMB, the _____, and the local enforcement agency by either
registered or certified mail of a voluntary or involuntary proceeding under the Bankruptcy Code, 11 U.S.C. Sections 101-1330,
naming Guarantor as debtor within ten days after commencement of the proceeding.
Operator

8. Guarantor agrees that within 30 days after being notified by CWMB of a determination that Guarantor no longer
meets the financial means test criteria or that he or she is disallowed from continuing as a Guarantor of postclosure
maintenance, he or she shall establish alternate financial assurance, as applicable, in the name of _____
unless _____ has done so.
Operator Operator

9. Guarantor agrees to remain bound under this guarantee notwithstanding any or all of the following: amendment
or modification of the postclosure plan, amendment or modification of the permit, the extension or reduction of the time of
performance of postclosure or any other modification or alteration of an obligation of the operator pursuant to Title 14, Division
7, California Code of Regulations.

10. Guarantor agrees to remain bound under this guarantee for so long as _____ must
comply with the applicable financial assurance requirements for the above-listed landfills, except that Guarantor may cancel
this guarantee by sending notice by registered or certified mail to CWMB, the _____,
and the local enforcement agency. Such cancellation shall become effective no earlier than 120 days after receipt of such
notice by CWMB, the _____, and the local enforcement agency, as evidenced by the return receipts.
Operator Operator

11. Guarantor agrees that if _____ fails to provide alternate financial
assurance as specified in Section 18283 of Title 14, California Code of Regulations, as applicable, within 90 days after a notice
of cancellation by Guarantor is received from Guarantor by CWMB, the _____, and
the local enforcement agency from Guarantor, Guarantor shall provide such alternate financial assurance in the name
of _____ in the amount of the applicable current postclosure cost estimate.
Operator Operator

12. Guarantor expressly waives notice of acceptance of this guarantee by CWMB, the _____, or
the local enforcement agency. Guarantor also expressly waives notice of amendments or modifications of the postclosure plan
and of amendments or modifications of the landfill permit(s).
Operator

The parties below certify that this document is being executed in accordance with the requirements of Section 18291
of Title 14, California Code of Regulations.

Effective date: _____

Name of Guarantor

Authorized Signature for Guarantor

▽ _____
Typed or Printed Name of Person Signing

Title of Person Signing

▽ _____
Signature of Witness or Notary and Seal

PRIVACY STATEMENT

This information is requested by the California Waste Management Board under Section 18291 of Title 14, California Code of Regulations, in order to verify adequate financial assurance of solid waste landfills. Completion of this form is mandatory. The consequence of not completing the form is denial of a permit to operate a solid waste landfill. Information may be provided to the U.S. Environmental Protection Agency (EPA), State Attorney General, Air Resources Board, California Department of Health Services, Energy Resources Conservation and Development Commission, Water Resources Control Board, and California Regional Water Quality Control Boards. For more information or access to your records, contact the California Waste Management Board, 1020 Ninth Street, Suite 300, Sacramento, CA 95814, (916) 322-3330.

CALIFORNIA WASTE MANAGEMENT BOARD

AGENDA ITEM # 1B

DECEMBER 14-15, 1989

ITEM:

Consideration of Adoption of Closure/Postclosure Regulations: Chapter 3, Article 7.8, Disposal Site Closure and Postclosure.

KEY ISSUES:

- AB 2448 required the Board to adopt uniform standards for closure and postclosure maintenance.
- Emergency Regulations setting standards for closure and postclosure responsibility were adopted on June 7, 1989 and approved by the Office of Administrative Law on August 18, 1989.
- The 45-day public comment period began on October 6, 1989 and ended with a public hearing on November 20, 1989. Responses to written comments and oral testimony presented at the hearing have been prepared and the regulations have been amended accordingly.

BACKGROUND:

STATUTORY AUTHORITY

AB 2448 (Eastin, 1987) required the California Waste Management Board to adopt emergency regulations for the closure and postclosure maintenance of solid waste landfills by July 1, 1989.

Government Code Section 66796.22 (d) required that these emergency regulations specify uniform closure and postclosure standards.

In addition, the Board has the general authority to adopt regulations. GC Section 66770 directs the Board to adopt minimum standards for solid waste handling and disposal for the protection of air, water, and land from pollution. GC Section 66771 indicates that these standards may be for the location, design, operation, maintenance, and ultimate reuse of solid waste disposal facilities. GC Section 66790(f) empowers the Board to adopt and enforce all regulations reasonably necessary to carry out the policies, requirements and duties of GC Title 7.3.

REGULATORY DEVELOPMENT

In July of 1987, a regulatory work group was formed to review current Board regulations. The Board perceived the need for modification to its existing regulations based upon changing technology, the regulatory community and statutory direction to the Board and other agencies involved in the protection of the public health and safety and the environment. The group began an evaluation of the Board's regulations and determined that in addition to proposed revisions to the standards governing the operation of solid waste facilities, the Board should also direct its effort towards the development of both closure and postclosure maintenance standards as an extension of the operating standards.

In September, 1987, the Legislature affirmed this direction with a mandate to the Board to not only require operators of solid waste landfills to plan for the closure and postclosure of their landfills but to require that they have the financial resources to properly close and maintain the landfills. A closure/postclosure regulations unit was created in January, 1988, when additional resources were provided to the Board to fulfill these requirements.

The first draft of standards was presented to the Board in June 1988. Board staff held subsequent public input workshops in Sacramento and Los Angeles during September 1988.

A second draft of regulations containing the uniform standards for closure and postclosure was presented at the Board's January 26-27, 1989, Board meeting. These draft regulations were distributed to all operators of solid waste facilities, local enforcement agencies, the State Water Resources Control Board, regional water quality control boards and other interested parties on February 7, 1989, for review and comment.

Significant revisions were made to the draft regulations based upon Board direction and public comments received, both written and oral. Because of the volume of comments received on the draft regulations covering both the procedures for approval of the plans and the uniform standards for closure and postclosure maintenance, the responses to each of the comments and the accompanying changes to the draft regulations based upon these comments were presented

REGULATIONS DEVELOPMENT CHRONOLOGY

February 1987 Meeting	Board commits to a comprehensive review of the Board's regulations with closure/postclosure as one of the top priorities.
July 1987	Ad hoc staff regulations group created to perform comprehensive review of regulations.
August 1987 Meeting	Introduction of ad hoc regulations group staff and topics to the Board.
September 28, 1987	AB 2448 (Eastin) signed by Governor and becomes effective as an urgency measure.
December 1987	Closure/postclosure regulations unit created, funded under AB 2448.
January 1988	Comprehensive review of regulations distributed to the Board.
April 1988 Meeting	Discussion on regulatory issues and options on disposal site standards for closure and postclosure.
May 1988 Meeting	Continue discussion on regulatory issues and options on disposal site standards for closure and postclosure.
September 1988	Mass mailing of draft disposal site standards for closure and postclosure and public input workshops in Northern and Southern California.
January 1989 Meeting	Discussion of revised draft disposal site standards for closure and postclosure.
February 1989	Mass mailing of revised draft disposal site standards for closure and postclosure for review and comment.
April 1989 Meeting	Discussion of major policy issues raised in comments received by March 31, 1989.
May 1989 Meeting	Discussion of specific comments and staff responses to comments received by March 31, 1989.
May 1989	Mass mailing of proposed emergency regulations including disposal site standards for closure and postclosure.
June 1989	Board adopts Emergency Regulations.
August 18, 1989	Office of Administrative Law (OAL) approves Emergency Regulations.
September 1989	Submitted Notice of Rulemaking Activity and Initial Statement of Reasons to OAL.
September 1989	Mass mailing of approved Emergency Regulations.
FORMAL RULEMAKING PROCESS:	
October 6, 1989	OAL publishes Notice of Rulemaking Activity beginning 45-day public comment period and mailed the Initial Statement of Reasons.
November 20, 1989	Public Hearing held and Public Comment period ends.
November 29, 1989	15-day Renotice of regulations.
December 14-15, 1989	Public Hearings on the changes to the proposed regulations, and consideration of adoption.
December 18, 1989	Emergency Regulations lapse.

at the Board's May 11-12, 1989, meeting.

EMERGENCY REGULATIONS

On June 7, 1989 the Board adopted Emergency Regulations to implement the standards for solid waste landfill closure and postclosure maintenance as required by Section 66796.22 of the Government Code. These regulations were developed to reflect previous Board direction; additional staff work; the informal workshops held in September, 1988; small topic-specific staff meetings; and written comments received.

Some Sections of the Emergency Regulations, mostly Sections 17773., 17781., and 17782., for Final Cover, Leachate Control, and Ground Water Monitoring, respectively, were objected to by the State Water Resources Control Board (Water Board) on the basis of conflict with their regulations. Board staff and Water Board staff agreed to incorporate most provisions of these Sections to Water Board regulations based on the agreement to promulgate joint regulations between the two agencies. The development of joint regulations has stalled and now seems unlikely.

On August 18, 1989, the Emergency Regulations became effective after approval by the Office of Administrative Law (OAL). These regulations will lapse if no action is taken by the Board before December 18, 1989.

FORMAL RULEMAKING

To start the formal rulemaking process, Board staff began a 45-day public comment period and noticed formal rulemaking with OAL on October 6, 1989. During this comment period Board staff received written comments from the public at large. A total of 34 sets of written comments were received. Pursuant to the rulemaking process a public hearing was held by the Board on November 20, 1989 to receive public comment and oral testimony on the permanent regulations. These comments, both written and oral, must be addressed by the Board and were used to revise the regulations where appropriate. Many of the comments regarding Chapter 3 Article 7.8 concerned postclosure land use and specifically prohibitions against the placement of piles, utilities, and basements through the final cover. The remainder of the comments concerned procedural, technical, or non-substantial issues. Changes made to the regulations up to this point have been either non-substantial or sufficiently related. Sufficiently related changes require an additional 15 day public comment period, and notice to this effect was submitted to OAL on November 29, 1989. This 15-day public comment period ends on December 14, 1989.

The Board must make several findings pursuant to OAL regulations and the Administrative Procedures Act (APA) in the process of formally adopting regulations. The regulatory package needs to include a statement of reasons and a determination that the adopting agency finds that no alternatives considered would be more effective and less burdensome than the proposed regulations pursuant to Government Code Sections 11346.14 and 11346.7. The

Board must determine if these regulations impose a mandate on local agencies or school districts pursuant to Government Code Section 11346.7. The Board must also demonstrate that any provisions incorporated by reference are necessary because they would be cumbersome, unduly expensive or impractical to publish in the California Code of Regulations. This finding is to be made within the final statement of reasons pursuant to OAL regulations in Title 1 California Code of Regulations Section 20.

Several other regulatory procedures are required by the APA. These procedures and the above findings are addressed within the resolution that follows this agenda item. The Board must transmit to OAL a certified copy of every regulation adopted pursuant to Government Code Section 11343. A certificate of compliance pursuant to Government Code Section 11346.1 must be filed with OAL. Where the regulations mandate the use of specific technologies or equipment, the Board must give reasons why performance standards cannot be used in lieu of prescriptive standards as discussed in Government Code Section 11346.14. The public must be notified of the proposed regulatory action and at least a 45-day public comment period granted pursuant to Government Code Section 11346.4 and 11346.5. The rulemaking record must be made available to the public pursuant to Government Code Section 11346.5. The Board must address economic impacts on small businesses, and cost impacts on private persons or businesses pursuant to Government Code Section 11346.53. The Board needs to submit to OAL a final statement of reasons pursuant to Government Code Section 11346.7. The Board must hold a public hearing and accept comments pursuant to Government Code Section 11346.8. Finally, the Board must maintain a rulemaking file pursuant to Government Code Section 11347.3.

Should the Board elect to make changes to the proposed regulations other than of grammatical or non-substantial nature, then further public comment will be necessary. If the changes are sufficiently related to the original notice published with OAL, then only a 15-day public comment period will be necessary before the Board can adopt the regulations. OAL, however, requires that the rulemaking process be started if major changes are necessary.

Board staff have revised the attached proposed regulations. Specific changes are indicated by ~~strikeout~~ for deletions and red line for additional language.

Board staff will highlight the changes made to the regulations and discuss public comments received concerning these changes. Additional oral testimony may be given by the public at the December 14-15, 1989 Board meeting.

BOARD OPTIONS:

Option 1. Adopt regulations with non-substantial changes. The Board would adopt the regulations package with non-substantial changes for submittal to the Office of Administrative Law (OAL).

Option 2. Direct staff to amend regulations with sufficiently related changes. The Board may determine that changes, which are sufficiently related to the original text, are necessary as a condition of adoption. By choosing this option, the Board would direct staff to make specific changes identified during the Board meeting based on written comments, oral testimony, additional staff work. This option would require a 15-day public comment period. The amended regulations would be presented for consideration of adoption at the January 24-26, 1990 Board meeting. If this option is chosen, the Emergency Regulations would lapse unless OAL grants a time extension.

Option 3. Adopt specific regulations. Using this option, the Board would adopt specific regulations at this time, and direct staff to amend the remaining regulations with changes that are either substantial or sufficiently related. This option would require either renoticing the amended regulations with OAL for a 45-day public comment period, restarting the rulemaking process, or would require a 15 day public comment period. If this option is chosen, specific Emergency Regulations not adopted would lapse unless OAL grants a time extension.

Option 4. Amend regulations with major changes. If the above options cannot resolve major areas of concern, it would be appropriate for the Board to amend the regulations with changes that are significantly different from the original text, and restart the rulemaking process. If this option is chosen, the Emergency Regulations would lapse unless OAL grants a time extension. Staff would pursue necessary revisions based on Board direction and guidance.

STAFF RECOMMENDATION:

Staff recommends that the Board adopt Option 1.

Attachment

CALIFORNIA WASTE MANAGEMENT BOARD

**RESOLUTION # 89-100
FOR THE ADOPTION OF REGULATIONS FOR:
CHAPTER 3, ARTICLE 7.8, MINIMUM STANDARDS FOR
WASTE HANDLING AND DISPOSAL, DISPOSAL SITE
CLOSURE AND POSTCLOSURE
DECEMBER 15, 1989**

WHEREAS, Government Code Section 66796.22 required the Board to adopt Emergency Regulations for the closure and postclosure of solid waste landfills on or before July 1, 1989; and

WHEREAS, the Board adopted Emergency Regulations on June 9, 1989; were approved by the Office of Administrative Law and went into effect on August 18, 1989; and

WHEREAS, a Certificate of Compliance pursuant to Government Code Section 11346.1 must be filed with the Office of Administrative Law within 120 days from August 18, 1989 with regard to these regulations; and

WHEREAS, formal notice of rulemaking activity was published on October 6, 1989; there has been a 45-day public comment period; and the Board held a public hearing regarding the standards for closure and postclosure maintenance, Chapter 3, Article 7.8, of Title 14 of the California Code of Regulations on November 20, 1989; and

WHEREAS, the Board has taken these public comments under consideration; and

WHEREAS, since the Board has fulfilled all the requirements of Government Code Sections 11343., 11346.1, 11346.14, 11346.4, 11346.5, 11346.53, 11346.7, 11346.8, and 11347.3; and Title 1 California Code of Regulations Section 20; and

WHEREAS, the Board has maintained rulemaking file which shall be deemed to be the record for the rulemaking proceedings pursuant to the Government Code Section 11347.3; and

WHEREAS, the Board finds that proper closure and postclosure maintenance are necessary for the protection of air, land and water from the effects of pollution from solid waste landfills.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the regulations found in Chapter 3, Article 7.8 (effective as Emergency Regulations August 18, 1989), with only non-substantial changes and direct staff to submit the regulations package and rulemaking file to the Office of Administrative Law.

CERTIFICATION

The undersigned Chief Executive Officer of the California Waste Management Board does hereby certify that the foregoing is a full true and correct copy of a resolution duly and regularly adopted at a meeting of the California Waste Management Board held December 14-15, 1989.

Dated:

George Eowan
Chief Executive

TITLE 14 CALIFORNIA WASTE MANAGEMENT BOARD

CHAPTER 3. MINIMUM STANDARDS FOR SOLID WASTE
HANDLING AND DISPOSAL

Article
7.8 Disposal Site Closure and Postclosure

DETAILED ANALYSIS

Section	
■17760	Scope and Applicability
■17761	Definitions
■17763	Time Frames for Closure
17764	Partial Closure
17765	Closure of Treatment Units
17766	Emergency Response Plan
■17767	Site Security at Closed Landfills Sites
17768	Inspection Upon Completion
17771	Structure Removal
17772	Decommissioning of Environmental Control Systems
17773	Final Cover
■17774	Construction Quality Assurance
17776	Final Grading
17777	Final Site Face
■17778	Final Drainage
17779	Slope Protection and Erosion Control
■17781	Leachate Control During Closure and Postclosure
■17782	Ground Water Monitoring During Closure and Postclosure
17783	Gas Monitoring and Control During Closure and Postclosure
17783.3	Monitoring
17783.5	Perimeter Monitoring Network
17783.7	Structure Monitoring
17783.9	Monitored Parameters
17783.11	Monitoring Frequency
17783.13	Reporting
17783.15	Control
17783.17	Exemptions
17787	Recording
17788	Postclosure Maintenance
17789	Review of Postclosure Maintenance Activities
17792	Change of Ownership During Closure or Postclosure Maintenance
■17796	Postclosure Land Use

- Sections that have been modified from originally noticed text currently in effect as emergency regulations and are subject to comment.

**CHAPTER 3: MINIMUM STANDARDS FOR SOLID WASTE
HANDLING AND DISPOSAL**

**ARTICLE 7.8: DISPOSAL SITE STANDARDS
CLOSURE AND POSTCLOSURE**

Section 17760. Definitions: Scope and Applicability

(a) This Article sets forth the performance standards and the minimum substantive requirements for proper closure, postclosure maintenance and ultimate reuse of solid waste disposal sites to assure that public health and safety and the environment are protected from pollution due to the disposal of solid waste.

(b) The regulations contained in this Article apply to:

- (1) all solid waste disposal sites, including solid waste landfills, not already closed in accordance with applicable requirements; and
- (2) new postclosure activities that may jeopardize the integrity of previously closed sites or pose a potential threat to public health and safety.

NOTE: Authority cited: Sections 66790(f) and 66796.22(d), Government Code. Reference: Sections 66771 and 66796.22(d), Government Code.

Section 17761. Definitions:

(a) The following definitions shall apply to the regulations contained in this Article:

(1) **Abandoned.**

"Abandoned" means the site activity status where a facility has ceased accepting waste but is not closed, in accordance with applicable requirements, and there is no operator responsible party as determined by the local enforcement agency and the Board.

(2) **ASTM Designation: D XXXX-Yr. (Reapproved Yr.) [Revised mo/yr]**

"ASTM Designation: D XXXX" means a standardized field or laboratory test method adopted by the American Society of Testing and Materials. ASTM standards and test methods have been incorporated by reference in this Article in accordance with the following convention:

- a. -Yr. = refers to the year of adoption or year of major revision of the test;
- b. (Reapproved Yr.) = refers to the year of reapproval of the test; and
- c. [Revised mo/yr] = indicates the month and year of the most recent editorial changes.

(3) **Bench.**

"Bench" means a terrace or comparatively level platform breaking the continuity of a slope.

(4) **Board.**

"Board" means the California Waste Management Board.

(5) **Certified Engineering Geologist.**

"Certified Engineering Geologist" means a registered geologist, certified by the State of California, pursuant to Section 7842 of the Business and Professions Code.

(6) Closure.

"Closure" means:

(A) the period of site activity following the final receipt of waste when the approved closure plan is being implemented. The "closure" period ends upon the acceptance of the certification of closure by the approving agencies, or

(B) the process of implementing measures to protect public health and safety, and the environment during the postclosure maintenance period.

(7) Collection Lysimeter.

"Collection Lysimeter" means a device for the collection of vadose zone water.

(8) Containment Structure.

"Containment Structure" means artificial features designed to contain waste constituents including leachates and landfill gas within the waste holding area.

(9) Critical Slope.

"Critical Slope" means a potential slip surface or slope on a site that has the lowest factor of safety.

(10) Day.

"Day" means calendar day unless otherwise specified.

(11) Discrete unit.

"Discrete unit" means a landfill area which is individually described in the closure and postclosure maintenance plans in Chapter 5, and lined or sufficiently separated by geologic materials to allow for individual monitoring of each "discrete unit".

(12) Dynamic Conditions.

"Dynamic Conditions" means under transitory loading conditions, such as during an earthquake.

(13) Earthquake Magnitude.

"Earthquake Magnitude" means the Richter scale of earthquake magnitude used to express the total energy of an earthquake.

(14) Environmental Control System.

"Environmental Control System" means a system to prevent the release of waste constituents from the containment structures of sites.

(15) Factor of Safety.

"Factor of Safety" means the ratio of the forces resisting slope or foundation failure over the forces driving slope or foundation failure.

(16) Foundation Failure.

"Foundation Failure" means the failure of a foundation, soil or rock that serves to support an imposed load, along a surface of weakness.

(17) Freeboard.

"Freeboard" means the vertical distance between the lowest point along the top surface of a surface impoundment dike, berm, or similar feature and the top of the liquid contained therein.

(18) Geologist.

"Geologist" means a person who is engaged in professional geological work under the direct supervision of a registered geologist or registered civil engineer, who is in responsible charge of the work, pursuant to Section 7805 of the Business and Professions Code.

(19) Ground Water.

"Ground Water" means all water below the surface of the land contained in the soil or rock.

(20) Holding facilities.

"Holding facilities" means sedimentation basins/ponds designed to control suspended solids entrained in surface run-off, prior to discharge.

(21) Inactive.

"Inactive" means an intentional period following the initial receipt of waste when a landfill is ~~not operating temporarily idle~~, for a specified period or due to known circumstance not part of the normal operation pattern contained in the solid waste facilities permit.

(22) Iso-settlement map.

"Iso-settlement map" means a contour map showing lines of equal settlement of a landfill over a period of time.

(23) Landfill By-products.

"Landfill By-products" means subsequent products of solid waste landfills including leachate and landfill gas.

(24) Liner.

"Liner" means a continuous layer of natural or artificial material or a continuous membrane of artificial material installed beneath or on the sides of a landfill, which acts as a barrier to vertical or lateral fluid movement.

(25) Liquefaction.

"Liquefaction" means the process ~~in which solid, granular soils are transformed into a liquid state due to seismic or other shaking resulting from seismic or other shaking whereby solid granular material takes on the flowing characteristics of a liquid.~~

(26) Geosynthetic Membrane.

"Geosynthetic Membrane" means any man-made material that functions as an impermeable barrier to the transmission of fluids.

(27) Mitigation Berm.

"Mitigation Berm" means an earthen mound constructed to obscure the active working face from public view.

(28) On-site.

~~"On-site" means located within the permitted site boundary.~~

(29) Operating.

"Operating" means currently active or the period of site activity from the first receipt of waste until the final receipt of waste consistent with the normal pattern of operation in the solid waste facilities permit.

(29)(30) Operating Unit.

"Operating Unit" means those portions of a landfill site which are currently receiving wastes. It includes ~~temporarily idle inactive~~ units that have not been closed pursuant to the requirements of this chapter and at which operation may continue.

(30)(31) Operator.

"Operator" means the landowner or other person who through a lease, franchise agreement or other arrangement with the landowner becomes legally responsible to the State for including, but not limited to, the following requirements for a solid waste landfill:

- (A) obtaining a solid waste facilities permit;
- (B) complying with all applicable federal, state and local requirements;
- (C) the physical operation of the site; and
- (D) closing and maintaining the site during the postclosure maintenance period.

(31)(32) Partial Closure.

"Partial Closure" means the closure of discrete units of a site or the implementation of certain closure activities consistent with the closure of the entire site, in accordance with the approved closure plan.

(32)(33) Peer-Reviewed.

"Peer-Reviewed" means published and independently reviewed by other experts within the same academic field.

(33)(34) Perched Ground Water.

"Perched Ground Water" means saturated ground water that is unconfined and of limited areal extent.

(34)(35) Permeability.

"Permeability" means the ability of natural and artificial materials to transmit fluid.

(35)(36) Principal Gases.

"Principal Gases" means the organic or inorganic constituents of landfill gas, greater than one percent by volume, that typically include carbon dioxide, methane, oxygen, and nitrogen.

(36)(37) Private Access.

"Private Access" means that public access and disposal are not allowed.

(37)(38) Professional Land Surveyor.

"Professional Land Surveyor" means a land surveyor licensed by the State of California pursuant to Section 8747 of the Business and Professions Code.

(38)(39) Registered Civil Engineer.

"Registered Civil Engineer" means a civil engineer registered by the State of California, pursuant to Section 6762 of the Business and Professions Code.

(39)(40) Registered Geologist.

"Registered Geologist" means a geologist registered by the State of California, pursuant to Section 7842 of the Business and Professions Code.

(40)(41) Run-off.

"Run-off" means any precipitation, leachate, or other liquid that drains from any part of a waste management unit.

(41)(42) Run-on.

"Run-on" means any precipitation, leachate, or other liquid that drains onto any part of a waste management unit.

(42)(43) Seiche.

"Seiche" means a periodic oscillation of a body of water ~~whose period~~ whose frequency of oscillation is determined by the resonant characteristics of the containing basin.

(43)(44) Seismic Acceleration.

"Seismic Acceleration" means the acceleration of earth particles caused by earthquakes or other similar forces.

(44)(45) Seismic Acceleration Reduction Factor.

"Seismic Acceleration Reduction Factor" means a mathematical factor for reducing the predicted effects of seismic shaking when local soils or foundation dampen or reduce seismic shaking.

(45)(46) Seismic Amplification.

"Seismic Amplification" means an amplification of seismic shaking caused by local soil or foundation conditions.

(46)(47) Seismic Duration.

"Seismic Duration" means the duration of strong seismic shaking.

(47)(48) Site-Specific.

"Site-Specific" means specific to the local site.

(48)(49) Slope Failure.

"Slope Failure" means the downward and outward movement of ground slopes (e.g., natural rock, soils, artificial fills, or continuations of these materials).

(49)(50) Soil Engineer.

"Soil Engineer" is synonymous with geotechnical engineer; means a registered civil engineer that is qualified to use the title of "soil engineer," pursuant to California Code of Regulations, Title 16, Section 426.50.

(50)(51) Spiked Sample.

"Spiked Sample" means samples containing known quantities of particular contaminants which are used for testing the performance of analytical laboratories.

(51)(52) Standpipe.

"Standpipe" means an open-ended pipe used to measure the standing level of and/or collect fluids.

(52)(53) Static Conditions.

"Static Conditions" means under conditions of no external motions or forces, such as those of earthquakes.

(53)(54) Treatment Unit.

"Treatment Unit" includes, but is not limited to: sludge drying beds, composting facilities, septage ponds, drilling mud impoundments, and leachate evaporation ponds.

(54)(55) Trace Gases.

"Trace Gases" means all other organic or inorganic compounds or elements, measured at less than one percent by volume, found together with the principal gases in landfill gas, and may include vinyl chloride, benzene, hydrogen sulfide, carbon monoxide, hydrogen, mercury, etc.

(55)(56) Tsunami.

"Tsunami" means a great sea wave produced by a submarine earthquake, landslide, or volcanic eruption.

(56)(57) Unsaturated Zone.

"Unsaturated Zone" means the underground zone in which not all openings in and between natural geologic material are filled with water. The zone may contain water and other liquids held by capillary forces, or percolating fluids.

(57)(58) Unstable Areas.

"Unstable Areas" means locations susceptible to natural or human-induced events or forces which are capable of rupturing the site containment structure.

(58)(59) Vadose Zone.

"Vadose Zone" means an unsaturated zone.

(59)(60) Watershed.

"Watershed" means the total land area above a given point on a stream or waterway that contributes runoff to that point.

NOTE: Authority cited: Sections 66790(f), and 66796.22(d), Government Code. Reference: Sections 66771, and 66796.22(d), Government Code.

Section 17763. Time Frames for Closure.

(a) Within thirty (30) days of receipt of the final shipment of waste to a discrete unit or the entire site, the operator shall begin implementation of the closure schedule as specified in the closure plan approved pursuant to Chapter 5, Article 3.4, Section 18270.

(b) Closure activities shall adhere to the time frames specified in the closure plan approved pursuant to Chapter 5, Article 3.4, Section 18270.

(c) In the event that the time frames for completion of specific activities cannot be adhered to due to adverse weather or other factors not in the control of the operator, then the time frames may be lengthened based upon those specific factors.

(1) The operator shall notify the local enforcement agency of any change in schedule due to adverse weather or other factors not in their control. The notification shall be made as soon as the operator becomes aware of a needed change.

(2) The local enforcement agency may deny the change requested if the notification pursuant to Subsection (c)(1) above does not specify those factors requiring the change, the factors justifying the change are in the control of the operator, or the time frame for extension continues beyond the impact of the adverse condition.

NOTE: Authority cited: Sections 66790(f), and 66796.22(d), Government Code. Reference: Sections 66771, 66796.22(d), and 66796.22(g), Government Code.

Section 17764. Partial Closure.

(a) The operator shall to the extent feasible, based on site-specific factors, implement closure activities as the site operation progresses, consistent with the closure of the entire site.

(b) Partial closure may be accomplished by either:

(1) implementing one or a combination of individual closure activities including, but not limited to; placement of final cover, final grading, revegetation, and installation of environmental monitoring control systems consistent with the closure of the entire site, or

(2) closing discrete units to meet all applicable closure requirements of this Article. Following closure of a discrete unit, in accordance with an approved plan, this unit would not be subject to regulatory changes, pursuant to GC Section 66796.22(g).

NOTE: Authority cited: Sections 66790(f), and 66796.22(d), Government Code. Reference: Sections 66771, 66796.22(d), and 66796.22(g), Government Code.

Section 17765. Closure of Treatment Units.

All treatment units which are located within the property boundary of a landfill shall be subject to the requirements of Chapter 5, Article 3.4, Section 18250 et seq. Each unit shall be incorporated into both the closure and the postclosure maintenance plans. This section does not apply to activities which continue operation after the landfill has completed closure, except for those units which will directly or indirectly impact the closure and postclosure activities at the landfill.

Where existing regulations of agencies other than the Board are in effect, the operator shall prepare the closure and postclosure maintenance plans in accordance with the criteria specified in those regulations where these criteria are more stringent than those of the Board. Other agencies may include the State Water Resources Control Board, Air Quality Management Districts, Local Air Pollution Control Districts, the Department of Health Services, and local land use authorities.

NOTE: Authority cited: Sections 66790(f) and 66796.22(d), Government Code. Reference: Sections 66771, 66796.22(d), and 66796.22(g), Government Code.

Section 17766. Emergency Response Plan

(a) An operator shall prepare and maintain a written postclosure emergency response plan at the facility or at an alternate location to be designated by the operator with the concurrence of the local enforcement agency and the Board. Any alternate location shall be specified within the text of the emergency response plan. The plan shall be submitted as part of the postclosure maintenance plan pursuant to Chapter 5, Article 3.4, Section 18265. The emergency response plan must identify occurrences that may exceed the design of the site and endanger public health or the environment. The plan shall describe specific procedures which will minimize these hazards. The events that the plan shall address include, but are not limited to: vandalism; fires; explosions; earthquakes; tsunamis; seiches; floods; the collapse or failure of artificial or natural dikes, levees, dams, or liners; surface drainage problems; and other waste product releases.

(b) The emergency response plan shall contain the following:

(1) identification of events which would require the implementation of corrective action measures. This section does not apply to corrective actions under the ground water monitoring provisions of Section 17782, or the gas monitoring provisions of Section 17783, which are within this Article;

(2) a description of the actions to be taken, and the sequence and implementation timetable needed to mitigate the conditions; and

(3) a statement regarding the general availability of categories of equipment required to mitigate each type of emergency.

(c) The operator shall amend the emergency response plan under the following conditions:

(1) whenever a failure or release occurs for which the plan did not provide an appropriate response;

(2) when the postclosure use and/or structures on the site change and these changes are not addressed in the existing plan; and

(3) if either the local enforcement agency or the Board notifies the operator in writing that the current emergency response plan is inadequate under the provisions of this section. The notifying agency shall include within the written notice items the plan needs to consider for it to comply with this section. The operator shall submit an amended emergency response plan to both the local enforcement agency and the Board within thirty (30) days of receipt of an inadequacy notice.

(d) Whenever the operator amends the emergency response plan pursuant to Subsection (c)(1) or (2), the operator shall submit a written copy of the amended plan to both the local enforcement agency and the Board.

NOTE: Authority cited: Section 66790(f), 66796.22(d), Government Code. Reference: Section 66796.35, Government Code.

Section 17767. Site Security at Closed Landfills Sites

(a) The operator shall place a sign at all points of access to a landfill site sixty (60) days prior to the closure of that site. The sign shall include the intended date of closure of the site and shall provide the location of alternative permitted solid waste management facilities. The posted signs shall remain for a period of not less than one hundred eighty (180) days after the facility has received the final shipment of waste. A similar notification shall be placed in a local newspaper(s) of general circulation within the area which the site services. This notice shall be published thirty (30) days prior to closure and indicate the location of the site, the intended date of closure, and alternative solid waste management facilities.

(b) Sites which do not allow public disposal and which have not allowed public access to the site for more than one year prior to cessation of acceptance of waste shall be exempt from the provisions of Subsection (a).

(c) The operator shall ensure that within ten (10) days after receipt of the final shipment of waste, all points of access to the site are restricted to only entry permitted by this Article. Components of any monitoring, control or recovery systems at the site shall be protected from access other than that allowed in accordance with the closure and postclosure maintenance plans approved pursuant to Chapter 5, Article 3.4, Section 18271.

(d) At least one (1) sign shall be posted in a visible location at the main point of access within ten (10) days of receipt of the final shipment of waste at a facility indicating where the closure and postclosure maintenance plans are kept and can be viewed for public inspection. The sign shall include a telephone number for emergency notification. The number shall either be local or toll-free. This sign shall remain for the duration of the postclosure maintenance period and shall be maintained in a legible and upright condition.

(e) All signs required by this section must be written at least in English (additional languages are permitted) and be clearly legible to anyone with normal vision during daylight hours at a distance of 25 feet from the site boundary.

(f) The local enforcement agency or the Board may require more signs, signs written in additional languages, larger signs, or signs of clearer design, when necessary to carry out the provisions of this section, by submitting a written notice to the operator. The operator shall then have thirty (30) days after receipt to implement the notice.

(g) The local enforcement agency with the written concurrence of the Board may grant variances from the sign provision (d) of this section after receiving a written request by the operator. The criteria the local enforcement agency and the Board shall use in issuing variances shall include: local land and water use, nature of the waste, containment design, time since closure, results of monitoring programs, and the length of time previous signs remained intact.

NOTE: Authority cited: Section 66790(f), 66796.22(d), Government Code. Reference: Section 66796.35, Government Code.

Section 17768 (H). Inspection Upon Completion

The local enforcement agency, the local public health entity, and the Board shall be notified by the operator no more than ten (10) days after the last shipment of waste has been received at a disposal facility or a discrete unit subject to partial closure as described in Section 17764 of this Article. This notification shall occur prior to the commencement of closure activities. The local enforcement agency shall inspect the site within ten (10) working days of notification to determine that the requirements of Section 17767, within this Article, have been met. Landfill operation equipment shall not be removed from the facility until the inspection has been completed.

NOTE: Authority cited: Sections 66790(f), and 66796.22(d), Government Code. Reference: Section 66771, Government Code.

Section 17771. Structure Removal

(a) The operator shall:

(1) provide for the security, monitoring and maintenance of site structures during the postclosure period in accordance with the final postclosure maintenance plan, approved pursuant to Chapter 5, Article 3.4, Section 18271; or

(2) dismantle and remove these structures at the time of closure in accordance with the implementation schedule of the approved final closure plan of Chapter 5, Article 3.4, Section 18262.3.

NOTE: Authority cited: Sections 66790(f), and 66796.22(d), Government Code. Reference: Section 66771, Government Code.

Section 17772. Decommissioning of Environmental Control Systems

(a) The operator shall ensure that components of environmental control systems, which have come into contact with leachate or landfill gas, and which are dismantled at the time of closure or during the postclosure period and are not intended for reuse are:

(1) disposed of within the waste deposit area of the landfill, in accordance with the approved final closure plan; or

(2) legally transported to and disposed of at another solid waste facility which is approved for receipt of such materials. Transportation and disposal should be accomplished in such a manner that prevents the introduction of gas condensate, leachate or waste constituents to the environment beyond the site boundary.

(b) Dismantled environmental control systems which are intended for reuse at another facility shall be cleaned prior to removal.

(1) The methods of cleaning, proposed by the operator in the preliminary and final closure plan, and approved pursuant to Chapter 5, Article 3.4, Section 18271, may include but are not limited to one or more of the following methods:

(A) washing with water, detergents or chemical solvents;

(B) steam cleaning;

(C) scrubbing with abrasives; and

(D) sand blasting.

(2) Residues produced as a result of these cleaning procedures shall be disposed of in accordance with applicable federal, state, and local laws.

NOTE: Authority cited; Sections 66790(f), and 66796.22(d), Government Code. Reference: Section 66771, Government Code.

Section 17773. Final Cover

(a) The final cover shall be designed by a registered civil engineer or certified engineering geologist.

(b) A minimum thickness and quality of cover material, in accordance with Title 23, CCR, Subchapter 15, Section 2581(a), shall be placed over the entire surface of the final lift as the site reaches final configuration. The time period allowed for final cover after placement of the final lift shall ~~be as in no event exceed 15 months unless otherwise approved by the local enforcement agency, the regional water board, and the Board, but in no event shall it exceed 15 months.~~

(c) Engineered alternatives to the prescriptive standard under Subsection (b) shall only be approved when the operator demonstrates, to the satisfaction of the Board and local enforcement agency, that:

(1) The prescriptive standard is not feasible as provided in Subsection (d) of this section, and

(2) There is a specific engineered alternative that:

(A) is consistent with the performance goal addressed by the prescriptive standard under Subsection (b) of this section, and

(B) affords equivalent protection against water quality impairment.

(d) To establish that compliance with the prescriptive standard of Subsection (b) is not feasible for the purposes of Subsection (c) of this section, the operator shall demonstrate that compliance with the prescriptive standard:

- (1) Is unreasonably and unnecessarily burdensome and will cost substantially more than the criteria in Subsection (c) of this section; or
- (2) Is impractical and will not promote attainment of applicable performance standards.

(e) The Board or the local enforcement agency may require additional thickness and quality of cover depending on, but not limited to the following:

- (1) a need to limit infiltration of water, to the greatest extent possible;
- (2) a need to control landfill gas emissions;
- (3) the future reuse of the site; and
- (4) in order to protect the low permeability layer from desiccation, penetration by rodents, and heavy equipment damage.

NOTE: Authority cited: Sections 66790(f), and 66796.22(d), Government Code. Reference: Section 66771, Government Code.

Section 17774. Construction Quality Assurance

(a) The construction quality assurance (CQA) program shall provide evidence that materials and procedures utilized in the placement of the final cover will be tested, constructed, and monitored in accordance with the design specifications proposed in the approved closure plan.

(b) Professional Qualifications

- (1) The design professional who prepares the CQA plan shall be a registered civil engineer or certified engineering geologist; and
- (2) The construction quality assurance program shall be supervised by a registered civil engineer or certified engineering geologist who shall be designated the CQA officer.

(c) Reports

(1) The project's CQA report shall address the construction requirements, including vegetation procedures, set forth in the final cover design plan. For each specified phase of construction, this report must include, but not be limited to:

(A) a delineation of the CQA management organization, including the chain of command of the CQA inspectors and contractors;

(B) a detailed description of the level of experience and training for the contractor, the work crew, and CQA inspectors for every major phase of construction in order to ensure that the installation methods and procedures required in the final cover design will be properly implemented.

(C) a description of the CQA testing protocols for preconstruction, construction, and postconstruction which shall include at a minimum:

1. the frequency of inspections by the operator,
2. the sampling and field testing procedures and equipment to be utilized, and the calibration of field testing equipment,
3. the frequency of performance audits determined by the design professional and examined by the CQA officer,
4. the size, method, location and frequency of sampling, sampling procedures for laboratory testing, the soils or geotechnical laboratory to be used, the laboratory procedures to be utilized, the calibration of laboratory equipment and quality assurance and quality control of laboratory procedures,
5. the pass/fail criteria for sampling and testing methods used to achieve final cover design, and
6. a description of the corrective procedures in the event of test failure.

(d) Construction quality assurance documentation requirements shall include, at the minimum: reports bearing unique identifying sheet numbers for cross-referencing and document control, the date, project name, location, descriptive remarks, the data sheets, inspection activities, and signature of the designated authorities with concurrence of the CQA officer. The following reports shall be submitted, but not be limited to:

(1) Daily record keeping, which shall include preparation of a summary report with supporting inspection data sheets, problem identification and corrective measures reports. Daily summary reports shall provide a chronological framework for identifying and recording all other reports. Inspection data sheets shall contain all observations (i.e., notes, charts, sketches, or photographs), and a record of field and/or laboratory tests. Problem identification and corrective measures reports shall include detailed descriptions of materials and/or workmanship that do not meet a specified design and shall be cross-referenced to specific inspection data sheets where the problem was identified and corrected.

(2) All reports shall be assembled and summarized into Acceptance Reports in order to verify that the materials and construction processes comply with the specified design. This report shall include, at a minimum, inspection summary reports, inspection data sheets, problem identification and corrective measures reports.

(3) At the completion of the project, the operator shall prepare a Final Documentation which contains all reports submitted concerning the placement of the final cover. This document shall provide evidence that the CQA plan was implemented as proposed and that the construction proceeded in accordance with design criteria, plans, and specifications pursuant to Chapter 5, Article 3.4, Section 18275.

(4) The operator shall submit copies of the Final Documentation report to the Board and the local enforcement agency as prepared by the CQA officer.

(5) Once closure construction is complete, the document originals shall be stored by the operator in a manner that will allow for easy access while still protecting them from any damage. All documentation shall be maintained throughout the postclosure maintenance period.

(e) Laboratory Testing Requirements

(1) Analysis of earthen materials shall be performed prior to their placement onto the final cover. Representative samples for each layer within the final cover shall be evaluated. The following minimum laboratory testing procedures shall be performed:

(A) ASTM Designation: D 1557-78 [approved 5/88], Standard Test Methods for Moisture-Density Relations of Soils and Soil-Aggregate Mixtures Using 10-lb (4.54-kg) Hammer and 18-in. (457-mm) Drop, which is incorporated by reference;

(B) ASTM Designation: D 422-63 (Reapproved 1972) [7/84], Standard Method for Particle-Size Analysis of Soils, which is incorporated by reference; and

(C) ASTM Designation: D 2487-85 [1/89], Standard Test Method for Classification of Soils for Engineering Purposes, which is incorporated by reference.

(2) In addition to the tests listed in Subsection (e)(1), the following minimum laboratory tests shall be performed on barrier layer materials:

(A) ASTM Designation: D 4318-84 [approved 10/84], Standard Test Method for Liquid Limit, Plastic Limit, and Plasticity Index of Soils, which is incorporated by reference; and

(B) ~~ASTM Designation: D 2434-68 (Reapproved 1974) [7/84], Standard Test Method for Permeability of Granular Soils (Constant Head)~~ Environmental Protection Agency (EPA) Test Method 9100 [Approved 9/86], Triaxial-Cell Method with Back Pressure, which is incorporated by reference.

(f) Field Testing Requirements

(1) The following minimum field test procedure shall be performed for each layer in the final cover:

(A) ASTM Designation: D 2488-84 [1/89], Standard Practice for Description and Identification of Soils (Visual-Manual Procedure), which is incorporated by reference.

(g) Test Fill Pad Requirements

(1) Before installing the compacted foundation and barrier layer of the final cover, the operator shall accurately establish the correlation between the design permeability and the density at which that permeability is achieved. To accomplish this the operator shall:

(A) Provide a representative area for a test compacted foundation and low permeability layer. The following minimum testing procedures shall be performed:

1. The test pad foundation and barrier layers shall be compacted with the designated equipment to determine if the specified density/moisture content/permeability relationships determined in the laboratory can be achieved in the field with the compaction equipment to be used and at the specified lift thickness.

(B) Perform laboratory tests as specified in Subsection (e); and

(C) Field tests as specified in Subsection (f).

1. The operator shall perform permeability tests in the test area under saturated conditions by using the standard test method ASTM Designation: D 3385-88 [approved 2/88], Standard Test Method for Infiltration Rate of Soils in Field Using Double-Ring Infiltrimeters, which is incorporated by reference, for vertical permeability measurements. A sufficient number of tests shall be run to verify the results. Other methods that provide an accurate and precise method of measuring field permeability may be utilized as approved by the local enforcement agency and the Board.

(D) Correlations between laboratory tests and test pad results shall be established for each of the various types of fill materials and blends to be used in construction of the actual cover.

(h) Earthen Material Requirements

(1) The following minimum tests shall include, but not be limited to:

- (A) Laboratory tests as specified in Subsection (e); and
- (B) Field tests as specified in Subsection (f) and (g).

(2) The following minimum testing frequencies shall be performed:

(A) Four (4) field density tests shall be performed for each 1,000 cubic yards of material placed, or at a minimum of four (4) tests per day;

(B) Compaction curve data (ASTM Designation: D 1557-78) graphically represented, and Atterberg limits (ASTM Designation: D 4318-84) shall be performed on the barrier layer material once a week and/or every 5,000 cubic yards of material placed;

(C) For field permeability tests, representative samples shall be performed on barrier layer material;

1. The frequency of testing may be increased or decreased, based on the pass/failure status of previous tests, as approved by the local enforcement agency and the Board.

2. Field infiltration tests shall be performed for the duration necessary to achieve steady conditions for the design permeability.

3. The following interpretive equation shall be used to determine the design permeability:

The infiltration rate (I) is defined as:

$$I = Q/(tA)$$

where: Q = volume of flow

t = interval of time corresponding to flow Q

A = area of the ring

then the hydraulic conductivity (k) can be calculated from Darcy's law as follows:

$$k = I/i$$

where: I = infiltration rate

i = hydraulic gradient.

(i) Geosynthetic Membrane Requirements

(1) The minimum construction quality assurance criteria to ensure that geosynthetic membranes will meet or exceed all design specifications shall include, but not be limited to:

(A) Preconstruction quality control program

- 1. inspection of the raw materials (e.g., density, melt flow index, percent carbon black);
- 2. manufacturing operations and finished product specifications (e.g., thickness, puncture resistance, multi-axial stress/strain tests),
- 3. fabrication operations (e.g., factory seaming);
- 4. observations related to transportation, handling, and storage of the geosynthetic membrane; and
- 5. inspection of foundation preparation.

(B) Construction activities

- 1. the geosynthetic membrane shall have thickness strength sufficient to withstand the stresses to which it shall be subjected, including shear forces, puncture from rocks or penetration from roots.
- 2. inspection of geosynthetic membrane placement (e.g., trench corners, monitoring systems).
- 3. seaming of the material; and
- 4. installation of anchors and seals.

(C) Postconstruction activity includes checking for material and placement imperfections in the installed geosynthetic membrane.

1. Imperfections that jeopardize the integrity of the membrane's function as an impermeable barrier (i.e., pin holes, rips, creases created during placement) shall be repaired to the original manufacturer's specifications and re-inspected by the CQA officer.

(D) Evaluation of the personnel and equipment to be used to install and inspect the geosynthetic membrane, and pass/fail criteria and corrective procedures for material and installation procedures shall be specified as required in Subsection (c).

NOTE: Authority cited: Sections 66790(f), and 66796.22(d), Government Code. Reference: Section 66771, Government Code.

Section 17776. Final Grading

(a) The site shall be designed with final grades 1) to accommodate anticipated future settlement, 2) in accordance with Title 23, CCR, Subchapter 15, Section 2581(b) minimum grading standards, and 3) to reduce run-off velocities to protect the final cover from soil erosion.

(b) The final grading design shall be developed through an analysis of each function by a registered civil engineer or certified engineering geologist.

(c) To the extent feasible, based on site-specific factors, final grading shall be implemented pursuant to Section 17764 of this Article, as the site reaches final configuration.

(d) The operator shall develop and implement quality control procedures to ensure that the final grading plan is constructed as designed and approved.

(e) The operator shall design specific slope configurations and drainage methods depending upon local topography, climate, and postclosure land use.

(f) The operator shall prepare ~~volumetric measurements of~~ calculations based on the final site configuration to determine anticipated differential settlement of the site during the postclosure maintenance period. The following measuring techniques shall be utilized to monitor settlement, but not be limited to:

(1) installation of at least two permanent monuments, in accordance with Title 23, CCR, Subchapter 15, Section 2580(d);

(2) an aerial photographic survey of the entire permitted site upon completion of closure activities and every five years throughout the postclosure maintenance period. These aerial photographs shall be from a flight height above mean terrain to produce a map with a maximum contour interval of two feet (2'), a scale in accordance with Title 23, CCR, Subchapter 15, Section 2597(b), and with corresponding horizontal and vertical ground control points, or sufficient survey points to produce a map of equal scale.

(A) A lesser frequency for the aerial photographic survey may be approved by the local enforcement agency and the Board, based on volume of waste and amount of settlement of the site.

(3) Alternative techniques to determine differential settlement may be utilized to prepare required maps as approved by the local enforcement agency and the Board.

(4) An iso-settlement map shall be produced showing the change in elevation from the map produced upon closure and the most recent topographic map with a maximum contour interval of two feet (2').

NOTE: Authority cited: Section 66790(f), and 66796.22(d), Government Code. Reference: Section 66771, Government Code.

Section 17777. Final Site Face

(a) The operator shall ensure the integrity of final slopes under both static and dynamic conditions. The slope of those portions of the fill which will be the final exterior surface shall be developed in accordance with Section 17779 of this Article. Slopes shall not be steeper than a horizontal to vertical ratio of one and three quarters to one with a minimum of one fifteen-foot wide bench for every fifty feet of vertical height. Slopes steeper than a horizontal to vertical ratio of three to one shall be supported by a slope stability report.

(b) The stability of landfill slopes located in areas subject to liquefaction or unstable areas with poor foundation conditions as defined by the Seismic Safety Element of the County General Plan shall be substantiated by a foundation stability report. Flatter, vegetated slopes are recommended for surfaces which face residential property, roads and other property frequented by the public. The enforcement agency or Board may require flatter slopes or additional benches where necessary to ensure preservation of the integrity of the final cover and environmental control systems under static and dynamic conditions, for successful establishment of ground cover, or erosion control. Slope stability reports may also be required by the local enforcement agency or the Board in areas subject to liquefaction, unstable areas with poor foundation conditions, or when geomembranes are used in site design.

(c) A slope or foundation stability report shall be prepared by a registered civil engineer or certified engineering geologist. The report must indicate a factor of safety for the critical slope of at least 1.5 under dynamic conditions. The report shall include, but is not limited to, the following elements:

(1) Report preparation shall be in accordance with California Division of Mines and Geology (CDMG) Note Number 42, Guidelines for Geologic/Seismic Reports, May 1986, and Note Number 44, Guidelines for Preparing Engineering Geologic Reports, April 1986, which are both incorporated by reference, and shall include the following seismicity elements:

- (A) a review of earthquakes during historic time;
- (B) location of active major faults; and
- (C) surface investigation of the site and surrounding area.

(2) The location of the critical slope and other slopes analyzed to determine the critical slope shall be shown in map view.

(3) Calculations used to determine the critical slope shall be included.

(4) A profile of the critical slope geometry showing the various layers including the proposed fill surface, final cover, mitigation berms, lifts or cells of waste, fluid levels, or any feature that may serve to reduce the stability of the slope or may represent a potential failure surface; and the proposed ground surface, soil or rock layers and structural features.

(5) The engineering properties of the refuse and other layers making up the site, shall be analyzed when determining the critical slope. These properties shall include a site-specific assessment of the strength parameters, the unit weight and, if using Subsection (c)(11) of this Section, the shear wave velocity of each of these layers.

(6) An assessment of the engineering properties of the underlying foundation materials under both static and dynamic conditions based on field and laboratory tests as determined necessary by a registered civil engineer or certified engineering geologist.

(7) The maximum expected horizontal acceleration in rock at the site determined for the Maximum Probable Earthquake (MPE) as defined in CDMG Note Number 43, Recommended guidelines for determining the Maximum Credible and the Maximum Probable Earthquakes, February 1975, which is incorporated by reference.

(A) The maximum expected acceleration in rock derived from the Maximum Credible Earthquake (MCE) as defined in CDMG Note Number 43¹⁰, which is incorporated by reference, may be used instead of the MPE.

(B) MCE and MPE acceleration shall be supported by data and analysis.

(8) Seismic shaking parameters other than acceleration shall also be included in any assessment of dynamic slope stability. These parameters shall consist of but not be limited to earthquake magnitude, and duration.

(9) Documentation of any peer-reviewed reduction factor for acceleration applied to attenuate the acceleration through the soil column or fill materials.

(10) The dynamic stability if located in an area subject to liquefaction, poor foundation conditions, or seismic amplification shall include documentation of a peer-reviewed amplification factor for acceleration in loose saturated soils.

(11) In lieu of achieving a factor of safety of 1.5 under dynamic conditions, a more rigorous analytical method that provides a quantified estimate of the magnitude of movement may be employed. In this case, the report shall demonstrate that this amount of movement can be accommodated without jeopardizing the integrity of the final cover or the environmental control systems.

NOTE: Authority cited: Section 66790(f), and 66796.22(d), Government Code. Reference: Sections 66771 and 66796.35, Government Code.

Section 17778. Final Drainage

(a) A final drainage system shall be designed, constructed, graded, and maintained in accordance with Title 23, CCR, Subchapter 15, Section 2546(a) and approved by the local enforcement agency and the Board.

(b) The final drainage design shall be developed through an engineering analysis by a registered civil engineer.

(c) To the extent feasible, based on site-specific factors, the drainage system shall be constructed, pursuant to Section 17764 of this Article, as the site reaches final configuration.

(d) The operator shall develop and implement quality control procedures to ensure that the final drainage system is constructed according to the approved final closure plan.

(e) A drainage system shall include:

(1) Design features to divert sheet runoff, laterally or the shortest distance, to a drainage channel and collection system including:

(A) Run-off control system designed and constructed in accordance with Title 23, CCR, Subchapter 15, Section 2546(c);

(B) Run-off controls designed to function as diversionary structures to intercept and convey water to collection facilities;

(C) Energy dissipators designed to decrease the velocity of run-off; and

(D) Slope protection and erosion control measures, pursuant to Section 17779 of this Article.

(2) Run-on controls designed to function as diversionary structures to intercept and convey water to collection facilities.

(A) The run-on control system designed and constructed to prevent washout of waste during peak discharge from at least a 100 year frequency flood, and described in accordance with Title 23, CCR, Subchapter 15, Section 2595(d)(2).

(f) The collection and holding facilities associated with run-off control systems shall perform in accordance with Title 23, CCR, Subchapter 15, Section 2546(d). The following minimum standards shall be achieved.

(1) The operator shall propose procedures for the disposal of solids and liquids accumulated in the collection and holding facilities.

(2) ~~Leachate~~ Any leachate collection and holding facilities ~~shall be designed, constructed, and pursuant to Section 17781 shall be maintained~~ so that no run-off accumulates in these systems. When applicable, run-off accumulated in designated leachate collection and holding facilities shall be subject to requirements as specified in Section 17781 of this Article.

(3) Collection and holding facilities shall be secured and maintained during the closure and postclosure maintenance period to prevent unauthorized access.

(g) The run-on and run-off systems, and collection facilities in subsections (e) through (f) shall be designed and constructed to reflect the following:

(1) The expected final contours for the site, pursuant to Section 17776 of this Article, and the planned drainage pattern;

(2) The drainage pattern of the surrounding area and the possible effects on and by the regional watershed,

(3) The connection with and design capacity of drainage facilities on adjacent and downstream properties.

(4) The final grading design, pursuant to Section 17776 of this Article, to prevent rapid run-off.

(h) Holding facilities shall be designed and constructed so that they will not be overtopped during a 100 year, 24 hour frequency precipitation event and shall be maintained throughout the postclosure maintenance period. If the off-site channel(s) cannot accommodate flow from a 100 year, 24 hour frequency precipitation event the operator shall release the water downstream in a manner which shall not cause erosion or inundation of the off-site channel(s).

(1) The collection and holding facilities shall be designed and maintained pursuant to Chapter 3, Article 7.6, Section 17715.

(i) Underdrains and temporary diversion ditches utilized during the operating phase of the site shall not be included in the final drainage design.

(1) Surface diversion features shall be used in lieu of these structures for the closure and postclosure maintenance period.

(2) Underdrains utilized to control surface water during the operating life of the site shall be permanently sealed during closure.

(j) Any ~~subsurface final cover layer drainage layer in the final cover~~ shall be designed and constructed to intersect with the final drainage system.

NOTE: Authority cited: Sections 66790(f), and 66796.22(d), Government Code. Reference: Sections 66771, Government Code.

Section 17779. Slope Protection and Erosion Control

(a) The operator shall develop and implement procedures to protect the integrity of the final cover and enhance its ability to prevent erosion and minimize soil erosion from disturbed areas on-site.

(b) The procedures developed shall be designed by a registered civil engineer or certified engineering geologist.

(c) To the extent feasible, based on site-specific factors, slope protection and erosion control methods shall be implemented pursuant to Section 17764 of this Article.

(d) Establishment and maintenance of a vegetative cover shall be developed according to the postclosure land use. The following plant species selection criteria shall be addressed:

(1) Rooting depth of any vegetation growing on the cover shall not exceed the depth to the material which functions as a barrier layer pursuant to the final cover design in Section 17773 of this Article;

(2) Tolerance of final cover vegetative layer soil conditions and the effects of landfill gas;

(3) Resistance to fire, diseases, and insects and other pests;

(4) Adaptability to site climate (sunshine, exposure, temperature, rainfall, drought, wind);

(5) Rapidity of germination and growth;

(6) Self-propagation and persistence;

(7) High percentage of surface coverage;

(8) Low long-term maintenance needs; and

(9) Irrigation of vegetation in accordance with Section 17781 of this Article.

(e) Slopes shall be stabilized to prevent soil erosion. Landfill side slopes and any excavated land on-site shall be included under this subsection. Methods which function to protect slopes and control erosion shall include, but are not limited to:

(1) Reduction of water velocity by minimizing both the slope angle and/or the length of the final surface between drainage collection points; and

(2) Trapping of suspended solids by terracing contour furrows and trenches.

(f) Processes, materials, and/or structures which protect slopes from the erosive effects of water and wind, and provide a moisture barrier to assist in the germination of seeds shall include:

(1) Application of non-living mulching materials;

- (2) Riprap, geotextile nets or grids, and chemical stabilizers; and
- (3) Scarifying the surface.

(g) The operator shall perform a run-off analysis for sheet and rill erosion to predict the amount of soil loss (tons/acre/year) based on factors including, but not limited to:

- (1) rainfall-erosivity;
- (2) land use;
- (3) soil-erodibility; and
- (4) length and steepness of slope.

The operator shall utilize the results of this analysis for comparing cover soils based on the various design functions and features for drainage, top and side slopes, and vegetation type.

(h) The operator shall demonstrate to the local enforcement agency and the Board that the slope protection and erosion control methods are implemented in accordance with the approved final closure and postclosure maintenance plan.

NOTE: Authority cited: Sections 66790(f), and 66796.22(d), Government Code. Reference: Section 66771, Government Code.

Section 17781. Leachate Control During Closure and Postclosure

(a) The operator shall monitor, collect, treat, and dispose of leachate in accordance with the requirements of this Section.

(b) General

(1) Leachate control and monitoring shall cease only after the operator demonstrates, to the satisfaction of the local enforcement agency and the Board, that leachate is no longer being produced, or the discharges of leachate will have no affect on water quality. This demonstration shall take the form of a written report submitted to ~~both the local enforcement agency and the Board, and the regional board.~~ Factors the local enforcement agency and the Board shall consider when ending leachate control shall include monitoring results, nature of refuse, the presence and design of landfill containment structures, local hydrology and geology, and local land and water use.

(2) ~~Leachate Both the quantity and quality of leachate~~ shall be monitored at least quarterly or whenever ground water samples are collected.

(3) All monitoring and collection systems required pursuant to this section shall be designed by a registered engineer or a certified engineering geologist.

(c) Leachate shall be controlled in accordance with the following:

(1) Leachate Monitoring

(A) The operator shall monitor ~~leachate quality and for the accumulation and quality of leachate within the landfill.~~ The system shall be located at the lowest landfill elevation and at strategic points necessary, to detect the presence and movement of leachate through the liner or out of the ~~waste holding area wastes.~~ The system shall consist of ~~collection lysimeters drainage pipes, layers~~ and/or standpipes capable for use as a part of the leachate collection system. Materials used in the system must be resistant to chemical and biological breakdown as a result of contact with leachate.

(B) Alternate designs may be allowed with the approval of the local enforcement agency and the Board, if the operator demonstrates that the proposed system will control all leachate generated.

(2) The operator shall design and operate a vadose zone monitoring system ~~to detect the escape of leachate~~ in accordance with Title 23, CCR, Subchapter 15, Section 2559.

(d) Reporting

(1) The operator shall, at least quarterly, estimate the amount of leachate generated, and record the volume of leachate recovered for treatment or disposal. The method of determining the amount of leachate produced shall be described in the final postclosure plan.

(2) If the site is equipped with a liner, the depth of leachate over the liner shall be measured and recorded at least quarterly.

(3) The local enforcement agency or Board may require more frequent monitoring by submitting a written notice to the operator. Changes in monitoring frequency shall become effective no sooner than after the next previously scheduled monitoring period.

(4) Factors to be considered in determining frequency of monitoring shall include: monitoring results; design of landfill containment; age, nature, and moisture content of the refuse; size of landfill; time since closure (if applicable); local land use and water use; and local geology and hydrology.

(5) Representative samples of leachate and vadose zone fluid shall be tested for the same chemical parameters as required by the ground water monitoring program and include the chemical parameters listed in Appendix 1 of this Article, to the greatest extent possible, given the sample volume available.

(6) The measuring and chemical monitoring requirements of this section shall be submitted as a written report to the local enforcement agency, the Board, and the regional water board. The results of leachate and vadose zone monitoring shall be submitted within ninety (90) days of sampling.

(7) A Quality Assurance/Quality Control (QA/QC) plan shall be prepared by the operator, and approved by the local enforcement agency and the Board. This plan shall include the following:

(A) the use of only laboratories holding a valid accreditation issued by the California Department of Health Services for the chemical constituents monitored or the preparation of spiked samples; and

(B) field procedures that insure accurate and repeatable chemical analyses including sample collection, sample preservation and shipment, and chain of custody control.

(e) Collection

(1) The operator shall collect leachate in accordance with Title 23, CCR, Subchapter 15, Section 2543, and approved by the local enforcement agency and the board.

(2) Leachate Treatment and Disposal

(A) The operator shall treat leachate according to the following:

1. The operator shall describe the proposed treatment in the final closure plan, and the continued operation and maintenance in the final postclosure maintenance plan.

2. On-site treatment system design shall be approved by both the local enforcement agency and the Board, and utilize biological, physical or chemical treatment technologies to render leachate compatible with disposal under Subsection ~~(c)(4)(B)(e)(2)(B)~~ of this Section. Designs utilizing technologies other than the above shall be permitted only upon approval of the local enforcement agency and the Board. The operator may also be subject to the regulations of other agencies including those of the regional water boards.

3. The design criteria shall include: nature of refuse, composition or anticipated composition of leachate, local land and water use, and effectiveness of proposed treatment. The local enforcement agency or the Board may require alternative treatment methods by written notice to the operator if current methods fail to meet the provisions of this Section.

(B) Leachate Disposal

Leachate shall be disposed using the following:

1. Discharge to a sewage treatment plant requiring written permission from the receiving sewage treatment plant or sanitation district. On-site pretreatment may be required. The discharge may be made directly by pipe or by the use of a tank truck or similar vehicle to haul the leachate to the sewage treatment plant.

2. Discharge to evaporation ponds. Operators using this disposal option shall demonstrate to the local enforcement agency and the Board in the final closure plan that the proposed ponds have received approval by the regional water board.

3. For on-site irrigation. Operators using this option shall demonstrate that this practice will not cause or increase the production of leachate in accordance with Title 23, CCR, Subchapter 15, Section 2546(b).

4. Direct discharge to a body of water shall be permitted only upon approval by the regional water board.

5. Other discharge methods shall be considered by the local enforcement agency and the Board on a case by case basis.

NOTE: Authority cited: Sections 66790(f), and 66796.22(d), Government Code. Reference: Sections 66770, 66771 and 66796.35, Government Code.

Section 17782. Ground Water Monitoring during Closure and Postclosure

(a) Ground water shall be monitored by the operator during the period of closure and postclosure to ensure the protection of public health and the environment. The operator shall institute Detection monitoring, and, if necessary, Verification monitoring provisions pursuant to the ground water monitoring requirements of Title 23, CCR, Subchapter 15, Article 5.

(b) The installation of the ground water monitoring network and local ground water hydrology shall be described as part of the closure plan required by Chapter 5, Article 3.4. The certificate of closure pursuant to Chapter 5, Article 3.4, Section 18275, shall not be issued until the required ground water monitoring network is installed, and monitoring has commenced. The continued sampling and testing of the ground water monitoring network shall be described as part of the postclosure maintenance plan of Chapter 5, Article 3.4.

(c) Corrective actions shall be performed in accordance with Title 23 CCR, Subchapter 15, Section 2558.

(d) Ground water monitoring during postclosure shall continue until leachate ~~control is terminated~~ ~~is either no longer being produced or poses no threat to water quality~~ pursuant to Section 17781(b)(1) of this Article.

NOTE: Authority cited: Sections 66790(f), and 66796.22(d), Government Code. Reference: Sections 66771 and 66796.35, Government Code.

Section 17783. Gas Monitoring and Control During Closure and Postclosure

(a) To provide for the protection of public health and safety, and the environment, the operator shall ensure that landfill gases generated at a facility are controlled during the periods of closure and postclosure maintenance, in accordance with the following requirements:

- (1) The concentration of methane gas must not exceed 1.25% by volume in air within on-site structures.
- (2) The concentration of methane gas migrating from the landfill must not exceed 5% by volume in air at the facility property boundary or an alternative boundary in accordance with Section 17783.5.
- (3) Trace gases shall be controlled to prevent adverse acute and chronic exposure to toxic and/or carcinogenic compounds.

(b) The program implemented pursuant to Sections 17783 through 17783.17 of this Article shall continue for a period of thirty (30) years or until the operator receives written authorization to discontinue by the local enforcement agency and the Board. Authorization to cease gas monitoring and control shall be based on a demonstration by the operator that there is no potential for gas migration beyond the property boundary or into on-site structures. Demonstration of this proposal shall be supported by data collected and any additional studies.

(c) The gas monitoring program required pursuant to Sections 17783 through 17783.17 of this Article, shall be described as part of the preliminary and final postclosure maintenance plans.

(d) Gas monitoring and control systems shall be modified, during the closure and postclosure maintenance period, to reflect changing on-site and adjacent land uses. Postclosure land use at the site shall not interfere with the function of gas monitoring and control systems. The operator may request a reduction of monitoring or control activities based upon the results of monitoring data collected. The request for reduction of monitoring or control activities shall be submitted in writing to the local enforcement agency and the Board.

NOTE: Authority cited: Sections 66790(f), and 66796.22(d), Government Code. Reference: Section 66771 and 66786.7, Government Code.

Section 17783.3. Monitoring

(a) To ensure that the conditions of Section 17783 are met, the operator shall implement a gas monitoring program at the facility in accordance with the following requirements:

(1) The gas monitoring network shall be designed by a registered civil engineer or a certified engineering geologist, and shall ensure detection of the presence of landfill gas migrating beyond the landfill property boundary and also into on-site structures.

(2) The monitoring network shall be designed to account for the following specific site characteristics, and potential migration pathways or barriers, including, but not limited to:

(A) local soil and rock conditions;

(B) hydrogeological conditions at the facility;

(C) locations of buildings and structures relative to the waste deposit area;

(D) adjacent land use, and inhabitable structures within 1000 feet of the landfill property boundary;

(E) man-made pathways, such as underground construction; and

(F) the nature and age of waste and its potential to generate landfill gas.

(3) The design of a gas monitoring network must be approved in writing by the local enforcement agency, and concurred with by the Board, prior to installation. The operator shall submit the design as an amendment to the Report of Disposal Site Information, pursuant to Section 17716, filed with an application in accordance with Section 18213 of Chapter 5. In accordance with Government Code Section 15376, the Board's minimum time frame for processing the application is 60 days, the median time frame for processing the application is 120 days, and the maximum time frame for processing the application is 180 days.

NOTE: Authority cited: Sections 66790(f), and 66796.22(d), Government Code. Reference: Section 66786.7, Government Code.

Section 17783.5. Perimeter Monitoring Network**(a) Location**

(1) Perimeter subsurface monitoring wells shall be installed around the waste deposit perimeter but not within refuse. The entire perimeter of the landfill may not warrant the installation of monitoring wells. In this case, the operator shall demonstrate to the satisfaction of the local enforcement agency with the concurrence of the Board, that gas migration could not occur due to geologic or hydraulic barriers, and that no inhabitable structure or other property such as agricultural lands within 1000 feet of the property boundary are threatened by gas migration.

(2) Perimeter monitoring wells shall be located at or near the facility property boundary. The operator may establish an alternate boundary closer to the waste deposit area based on a knowledge of the site factors in Subsection 17783.3(a)(2). When compliance levels are exceeded at the alternate boundary, the operator shall install additional monitoring wells closer to the property boundary, and/or implement gas control procedures pursuant to Section 17783.15.

(b) Spacing

(1) The lateral spacing between adjacent monitoring wells shall not exceed 1,000 feet, unless it can be established to the satisfaction of the local enforcement agency and concurred with by the Board, that such spacing would be impractical or unwarranted based on the site specific factors in Subsection 17783.3(a)(2).

(2) The spacing of monitoring wells shall be determined based upon, but not limited to: the nature of the structure to be protected and its proximity to the refuse. Wells shall be spaced to align with gas permeable structural or stratigraphic features, such as dry sand or gravel, off-site or on-site structures, and areas of dead or stressed vegetation that might be due to gas migration.

(3) Probe spacing shall be reduced as necessary to protect persons and structures threatened by landfill gas migration.

(c) Depth

(1) The depth of the wellbore shall equal the maximum depth of refuse as measured within 1000 feet of the monitoring point. The number and depths of monitoring probes within the wellbore shall be installed in accordance with the following criteria, except as specified in Subsection 17783.5 (c)(2)

(A) A shallow probe shall be installed 5 to 10 feet below the surface.

(B) An intermediate probe shall be installed at or near half the depth of the wellbore.

(C) A deep probe shall be set at or near the depth of the wellbore.

(D) The specified depths of monitoring probes within the wellbore shall be adjusted, based on geologic data obtained during drilling, and probes shall be placed adjacent to soils which are most conductive to gas flow.

(E) All probes shall be installed above the permanent low seasonal water table, above and below perched ground water, and above bedrock.

(F) When the depth of the wellbore does not exceed 30 feet, the operator may reduce the number of probes to two, with one probe located in the shallow zone as indicated above, and the other located adjacent to permeable soils at or near the depth of the wellbore.

(2) Exclusions or modifications to Subsection 17783.5(c)(1) may be requested for certain landfills (i.e., filled pits, cut and trench, and canyon fills). When conditions limit the practicality or do not warrant the installation depth criteria, the operator shall propose an alternate system of equivalent probe depths. The proposal must demonstrate to the satisfaction of the local enforcement agency with the concurrence of the Board, that probes located at these depths are sufficient to detect migrating landfill gas and provide protection to public health and safety, and the environment.

(3) The Board or the local enforcement agency may require an increase in the numbers of monitoring probes, the depth of the wellbore, or modify the depths of monitoring probes within a wellbore to ensure compliance with Subsection 17783(a). The operator is not precluded from utilizing existing gas monitoring probes of an alternate design, when the operator demonstrates to the satisfaction of the local enforcement agency with the concurrence of the Board, that such probes have been installed in a manner that ensures the detection of landfill gas migrating from the landfill.

(d) Monitoring Well Construction

(1) Monitoring wells shall be drilled by a licensed drilling contractor, or where in-house drilling capability exists, by a drilling crew under the supervision of the design engineer or engineering geologist. Wells shall be logged during drilling by a geologist or geotechnical engineer. Soils shall be described using the ASTM Designation: D2488-84 method for visual classification, Standard Practice for Description and Identification of Soils (Visual-Manual Procedure), which is incorporated by reference. Rock units shall be described in a manner appropriate for geologic investigation.

(2) A record of each monitoring well shall be maintained by the operator and submitted to the Board and the local enforcement agency upon request. The record shall include:

(A) A facility map drawn to a scale proposed by the design engineer or engineering geologist, sufficient to show the location of all monitoring wells. The well must be identified with a number that corresponds to the well log. Surface elevations at the wellheads shall be denoted on the map.

(B) Well logs, including the names of the persons(s) logging the hole.

(C) An as-built description, including a well detail which indicates probe material and depth, extent and type of filter pack, thickness and material used for seals, extent and material used for backfill, size and interval of perforations, and a description of any shutoff valves or covers.

(3) To isolate monitored zones within the wellbore and prevent contamination of perched ground water and permanent ground water, the operator shall provide a minimum seal of 5 feet of bentonite at the surface and between the monitored zones.

NOTE: Authority cited: Sections 66790(f), and 66796.22(d), Government Code. Reference: Section 66786.7, Government Code.

Section 17783.7. Structure Monitoring

(a) To ensure that the requirements of Subsection 17783(a)(1) are met, the monitoring network design shall include provisions for monitoring on-site structures, including but not limited to buildings, subsurface

vaults, utilities or any other areas where potential gas buildup would be of concern. The proposal shall address on-site structures, both adjacent to and on top of the waste deposit area.

(b) Methods for monitoring on-site structures may include, but are not limited to: periodic monitoring utilizing either permanently installed monitoring probes or gas surveys; and continuous monitoring systems.

(c) Structures located on top of the waste deposit area shall be monitored on a continuous basis. When practical, structures shall be monitored after they have been closed overnight or for the weekend to allow for an accurate assessment of gas accumulation. Areas of the structure where gas may accumulate shall be monitored and may include, but are not limited to areas in, under, beneath and around basements, crawl spaces, floor seams or cracks, and subsurface utility connections.

NOTE: Authority cited: Sections 66790(f), and 66796.22(d), Government Code. Reference: Section 66786.7, Government Code.

Section 17783.9. Monitored Parameters

(a) All monitoring probes and on-site structures shall be sampled for methane during the monitoring period. Sampling for specified trace gases may be required by the Board or local enforcement agency, when there is a possibility of acute or chronic exposure due to carcinogenic or toxic compounds.

NOTE: Authority cited: Sections 66790(f), and 66796.22(d), Government Code. Reference: Section 66786.7, Government Code.

Section 17783.11. Monitoring Frequency

(a) As a minimum, quarterly monitoring is required. The local enforcement agency, with the concurrence of the Board, may require more frequent monitoring based upon the factors in Subsection 17783.3(a)(2). When more frequent monitoring is necessary, the requiring agency shall notify the operator.

(b) More frequent monitoring may also be required at those locations where results of monitoring indicate that landfill gas migration is occurring or is accumulating in structures.

(c) The operator shall increase the monitoring frequency, as is necessary, to detect migrating gas and ensure compliance with Section 17783.

NOTE: Authority cited: Sections 66790(f), and 66796.22(d), Government Code. Reference: Section 66786.7, Government Code.

Section 17783.13. Reporting

(a) The results of gas monitoring shall be submitted to the Board and local enforcement within ninety (90) days of sampling, provided that compliance levels are maintained. When compliance levels are exceeded at any probe, the requirements of Section 17783.15 shall apply. The monitoring reports shall include:

- (1) The concentrations of the methane, as measured at each probe and within each on-site structure;
- (2) The concentrations of specified trace gases, if required;
- (3) The documentation of date, time, barometric pressure, atmospheric temperatures, general weather conditions, and probe pressures;
- (4) The names of sampling personnel, apparatus utilized, and a brief description of the methods used;
- (5) A numbering system to correlate monitoring results to a corresponding probe location.

NOTE: Authority cited: Sections 66790(f), and 66796.22(d), Government Code. Reference: Section 66786.7, Government Code.

Section 17783.15. Control

(a) When the results of gas monitoring indicate concentrations of methane in excess of the compliance levels required by Subsection 17783(a), the operator shall:

- (1) Take all immediate steps necessary to protect public health and safety, and the environment.
- (2) Notify the Board and the local enforcement agency in writing within five (5) working days of learning that compliance levels have been exceeded, and indicate what has been done or is planned to be done to resolve the problem.
- (3) Verify accuracy of results by reviewing the following:
 - (A) probe readings,
 - (B) possible liquid interference,
 - (C) control well influence, and
 - (D) barometric pressure effects.
- (4) Within ten (10) working days, submit to the Board and the local enforcement agency a letter which describes the nature and extent of the problem, and any immediate corrective actions that need to be taken to protect public health and safety, and the environment.
- (5) Construct a gas control system, designed by a registered civil or mechanical engineer, within a period of time specified by the local enforcement agency, and concurred with by the Board. Installation of the system shall be in accordance with a design and in a manner approved for construction by the local enforcement agency, and concurred with by the Board.

(b) A gas control system shall be designed to:

- (1) Prevent methane accumulation in on-site structures.
- (2) Reduce methane concentrations at monitored property boundaries to below compliance levels.
- (3) Reduce trace gas concentrations.
- (4) Provide for the collection and treatment and/or disposal of landfill gas condensate produced at the surface. Condensate generated from gas control systems shall not be recirculated into the landfill unless analysis of the condensate demonstrates to the satisfaction of the local enforcement agency with concurrence of the Board, that it is acceptable to allow recirculation into landfills which have a liner and an operating leachate collection systems.

(c) Subsurface gas control systems may include, but are not limited to, one or more of the following:

- (1) Active perimeter or interior control systems which are designed to accommodate the maximum expected flow rate from the landfill, and provide access for system monitoring and flow rate adjustment. The control system shall be operated to ensure that gas is controlled at a sufficient rate without overdraw, to maximize control and not production, and to ensure adequate control for compliance with Subsection 17783(a).
- (2) Perimeter air injection systems which shall be installed in native soil between the refuse and the area to be protected. Injection wells shall not be located in the refuse. The system shall be designed and operated to prevent air infiltration into the landfill but maintain methane concentrations to compliance levels.
- (3) Passive systems, including cutoff trenches, slurry walls and vent trenches, when used shall be constructed with an impermeable geomembrane liner. The passive systems shall be installed to the depth of permanent low seasonal ground water or keyed into a low permeability layer below the limit of migration.

(d) When the results of monitoring in on-site structures indicate levels in excess of those specified in Subsection 17783(a), the operator shall take appropriate action to mitigate the effects of landfill gas accumulation in on-site structures. Gas control measures to protect structures, and public health and safety, shall include one or more of the following:

- (1) Flexible membrane liners,
- (2) Active collection systems,
- (3) Passive collection systems designed to be upgraded to an active system,

- (4) Alarms,
- (5) Ignition source control,
- (6) Utility collars installed within structures and outside in trenches, and
- (7) Ventilation.

(e) To ensure that the gas control system is operating at optimum efficiency to control landfill gas, the operator shall provide for system monitoring and adjustment.

(f) To provide for the safe, efficient operation of the gas control system, the operator shall implement a maintenance program in accordance with the following requirements:

(1) A site-specific operations and maintenance manual shall be maintained and kept current to reflect any expansion or modifications to the gas control system.

(2) An operations and maintenance manual shall provide for periodic inspections and servicing of gas control equipment.

(3) Operations and maintenance shall be recorded and the records shall be retained by the operator.

(g) Construction Quality Assurance/Quality Control

(1) The operator shall be responsible for providing inspections, as needed, to ensure the integrity of the system.

(2) Prior to construction, the designer shall obtain and review all applicable test reports, shop drawings, and manufacturer's certificates to verify that all equipment used in the gas control system has been manufactured in accordance with industry standards.

NOTE: Authority cited: Sections 66790(f), 66796.22(d), Government Code. Reference: Section 66786.7, Government Code.

Section 17783.17. Exemptions

(a) A landfill may be granted an exemption to all or any portion of the requirements of Sections 17783 through 17783.17 of this Article if the operator can demonstrate to the satisfaction of the local enforcement agency with concurrence by the Board, that there is no potential for adverse impacts on public health and safety, and the environment, based upon but not limited to: the size, nature and age of refuse; projected gas generation; and remoteness of the facility. Exemptions shall be reviewed by the local enforcement agency and the Board in conjunction with the five (5) year permit review, and based on the results, the local enforcement agency or the Board may extend or terminate the exemption.

NOTE: Authority cited: Sections 66790(f), and 66796.22(d), Government Code. Reference: Section 66786.7, Government Code.

Section 17787. Recording

(a) The owner or operator, upon completion of closure of the site, shall file a detailed description of the closed site, including a map with the Recorder of the County in which the site is located, with the local enforcement agency, with the Board and with the local agency that has been selected to maintain the county solid waste management plan. The site description, upon completion of closure of the site, shall include but not be limited to the following:

(1) the date that closure was completed;

(2) the boundaries of the filled area. If the site was closed in increments, the boundaries of each waste management unit;

(3) the location and telephone number of where the closure and postclosure plans can be obtained; and

(4) a statement that the future site use is restricted in accordance with the postclosure maintenance plan.

NOTE: Authority cited: Sections 66790(f), and 66796.22(d), Government Code. Reference: Section 66796.81, Government Code.

Section 17788. Postclosure Maintenance.

(a) The operator shall cause the landfill to be maintained and monitored for a period of not less than thirty (30) years after the completion of closure pursuant to Chapter 5, Article 3.4, Section 18265. Maintenance and monitoring shall include, but not be limited to the following:

- (1) maintenance of the final site face as specified in the final closure plan and developed pursuant to Section 17777 of this Article;
- (2) maintenance of the final cover as specified in the final closure plan and developed pursuant to Section 17773 of this Article;
- (3) site security;
- (4) ground water monitoring and maintenance of the components of this system as specified in the final closure and postclosure maintenance plans and developed pursuant to the ground water monitoring provisions of Section 17782 of this Article; and
- (5) gas monitoring and maintenance of the components of this system as specified in the final closure and postclosure maintenance plans and developed pursuant to Chapter 3, Article 7.8, Section 17783 et seq.

(b) If, at the end of thirty (30) years of postclosure maintenance, the operator demonstrates to the satisfaction of the local enforcement agency, the Board, and the regional water board that, based upon site geology, design characteristics, and actual field data collected pursuant to the monitoring provisions in Article 7.8 of this Chapter, the site poses no threat to public health and safety, or the environment, then the postclosure maintenance period may be terminated.

NOTE: Authority cited: Sections 66790(f), and 66796.22(d), Government Code. Reference: Section 66771, Government Code.

Section 17789. Review of Postclosure Maintenance Activities.

The local enforcement agency shall cause each site, subject to the postclosure maintenance requirements, to be inspected a minimum of semi-annually for compliance with the postclosure maintenance plan. The local enforcement agency shall evaluate the site's compliance with each requirement of the plan as specified under Chapter 5, Article 3.4, Section 18265.

NOTE: Authority cited: Sections 66790(f), and 66796.22(d), Government Code. Reference: Section 66771, Government Code.

Section 17792. Change of Ownership During Closure or Postclosure Maintenance.

When the title to a disposal site is transferred to another person during closure or postclosure maintenance, the new owner shall be notified by the previous owner or his agent of the existence of these standards and of the conditions and agreements assigned to assure compliance. Specific notice shall be made of the requirements of this Article and Chapter 5, Article 3.4. The previous owner shall notify the Board and the local enforcement agency of the change in title and shall provide the name, firm, mailing address, and telephone number of the new owner.

NOTE: Authority cited: Sections 66790(f), and 66796.22(d), Government Code. Reference: Sections 66771 and 66796.30(f), Government Code.

Section 17796. Postclosure Land Use.

(a) The site design shall show one or more proposed uses of the site toward which the operator will direct his efforts or shall show development as open space, graded to harmonize with the setting and landscaped with native shrubbery or low maintenance ground cover.

(b) All proposed construction improvements on completed sites shall be submitted to the local enforcement agency and the Board for review and comment concerning possible construction problems, hazards to health and safety, and factors which might affect the improvements. These comments shall pertain to the effect of the project on public health and safety, and the environment.

(c) ~~The owner of Construction improvements on the site shall maintain not allow construction which:~~
~~(1) threatens the integrity of the final cover or any liner(s), all; or~~
~~(2) threatens the integrity of any components of the containment system(s) or, and the functions of the monitoring system(s), unless.~~ The owner shall demonstrate to the satisfaction of the local enforcement agency and the Board ~~determine~~ that the activities will not increase the potential threat to public health and safety and the environment, or that the activities are necessary to reduce the threat to public health and safety, and the environment.

(d) Construction of buildings ~~structural improvements~~ on top of landfilled areas during the postclosure period shall ~~be allowed only with meet~~ the following ~~restrictions: conditions:~~

~~(A)(1)~~ automatic methane gas sensors designed to trigger an audible alarm when methane concentrations are detected, shall be installed in all buildings constructed on closed sites;

~~(B)(2)~~ buildings shall be above-grade structures. ~~Basement Enclosed basement~~ construction is prohibited;

~~(C)(3)~~ buildings shall be constructed to mitigate the effects of gas accumulation, which may include an active gas collection or vent system;

~~(D)(4)~~ all utility connections shall be designed with flexible connections and utility collars;

~~(E) pilings and(5)~~ utilities shall not be installed in or ~~through~~ below the barrier layer of final cover.

~~(6) pilings shall not be installed in or through the barrier layer of the final cover or any liner.~~

(e) the local enforcement agency or the Board may require that an additional soil layer or building pad be placed on the final cover prior to construction to protect the integrity and function of the various layers of final cover.

(f) All on-site structures constructed within 1,000 feet of the waste holding area shall be designed and constructed in accordance with the following, or in accordance with an equivalent design which will prevent gas migration into the building, ~~unless an exemption has been issued pursuant to Section 17783:17 of this Article:~~

(1) A geomembrane or equivalent system with high gas impermeability shall be installed between the slab and subgrade.

(2) A permeable layer of open-graded material of clean aggregate with a minimum thickness of 12 inches shall be installed between the geomembrane and the subgrade or slab.

(3) A geotextile filter shall be utilized to prevent the introduction of fines into the permeable layer;

(4) Perforated venting pipes shall be installed within the permeable layer and shall be designed to operate without clogging;

(5) The venting pipe shall be constructed with the ability to be connected to an induced draft exhaust system;

(6) Automatic methane gas sensors shall be installed within the venting pipe/permeable gas layer, and inside the building to trigger an audible alarm when methane gas concentrations are detected.

NOTE: Authority cited: Sections 66790(f) and 66796.22(d), Government Code. Reference: Section 66771 and ~~66796:38(c)~~, Government Code.

Phase I Chemical Constituents

- | | |
|-------------------------------------|---|
| 1) Ammonia as N | 14) Total Organic Carbon
taken as 3 replicates |
| 2) Bicarbonate (HCO_3) | 15) pH measured in the field |
| 3) Calcium | 16) Alkalinity (as CaCO_3) |
| 4) Chloride | 17) Arsenic |
| 5) Iron | 18) Barium |
| 6) Magnesium | 19) Cadmium |
| 7) Manganese (dissolved) | 20) Chromium |
| 8) Nitrate (as N) | 21) Cyanide |
| 9) Potassium | 22) Lead |
| 10) Sodium | 23) Mercury |
| 11) Sulfate | 24) Selenium |
| 12) Chemical Oxygen Demand
(COD) | 26) Silver |
| 13) Total Dissolved Solids (TDS) | |

Volatile Organic Constituents

- | | |
|--------------------------|------------------------|
| 27) Acetone | 34) Methylene chloride |
| 28) Benzene | 35) Styrene |
| 29) Bromoform | 36) Toluene |
| 30) Bromomethane | 37) Trichloroethene |
| 31) Carbon tetrachloride | 38) Vinyl acetate |
| 32) Chloroform | 39) Vinyl chloride |
| 33) Ethanol | 40) Xylene |

CALIFORNIA WASTE MANAGEMENT BOARD

AGENDA ITEM # 1C

DECEMBER 14-15, 1989

ITEM:

Consideration of Adoption of Closure/Postclosure Regulations:
Chapter 5, Article 3.4 - Application and Approval of Closure and
Postclosure Maintenance Plans

KEY ISSUES:

- AB 2448 required the Board to adopt closure and postclosure plan approval procedures.
- Emergency Regulations setting standards for closure and postclosure responsibility were adopted on June 7, 1989 and approved by the Office of Administrative Law on August 18, 1989.
- The 45-day public comment period began on October 6, 1989 and ended with a public hearing on November 20, 1989. Responses to written comments and oral testimony presented at the hearing have been prepared and the regulations have been amended accordingly.

BACKGROUND:

STATUTORY AUTHORITY

AB 2448 (Eastin, 1987) required the California Waste Management Board (Board) to adopt emergency regulations "specifying closure plan and postclosure maintenance plan adoption procedures." The following three requirements were subject to the adoption procedures:

1. The plans for closure and postclosure maintenance at solid waste landfills.
2. Written cost estimates covering the estimated cost of each item contained in the closure plan and the estimated cost of maintaining the landfill for a period of not less than 30 years after closure in accordance with the postclosure maintenance plan.
3. Evidence of financial ability in the form of a trust fund or an equivalent financial arrangement acceptable to the Board, to provide for the cost of closure plus 15 years of postclosure maintenance.

The plans are to be submitted to and approved by the Board, the local enforcement agency (LEA), and the regional water board. Closure and postclosure maintenance plans are to be submitted on July 1, 1990, or with the five-year permit review depending on the landfill's remaining permitted capacity and review status. The plans are to be submitted by any person who operated a solid waste landfill on or after January 1, 1988, or upon application to become an operator. The Board may differentiate in regulation between preliminary and final plans. Revisions in the plans prior to closure are to be accompanied by corresponding revisions to the cost estimates. Operators are required to periodically revise the cost estimates for not less than 30 years after closure. Owners and operators must close and maintain landfills during postclosure in accordance with the most recent closure plan and the most recent postclosure maintenance plan approved by the Board and local enforcement agency. The Board is prohibited from requiring revisions or amendments to closure plans after the closure of landfills to reflect subsequent changes in any standards or regulations adopted by the Board.

Existing law required that the Solid Waste Cleanup and Maintenance Advisory Committee, created by AB 2448, recommend to the Board guidelines for the adoption of regulations that would specify procedures and policies necessary for the Board and other State agencies with authority over closure and postclosure maintenance of solid waste facilities to effectively coordinate their regulations to achieve compliance with all applicable requirements of state and federal law. The regulations are not to duplicate or conflict with the regulations that impose closure and postclosure maintenance requirements found in Title 23, California Code of Regulations, Subchapter 15.

Finally, the California Environmental Quality Act (CEQA) (Public Resources Code Sections 21000, et seq.) requires that the environmental impacts of any project be considered by any public agency which has discretionary authority over that project. The approval of final closure and postclosure maintenance plans by the local enforcement agencies and the Board are discretionary actions under CEQA.

Board staff is pursuing having the closure/postclosure plan adoption process approved by the Resources Agency as a certified regulatory program under CEQA, in lieu of being required to prepare and certify environmental impact reports. In order to be eligible to be certified, a regulatory program must utilize an interdisciplinary approach which will ensure the integrated use of the natural and social sciences in decision-making. The enabling legislation for the program must include protection of the environment among its principal purposes and contain authority for the administering agency to promulgate regulations.

The regulations adopted by the administering agency for this program must require that:

- No activity be approved or adopted if there are feasible alternatives or mitigation measures available which would substantially lessen any adverse impact of that activity on the environment.
- Guidelines be included for the orderly evaluation of proposed activities and the preparation of a plan or other written documentation consistent with protecting the environment.
- The administering agency consult with all public agencies which have jurisdiction with respect to the proposed activity.
- The final action on the proposed activity include the written responses of the issuing authority to significant environmental points raised during the evaluation process.
- A notice of decision on the proposed activity be filed with the Resources Agency by the administering agency.
- Notice of the filing of a plan be made to the public and to any person who requests notification in writing. The notice must provide sufficient time for review and comment on the filing.

In addition, the plan required by the regulatory program must:

- Include a description of the proposed activity with alternatives to the activity, and mitigation measures to minimize any significant environmental impacts.

- Be available for a reasonable period of time for review and comment by other public agencies and the general public.

REGULATORY DEVELOPMENT

In July of 1987, a regulatory work group was formed to review current Board regulations. The Board perceived the need for modification to its existing regulations based upon changing technology, the regulatory community and statutory direction to the Board and other agencies involved in the protection of the public health and safety and the environment. The group began an evaluation of the Board's regulations and determined that in addition to proposed revisions to the standards governing the operation of solid waste facilities, the Board should also direct its effort towards the development of both closure and postclosure maintenance standards as an extension of the operating standards.

In September, 1987, the Legislature affirmed this direction with a mandate to the Board to not only require operators of solid waste landfills to plan for the closure and postclosure of their landfills but to require that they have the financial resources to properly close and maintain the landfills. A closure/postclosure regulations unit was created in January, 1988, when additional resources were provided to the Board to fulfill these requirements.

In March, 1988, the Solid Waste Cleanup and Maintenance Advisory Committee (Committee) held its first meeting to develop recommendations to the Board on these regulations. At this meeting the statutory authority of each agency was discussed and Board staff began the development of the guideline document based upon the Committee's direction. The Committee met again in July, 1988, to begin discussion of the first draft of the guideline document. The document covered the coordination among the agencies in the development of regulations, a proposed procedure for the review and evaluation of the plans and proposals to coordinate efforts relating to federal requirements governing solid waste landfills as well. At the November meeting of the Committee, many changes were made to the guidelines and the committee voted to conditionally approve the guideline document provided that specific changes be made and no further comments requiring significant change were received from Committee members. Final approval to the guidelines was granted at the Committee's January, 1989, meeting.

Based upon this guideline document, Board staff developed the second draft of regulations governing the application and approval of the closure and postclosure maintenance plans, cost estimates and financial ability demonstration. These draft regulations in addition to the draft regulations covering the uniform standards for closure and postclosure maintenance were distributed to all operators of solid waste facilities, local enforcement agencies, the State Water Resources Control Board, regional water quality control boards and other interested parties on February 7, 1989,

REGULATIONS DEVELOPMENT CHRONOLOGY

February 1987 Meeting Board commits to a comprehensive review of the Board's regulations with closure/postclosure as one of the top priorities.

July 1987 Ad hoc staff regulations group created to perform comprehensive review of regulations.

August 1987 Meeting Introduction of ad hoc regulations group staff and topics to the Board.

September 28, 1987 AB 2448 (Eastin) signed by Governor and becomes effective as an urgency measure.

December 1987 Closure/postclosure regulations unit created, funded under AB 2448.

January 1988 Comprehensive review of regulations distributed to the Board.

April 1988 Meeting Discussion on regulatory issues and options on disposal site standards for closure and postclosure.

May 1988 Meeting Continue discussion on regulatory issues and options on disposal site standards for closure and postclosure.

September 1988 Mass mailing of draft disposal site standards for closure and postclosure and public input workshops in Northern and Southern California.

January 1989 Meeting Discussion of revised draft disposal site standards for closure and postclosure.

February 1989 Mass mailing of revised draft disposal site standards for closure and postclosure for review and comment.

April 1989 Meeting Discussion of major policy issues raised in comments received by March 31, 1989.

May 1989 Meeting Discussion of specific comments and staff responses to comments received by March 31, 1989.

May 1989 Mass mailing of proposed emergency regulations including disposal site standards for closure and postclosure.

June 1989 Board adopts Emergency Regulations.

August 18, 1989 Office of Administrative Law (OAL) approves Emergency Regulations.

September 1989 Submitted Notice of Rulemaking Activity and Initial Statement of Reasons to OAL.

September 1989 Mass mailing of approved Emergency Regulations.

FORMAL RULEMAKING PROCESS

October 6, 1989 OAL publishes Notice of Rulemaking Activity beginning 45-day public comment period and mailed the Initial Statement of Reasons.

November 20, 1989 Public Hearing held and Public Comment period ends.

November 29, 1989 15-day Renote of regulations.

December 14-15, 1989 Public Hearings on the changes to the proposed regulations, and consideration of adoption.

December 18, 1989 Emergency Regulations lapse.

for review and comment. The revised draft closure/postclosure plan adoption procedure regulations presented at the Board's February 15-17, 1989, Board meeting.

Significant revisions were made to the draft regulations based upon Board direction and public comments received, both written and oral. Because of the volume of comments received on the draft regulations covering both the procedures for approval of the plans and the uniform standards for closure and postclosure maintenance, the responses to each of the comments and the accompanying changes to the draft regulations based upon these comments were presented at the Board's May 11-12, 1989, meeting.

Emergency regulations were adopted by the Board with specified changes at its June 1989 meeting. The emergency regulations were submitted to the Office of Administrative Law. The Office of Administrative Law approved and the emergency regulations became effective on August 18, 1989.

Emergency regulations adopted by the Board will expire on December 18, 1989. Staff submitted the adopted emergency regulations to the Office of Administrative Law for consideration as permanent regulations. The regulations and the initial statement of reasons were published by the Office of Administrative Law in a Notice of Rulemaking Activity thus beginning the 45-day public comment period and the formal rulemaking process.

Regulations being brought before the Board for consideration and adoption as permanent regulations are the emergency regulations now in effect with additional changes recommended by staff in response to comments received during the formal comment period.

EMERGENCY REGULATIONS

The attached emergency regulations describing plan application and approval procedures have been developed to reflect previous Board direction; additional staff work; the informal workshops held in September 1988; small topic specific staff meetings; and written comments received.

The emergency regulations fulfilled the statutory requirements of Government Code Section 66796.22 by including the following provisions:

1. specifying what must be contained in the closure and postclosure maintenance plans;
2. describing what an operator must submit to each approving agency in order for the plans to be considered for approval;
3. providing for a coordinated review and approval process for the three approving agencies (Board, LEA and regional water board); and,
4. describing what steps an operator must take in order to complete the requirements of both closure and postclosure maintenance at the landfill.

In addition, for the closure and postclosure regulations to be approved by the Secretary of Resources Agency in lieu of being required to prepare and certify environmental impact reports, additional language was required and was discussed at the public hearing.

FORMAL RULEMAKING

To start the formal rulemaking process, Board staff began a 45-day public comment period and noticed formal rulemaking with OAL on October 6, 1989. During this comment period Board staff received written comments from the public at large. A total of 34 sets of written comments were received. Pursuant to the rulemaking process a public hearing was held by the Board on November 20, 1989 to receive public comment and oral testimony on the permanent regulations. These comments, both written and oral, must be addressed by the Board and were used to revise the regulations where appropriate. Changes made to the regulations up to this point have been either non-substantial or sufficiently related. Sufficiently related changes require an additional 15 day public comment period, and notice to this effect was submitted to OAL on November 29, 1989. This 15-day public comment period ends on December 14, 1989.

BOARD FINDINGS

The Board must make several findings pursuant to OAL regulations and the Administrative Procedures Act (APA) in the process of formally adopting regulations. The regulatory package needs to include a statement of reasons and a determination that the adopting agency finds that no alternatives considered would be more effective and less burdensome than the proposed regulations pursuant to Government Code Sections 11346.14 and 11346.7. The Board must determine if these regulations impose a mandate on local agencies or school districts pursuant to Government Code Section 11346.7. The Board must also demonstrate that any provisions incorporated by reference are necessary because they would be cumbersome, unduly expensive or impractical to publish in the California Code of Regulations. This finding is to be made within the final statement of reasons pursuant to OAL regulations in Title 1 California Code of Regulations Section 20.

RULEMAKING PROCEDURES

Several other regulatory procedures are required by the APA. These procedures and the above findings are addressed within the resolution that follows this agenda item. The Board must transmit to OAL a certified copy of every regulation adopted pursuant to Government Code Section 11343. A certificate of compliance pursuant to Government Code Section 11346.1 must be filed with OAL. Where the regulations mandate the use of specific technologies or equipment, the Board must give reasons why performance standards cannot be used in lieu of prescriptive standards as discussed in

Government Code Section 11346.14. The public must be notified of the proposed regulatory action and at least a 45-day public comment period granted pursuant to Government Code Section 11346.4 and 11346.5. The rulemaking record must be made available to the public pursuant to Government Code Section 11346.5. The Board must address economic impacts on small businesses, and cost impacts on private persons or businesses pursuant to Government Code Section 11346.53. The Board needs to submit to OAL a final statement of reasons pursuant to Government Code Section 11346.7. The Board must hold a public hearing and accept comments pursuant to Government Code Section 11346.8. Finally, the Board must maintain a rulemaking file pursuant to Government Code Section 11347.3.

Should the Board elect to make changes to the proposed regulations other than of grammatical or non-substantial nature, then further public comment will be necessary. If the changes are sufficiently related to the original notice published with OAL, then only a 15-day public comment period will be necessary before the Board can adopt the regulations. OAL, however, requires that the rulemaking process be started if major changes are necessary.

Board staff have revised the attached proposed regulations. Specific changes are indicated by ~~strikeout~~ for deletions and redline for additional language.

Board staff will highlight the changes made to the regulations and discuss public comments received concerning these changes. Additional oral testimony may be given by the public at the December 14-15, 1989 Board meeting.

BOARD OPTIONS:

Option 1. Adopt regulations with non-substantial changes. The Board would adopt the regulations package with non-substantial changes for submittal to the Office of Administrative Law (OAL).

Option 2. Direct staff to amend regulations with sufficiently related changes. The Board may determine that changes, which are sufficiently related to the original text, are necessary as a condition of adoption. By choosing this option, the Board would direct staff to make specific changes identified during the Board meeting based on written comments, oral testimony, additional staff work. This option would require a 15-day public comment period. The amended regulations would be presented for consideration of adoption at the January 24-26, 1990 Board meeting. If this option is chosen, the Emergency Regulations would lapse unless OAL grants a time extension.

Option 3. Adopt specific regulations. Using this option, the Board would adopt specific regulations at this time, and direct staff to amend the remaining regulations with changes that are either substantial or sufficiently related. This option would require either renoticing the amended regulations with OAL for a

45-day public comment period, restarting the rulemaking process, or would require a 15 day public comment period. If this option is chosen, specific Emergency Regulations not adopted would lapse unless OAL grants a time extension.

Option 4. Amend regulations with major changes. If the above options cannot resolve major areas of concern, it would be appropriate for the Board to amend the regulations with changes that are significantly different from the original text, and restart the rulemaking process. If this option is chosen, the Emergency Regulations would lapse unless OAL grants a time extension. Staff would pursue necessary revisions based on Board direction and guidance.

STAFF RECOMMENDATION:

Staff recommends that the Board adopt Option 1.

Attachment

CALIFORNIA WASTE MANAGEMENT BOARD

**RESOLUTION # 89-101
FOR THE ADOPTION OF REGULATIONS FOR:
CHAPTER 5, ARTICLE 3.4, APPLICATION AND
APPROVAL OF CLOSURE AND POSTCLOSURE MAINTENANCE PLANS.
DECEMBER 15, 1989**

WHEREAS, Government Code Section 66796.22 required the Board to adopt Emergency Regulations for the closure and postclosure of solid waste landfills on or before July 1, 1989; and

WHEREAS, the Board adopted Emergency Regulations on June 9, 1989; were approved by the Office of Administrative Law and went into effect on August 18, 1989; and

WHEREAS, a Certificate of Compliance pursuant to Government Code Section 11346.1 must be filed with the Office of Administrative Law within 120 days from August 18, 1989 with regard to these regulations; and

WHEREAS, formal notice of rulemaking activity was published on October 6, 1989; there has been a 45-day public comment period; and the Board held a public hearing regarding the application and approval of closure and postclosure maintenance plans, Chapter 5, Article 3.4, of Title 14 of the California Code of Regulations on November 20, 1989; and

WHEREAS, the Board has taken these public comments under consideration; and

WHEREAS, since the Board has fulfilled all the requirements of Government Code Sections 11343., 11346.1, 11346.14, 11346.4, 11346.5, 11346.53, 11346.7, 11346.8, and 11347.3; and Title 1 California Code of Regulations Section 20; and

WHEREAS, the Board has maintained rulemaking file which shall be deemed to be the record for the rulemaking proceedings pursuant to the Government Code Section 11347.3; and

WHEREAS, the Board finds that proper closure and postclosure maintenance are necessary for the protection of air, land and water from the effects of pollution from solid waste landfills.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the regulations found in Chapter 5, Article 3.4 (effective as Emergency Regulations August 18, 1989), with only non-substantial changes and direct staff to submit the regulations package and rulemaking file to the Office of Administrative Law.

CERTIFICATION

The undersigned Chief Executive Officer of the California Waste Management Board does hereby certify that the foregoing is a full true and correct copy of a resolution duly and regularly adopted at a meeting of the California Waste Management Board held December 14-15, 1989.

Dated:

George Eowan
Chief Executive Officer

TITLE 14 CALIFORNIA WASTE MANAGEMENT BOARD

CHAPTER 5. ENFORCEMENT OF SOLID WASTE MINIMUM STANDARDS AND
ADMINISTRATION OF SOLID WASTE FACILITIES PROGRAM

Article

3.4

Application and Approval of Closure and Postclosure Maintenance Plans

DETAILED ANALYSIS

Section

18250	Scope and Applicability
■18251	Definitions
18255	Submittal of Closure and Postclosure Maintenance Plans
18256	Operation of a Solid Waste Landfill Without Approved Closure and Postclosure Maintenance Plans
18257	Maintenance of Closure and Postclosure Maintenance Plans
18260	Closure and Postclosure General Performance Standard
18261	Preliminary Closure Plan
18261.3	Contents of the Preliminary Closure Plan
18262	Final Closure Plan
■18262.3	Contents of the Final Closure Plan
18263	Closure Cost Estimates
18264	Preliminary Postclosure Maintenance Plan
18264.3	Contents of the Preliminary Postclosure Maintenance Plan
18265	Final Postclosure Maintenance Plan
18265.3	Contents of the Final Postclosure Maintenance Plan
18266	Postclosure Maintenance Cost Estimates
18267	Form of Application for Review of Closure and Postclosure Maintenance Plans
18268	Filing of Application and Transmittal of Copies
■18269	Notice of Filing
18270	Evaluation of Closure and Postclosure Maintenance Plans
■18271	Approval of Closure and Postclosure Maintenance Plans
18272	Amendment of Closure and Postclosure Maintenance Plans
18275	Certification of Closure
18276	Revision of Plans During Closure and Postclosure Maintenance
18277	Release From Postclosure Maintenance

- Sections that have been modified from originally noticed text currently in effect as emergency regulations and are subject to comment.

**CHAPTER 5: ENFORCEMENT OF SOLID WASTE MINIMUM STANDARDS AND
ADMINISTRATION OF SOLID WASTE FACILITIES PROGRAM**

**ARTICLE 3.4: APPLICATION AND APPROVAL OF CLOSURE AND
POSTCLOSURE MAINTENANCE PLANS**

Section 18250. Scope and Applicability

(a) This Article sets forth the requirements for the development and approval of closure and postclosure maintenance plans and their implementation. The development of such plans is to ensure that a solid waste landfill will be closed in such a manner as to protect the public health and the environment and to ensure that adequate resources will be available to properly accomplish closure and to maintain the landfill during the postclosure maintenance period.

(b) The regulations contained in this Article apply to all solid waste landfills required to be permitted pursuant to Title 7.3, Government Code, Sections 66796.30 and 66796.31 that were operating on or after January 1, 1988.

(c) In addition, the plans required by this Article for new or existing solid waste landfills shall include, but not be limited to, other pertinent facilities located at the site of the solid waste landfill which are related to the disposal activities at the solid waste landfill. The plans shall also include activities which continue operation after the solid waste landfill has completed closure which will directly or indirectly impact the closure and postclosure activities at the solid waste landfill.

NOTE: Authority cited: Sections 66790(f) and 66796.22(d), Government Code. Reference: Sections 66796.22(b), 66796.30 and 66796.31, Government Code.

Section 18251. Definitions

(a) The following definitions shall apply to the regulations contained in this Article:

(1) Certified Engineering Geologist.

"Certified Engineering Geologist" means a registered geologist, certified by the State of California, pursuant to Section 7842 of the Business and Professions Code.

(2) Discrete Unit.

"Discrete Unit" means a landfill area which is individually described in the closure and postclosure maintenance plans required in this Article, and is lined or sufficiently separated by geologic materials to allow for individual monitoring of each discrete unit.

(3) Financial Mechanism.

"Financial Mechanism" means a trust fund or other equivalent financial arrangement acceptable to the Board pursuant to Title 14, CCR, Chapter 5, Article 3.5, Section 18283.

(4) Operating.

"Operating" means currently active or the period of site activity from the first receipt of waste until the final receipt of waste consistent with the normal pattern of operation in the solid waste facilities permit.

(5) Operator.

"Operator" means the landowner or other person who through a lease, franchise agreement or other arrangement with the landowner becomes legally responsible to the state for including, but not limited to, the following requirements for a solid waste landfill:

(A) obtaining a solid waste facilities permit;

- (B) complying with all applicable federal, state and local requirements;
- (C) the physical operation of the site; and
- (D) closing and maintaining the site during the postclosure maintenance period.

~~(5)~~ **(6) Regional Water Board.**

"Regional Water Board" means a California regional water quality control board for a region, as specified in Section 13200 of the Water Code.

~~(6)~~ **(7) Registered Civil Engineer.**

"Registered Civil Engineer" means a civil engineer registered by the State of California, pursuant to Section 6762 of the Business and Professions Code.

~~(7)~~ **(8) Solid Waste Landfill.**

"Solid Waste Landfill" means a disposal facility, as defined in Section 66714 of the Government Code, that accepts solid waste, as defined in Section 66719 of the Government Code, and which meets the requirements of a Class III landfill pursuant to Sections 2533 and 2541 of Title 23 of the California Code of Regulations. "Solid Waste Landfill" does not include a facility which received only waste generated by the landfill owner or operator in the extraction, beneficiation or processing of ores and minerals.

NOTE: Authority cited: Sections 66790(f) and 66796.22(d), Government Code. Reference: Sections 66796.22, Government Code.

Section 18255. Submittal of Closure and Postclosure Maintenance Plans

All plans submitted to fulfill the requirements of Section 18250 et seq. of this Article shall be submitted to the Board, the local enforcement agency and the regional water board. Plans shall be submitted in accordance with the following schedule:

(a) Complete Site Closure.

(1) Preliminary closure and postclosure maintenance plans for solid waste landfills operating on or after January 1, 1988, and prior to the effective date of these regulations shall be submitted at the time of application for each solid waste facilities permit review pursuant to Title 14, CCR, Chapter 5, Article 3.1, Section 18213(b).

(2) New solid waste landfills not operating prior to the effective date of the regulations shall submit their preliminary closure and postclosure maintenance plans at the time of application for a solid waste facilities permit pursuant to Title 14, CCR, Chapter 5, Article 3.1, Section 18200 et seq.

(3) Final closure and postclosure maintenance plans for solid waste landfills operating on or after January 1, 1988, shall be submitted two years prior to the anticipated date of closure.

(4) Any operator intending to close a solid waste landfill (operating on or after January 1, 1988) on or before September 28, 1992, shall submit a final closure and postclosure maintenance plan on or before July 1, 1990. This section applies to a solid waste landfill which will reach capacity or is otherwise required to close prior to September 28, 1992. A planned expansion of the solid waste landfill which has not yet been permitted according to Title 14, CCR, Chapter 5, Article 3.1, Section 18200 et seq. does not relieve an operator of the responsibilities of this subsection.

(b) Partial Closure of a Solid Waste Landfill.

Submission of plans for partial closure of a solid waste landfill shall be in accordance with Subsection (1) and (2) below.

(1) Final closure and postclosure maintenance plans for the incremental closure of discrete units shall be submitted for each unit two (2) years prior to the anticipated date of closure of that discrete unit in accordance with Sections 18267 and 18268 of this Article. Closure of such a discrete unit shall not commence until approval of the final closure and postclosure maintenance plans for that discrete unit has been granted. For those solid waste landfills operating in this manner, the specific closure details for each discrete unit shall be compatible with closure of the entire solid waste landfill.

(2) An operator of a solid waste landfill proposing to implement any one or a combination of individual closure activities shall obtain approval of the final closure and postclosure maintenance plans before proceeding to implement closure or postclosure maintenance activities.

NOTE: Authority cited: Sections 66790(f) and 66796.22(d), Government Code. Reference: Section 66796.22(b)(2) and 66796.22(d), Government Code.

Section 18256. Operation of a Solid Waste Landfill Without Approved Closure and Postclosure Maintenance Plans

(a) A solid waste landfill which does not have approved closure and postclosure maintenance plans, in accordance with Section 18271 of this Article, within one year of the date of submittal of the plans shall cease operation unless the plans have been approved or modified and approved by the Board, the local enforcement agency, and the regional water board.

(b) The one year period specified under Subsection (a) is calculated from the first date that the plans were required to be submitted pursuant to Section 18255 of this Article.

NOTE: Authority cited: Sections 66790(f) and 66796.22(d), Government Code. Reference: Section 66796.22(b), Government Code.

Section 18257. Maintenance of Closure and Postclosure Maintenance Plans

The most recently approved preliminary or final closure and postclosure maintenance plans shall be maintained at the solid waste landfill during operation, closure and postclosure periods. If there are no offices located at the solid waste landfill, then the plan may be maintained at an alternate, designated location, approved by the local enforcement agency, which is accessible to the operator on a daily basis.

NOTE: Authority cited: Sections 66790(f) and 66796.22(d), Government Code. Reference: Section 66796.22(b), Government Code.

Section 18260. Closure and Postclosure General Performance Standard

The preliminary and final closure and postclosure maintenance plans shall accomplish the following:

(a) Identify the steps necessary to close a solid waste landfill at the point in its active life when the extent and manner of operation would make closure the most expensive;

(b) Minimize the extent of postclosure maintenance necessary while ensuring protection of public health and safety and the environment;

(c) Provide a third party with specific tasks and cost estimates for the closure of a solid waste landfill and the postclosure maintenance of that landfill in the event that a third party must assume the responsibility for closure and/or postclosure; and,

(d) Comply with the closure and postclosure requirements of this Article and Title 14, CCR, Chapter 3, Article 7.8.

NOTE: Authority cited: Sections 66790(f) and 66796.22(d), Government Code. Reference: Section 66796.22(a) and 66796.22(b)(2), Government Code.

Section 18261. Preliminary Closure Plan

- (a) The purpose of the preliminary closure plan is to:
- (1) allow the operator to prepare an estimate of closure costs;
 - (2) enable the Board and local enforcement agency to assess the reasonableness of the cost estimate;
- and
- (3) allow a registered civil engineer to certify to the accuracy of the cost estimate.

(b) The preliminary closure plan shall be a written plan to describe the closure of the entire landfill in accordance with the requirements of the closure performance standards of Section 18260 of this Article and the closure standards in Title 14, CCR, Chapter 3, Article 7.8.

NOTE: Authority cited: Sections 66790(f), and 66796.22(d), Government Code. Reference: Section 66796.22(b), Government Code.

18261.3. Contents of the Preliminary Closure Plan

(a) The plan shall identify the steps necessary to perform either partial closure, in accordance with Title 14, CCR, Chapter 3, Article 7.8, Section 17764 or complete site closure and shall include, but is not limited to, the following information:

- (1) a solid waste landfill location map indicating property boundaries, general location of the landfill, all on-site structures, entry roads, structures within 1000 feet of the property boundary, current monitoring and control systems, total acreage of the solid waste landfill, total acres permitted for landfill, and the existing and proposed final limits of waste placement.

- (2) Topographic maps to include: pre-landfill and post-excavation topography; current topography; and, proposed final grading. Topographic maps shall be drawn to a scale and with a contour interval in accordance with the requirements of Title 14, CCR, Chapter 3, Article 7.8, Section 17776.

- (3) an estimate of the maximum extent of the landfill that will ever require closure at any given time during the life of the landfill.

- (4) a description of the current monitoring and control systems at the landfill;

- (5) a description of the current land uses within one mile of the permitted area. This is to include the zoning and specific industries within the one mile area and shall reference the specific page or map number for the particular county planning agency. The plan shall also include any proposed postclosure land use, subject to the requirements of Title 14, CCR, Chapter 3, Article 7.8, Section 17796, at the site, if so designated in the County General Plan or other planning documents;

- (6) an estimate of the closure date based on volumetric calculations. The estimate shall account for the effects of settlement and refuse to cover ratio in the calculations. Documentation for arriving at the conclusions shall be provided; and

- (7) a general description, sufficient to meet the requirements of Subsection 18261(a) of this Article, of the methods, procedures, and processes that will be used to implement closure, including the personnel, equipment and materials necessary for each aspect of closure. The plan shall describe the activities needed to meet the requirements of Title 14, CCR, Chapter 3, Article 7.8 and propose a general time estimate for completing each task. The activities described shall include, but are not limited to:

- (A) removal of solid waste landfill structures pursuant to Title 14, CCR, Chapter 3, Article 7.8, Section 17771;

- (B) decommissioning of environmental controls pursuant to Title 14, CCR, Chapter 3, Article 7.8, Section 17772;

- (C) providing site security (e.g., fencing, signs) required pursuant to Title 14, CCR, Chapter 3, Article 7.8, Section 17767;

- (D) placement of final cover pursuant to Title 14, CCR, Chapter 3, Article 7.8, Section 17773, including identification of potential sources of suitable materials;

- (E) final grading in accordance with Title 14, CCR, Chapter 3, Article 7.8, Section 17776;

- (F) final site face pursuant to Title 14, CCR, Chapter 3, Article 7.8, Section 17777. The slope stability report, when required, shall be submitted with the final closure plan;

- (G) installation of drainage controls pursuant to Title 14, CCR, Chapter 3, Article 7.8, Section 17778;

(H) slope protection and erosion control pursuant to Title 14, CCR, Chapter 3, Article 7.8, Section 17779;

(I) implementation of leachate control measures pursuant to Title 14, CCR, Chapter 3, Article 7.8, Section 17781;

(J) installation of the ground water monitoring network pursuant to Title 14, CCR, Chapter 3, Article 7.8, Section 17782; and

(K) installation of gas monitoring and control systems pursuant to Title 14, CCR, Chapter 3, Article 7.8, Section 17783.

(8) the closure cost estimate pursuant to Section 18263 of this Article.

NOTE: Authority cited: Sections 66790(f), and 66796.22(d), Government Code. Reference: Section 66796.22(b), Government Code.

Section 18262. Final Closure Plan

(a) The purpose of the final closure plan is to:

- (1) provide a basis for the operator to establish an accurate cost estimate for closure;
- (2) provide a detailed plan and schedule for the operator to implement upon closure of the landfill; and
- (3) allow the Board and local enforcement agency to easily monitor closure activities to determine that all requirements of landfill closure have been implemented in accordance with the approved plan.

(b) Final closure plans shall be submitted for the entire landfill and/or for each discrete unit to be closed, in accordance with the requirements of partial closure, Title 14, CCR, Chapter 3, Article 7.8, Section 17764, depending on how the operator intends to implement closure. Plans submitted for partial closure must be compatible with closure of the entire landfill.

NOTE: Authority cited: Sections 66790(f), 66796.22(d), Government Code. Reference: Section 66796.22(b), Government Code.

18262.3. Contents of the Final Closure Plan

(a) At a minimum, the final closure plan shall include, but is not limited to, the following items:

- (1) A map of the solid waste landfill in accordance with Section 18261.3 (a)(1) of this Article;
- (2) Topographic maps in accordance with Section 18261.3 (a)(2) of this Article.
- (3) A current description of all monitoring and control systems at the landfill;
- (4) A description of the sequence of closure stages, giving tentative implementation schedules relative to the starting date.
- (5) A description, at the level of detail required in Section 18262(a), of this Article, of the following items;

(A) Section 18261.3 (a)(7), items A through K of this Article.

(B) The construction quality assurance proposal pursuant to Title 14, CCR, Chapter 3, Article 7.8, Section 17774.

(C) The slope stability report required pursuant to Title 14, CCR, Chapter 3, Article 7.8, Section 17777.

(6) A closure cost estimate pursuant to Section 18263 of this Article.

~~(7) A detailed schedule for disbursement of funds for closure from a trust fund, enterprise fund or government securities, if applicable, for either:~~

~~(a) advance payment for activities to be performed in accordance with the plan, or~~

~~(b) reimbursement of costs paid for activities performed in accordance with the plan.~~

NOTE: Authority cited: Sections 66790(f), and 66796.22(d), Government Code. Reference: Section 66796.22(b), Government Code.

Section 18263. Closure Cost Estimates

(a) The operator shall provide to the Board and local enforcement agency, a written cost estimate, in current dollars, of the cost of hiring a third party to close the landfill in accordance with the submitted closure plan. Cost estimates shall meet the following criteria:

(1) Cost estimates shall equal the cost of closing the landfill at the point in its active life when the extent and manner of operation would make closure the most expensive, as indicated by the closure plan;

(2) Cost estimates shall be developed for the activities anticipated for scheduled closure. The closure cost estimate shall always be high enough to ensure that, if, at any time, the landfill had to begin to close, the cost of activities for closure would not exceed the cost estimate;

(3) Cost estimates shall include or reflect the design materials, equipment, labor, administration, and quality assurance necessary for closure;

(4) The total closure cost estimate shall be increased by a factor of 20% to account for cost over-runs due to unforeseen circumstances, such as adverse weather conditions and inadequate site characterization, which would result in increased closure costs.

(5) The operator shall increase the closure cost estimate, in accordance with Section 18272 of this Article, when changes to the plan or at the landfill increase the cost of closure (e.g., increase in design capacity, increase in the maximum extent of the landfill requiring closure, more extensive monitoring requirements).

(6) The operator may reduce the closure cost estimate when changes to the plan or at the landfill decrease the costs of closure (e.g., reduction in landfill area, expenses planned for closure but implemented and financed during operations). The request for reduction shall be submitted to the Board and the local enforcement agency for approval, upon application for a five year permit review, in accordance with Section 18272 of this Article.

(b) Closure cost estimates shall include, but are not limited to, the following information:

(1) Final cover costs based on the maximum extent of the landfill ever requiring cover at any given time, as specified in Subsection (a)(1). The cost estimate for final cover shall detail the volume and type of material required for each zone in the proposed design, and the corresponding costs of acquisition, placement, compaction and grading;

(2) Geosynthetic membrane costs, when proposed, shall include costs for acquisition, placement and inspection, and shall specify the type of material, thickness, and quantity required;

(3) The cost of construction quality assurance pursuant to the requirements of Title 14, CCR, Chapter 3, Article 7.8, Section 17774.

(4) The cost of revegetation which shall be computed based on the maximum extent of the landfill requiring revegetation as described in the plan. The cost estimate for revegetation shall include materials and labor for soil preparation, planting, fertilizing and irrigation;

(5) The cost to install a gas monitoring system, required pursuant to Title 14, CCR, Chapter 3, Article 7.8, Section 17783, based on the number and depth of wells. The estimate shall include drilling costs, probe installation costs, and design engineering costs;

(6) The cost to install a gas control system, as required, pursuant to Title 14, CCR, Chapter 3, Article 7.8, Section 17783, based on the type of system proposed. The estimate shall include costs for materials, installation, and design;

(7) The cost to install the groundwater monitoring system, pursuant to Title 14, CCR, Chapter 3, Article 7.8, Section 17782, based on the number and depth of wells. The estimate shall include costs for drilling, installation, and design;

(8) The cost to implement leachate control measures pursuant to Title 14, CCR, Chapter 3, Article 7.8, Section 17781;

(9) The cost of drainage installation pursuant to Title 14, CCR, Chapter 3, Article 7.8, Section 17778, including costs for materials, installation, and design;

(10) The cost of adding or removing security measures compatible with postclosure land use (e.g., fences, gates, signs, and locks), pursuant to Title 14, CCR, Chapter 3, Article 7.8, Section 17767;

(11) The costs of developing final closure and postclosure maintenance plans, where a preliminary plan is submitted, shall be included in the preliminary plan;

(12) The cost of structure removal, pursuant to Title 14, CCR, Chapter 3, Article 7.8, Section 17771; and

(13) The cost of removing environmental control systems pursuant to Title 14, CCR, Chapter 3, Article 7.8, Section 17772.

NOTE: Authority cited: Sections 66790(f), and 66796.22(d), Government Code. Reference: Section 66796.22(b), Government Code.

Section 18264. Preliminary Postclosure Maintenance Plan

(a) The purpose of the preliminary postclosure maintenance plan is to:

- (1) allow the operator to prepare an estimate of postclosure monitoring, maintenance, and the inspection costs;
- (2) enable the Board and local enforcement agency to assess the reasonableness of the cost estimate, and;
- (3) allow a registered civil engineer or certified engineering geologist to certify to the accuracy of the cost estimate.

NOTE: Authority cited: Sections 66790(f), and 66796.22(d), Government Code. Reference: Section 66796.22(b), Government Code.

18264.3. Contents of the Preliminary Postclosure Maintenance Plan

(a) The preliminary postclosure maintenance plan shall include, but is not limited to the following information. The Board or local enforcement agency may require additional items based on specific site characteristics.

(1) A description of the current monitoring and control systems at the landfill. The description of existing systems shall include a statement of how collection, recovery, and control systems are operated, the frequency of operation, and the method of storage, treatment, or disposal for all materials collected or recovered;

(2) A description of the planned uses of the property during the postclosure maintenance period. Site use during the postclosure maintenance period shall be in accordance with the requirements of Title 14, CCR, Chapter 3, Article 7.8, Section 17796.

(3) A general description, sufficient to meet the requirements of Subsection 18264(a), of this Article, of the methods, procedures and processes, that will be used to maintain, monitor and inspect closed landfills during the postclosure maintenance period in a manner consistent with the requirements of Title 14, CCR, Chapter 3, Article 7.8. At a minimum, the plan shall include, but not be limited to the following:

(A) A program to maintain the integrity and effectiveness of the final cover, as designed, including making repairs to the cover as necessary to correct the effects of settling, subsidence, erosion or other events.

(B) A program to inspect and maintain the drainage system, as designed, to prevent run-on and run-off from adversely affecting the integrity of the final cover.

(C) A program to maintain and inspect the vegetative cover required for slope protection and erosion control pursuant to Title 14, CCR, Chapter 3, Article 7.8, Section 17779.

(D) A program to inspect and maintain the leachate control system, implemented pursuant to Title 14, CCR, Chapter 3, Article 7.8, Section 17781.

(E) A program to maintain and inspect the gas monitoring network and gas control systems, implemented pursuant to Title 14, CCR, Chapter 3, Article 7.8, Section 17783, to ensure detection and control of migrating landfill gases.

(F) A program to inspect and maintain the ground-water monitoring network, installed pursuant to Title 14, CCR, Chapter 3, Article 7.8, Section 17782.

(G) A program to inspect and maintain the final grading at a site to prevent ponding and minimize infiltration.

(4) Cost estimates pursuant to Section 18266 of this Article.

NOTE: Authority cited: Sections 66790(f), and 66796.22(d), Government Code. Reference: Section 66796.22(b), Government Code.

Section 18265. Final Postclosure Maintenance Plan

- (a) The purpose of the final postclosure maintenance plan is to:
- (1) provide a basis for the operator to establish an accurate cost estimate for postclosure maintenance;
 - (2) provide a detailed plan for the inspection, maintenance, and monitoring that the operator will implement at the landfill during the postclosure maintenance period, and;
 - (3) enable the Board and local enforcement agency to monitor postclosure activities to determine that postclosure maintenance and monitoring is being performed in accordance with the approved plan.

NOTE: Authority cited: Sections 66790(f), and 66796.22(d), Government Code. Reference: Section 66796.22(b), Government Code.

18265.3. Contents of the Final Postclosure Maintenance Plan

(a) The final postclosure maintenance plan shall include, but is not limited to, the following information:

(1) Persons or companies responsible for each aspect of postclosure maintenance, and their address and telephone number;

(2) An as-built description of the current monitoring and collection systems at the landfill. This description shall be kept current throughout the postclosure maintenance period in accordance with Section 18272 of this Article. The monitoring and collection systems to be described shall include those required by but not limited to Sections 17781, 17782, and 17783 of Title 14, CCR, Chapter 3 Article 7.8.

(3) The specific monitoring tasks and frequency of those tasks that are to take place under Subsection (a)(2) above, and the methods of analysis for each of those tasks.

(4) A description of how each collection and recovery system is to be operated and the frequency of operation. This description shall also include the method of storage, treatment and disposal of all materials collected or recovered.

(5) A summary of the requirements for reporting the results of monitoring and collection, as described in Title 14, CCR, Chapter 3, Article 7.8, Sections 17781 and 17782, and Title 14, CCR, Chapter 3, Article 7.8, Sections 17783 through 17783.17.

(6) Items (A) through (G) in Section 18264.3 (a)(3), of this Article, at the level of detail required by Subsection 18265(a) of this Article.

(7) Proposed postclosure land use at the site and the construction procedures utilized to comply with Title 14, CCR, Chapter 3, Article 7.8, Section 17796.

(8) Postclosure cost estimates pursuant to Section 18266 of this Article.

(9) A copy of the emergency response plan required pursuant to Title 14, CCR, Chapter 3, Article 7.8, Section 17766.

NOTE: Authority Cited: Sections 66790(f), and 66796.22(d), Government Code. Reference: Section 66796.22(b), Government Code.

Section 18266. Postclosure Maintenance Cost Estimates

(a) The operator shall provide to the Board and local enforcement agency, a detailed written estimate, in current dollars, of the cost of hiring a third party to maintain, monitor, and inspect the closed landfill in accordance with the postclosure maintenance plan. Cost estimates shall be subject to the following requirements:

(1) Cost estimates shall be based on the activities described in the postclosure maintenance plan and account for the entire landfill;

(2) Cost estimates shall include or reflect, the costs for design, materials, equipment, labor, and administration to properly monitor, maintain and inspect a closed landfill;

(3) The cost estimate, used to demonstrate financial assurance, shall be obtained by multiplying the annual cost of maintenance and monitoring anticipated during the postclosure period by fifteen (15) years.

(4) The operator shall modify the postclosure cost estimate, in accordance with Section 18272 of this Article, when changes in the plan or landfill conditions indicate an increase or decrease in postclosure maintenance costs. Requests for modifications shall be submitted to the Board for review during the postclosure maintenance plan amendment period specified in Section 18272 of this Article.

(b) Postclosure cost estimates shall include, but is not limited to, the following information:

(1) The annual cost to maintain vegetation, implemented pursuant to Title 14, CCR, Chapter 3, Article 7.8, Section 17779, including fertilization costs, irrigation costs, and irrigation system maintenance costs;

(2) The annual cost to measure, operate, inspect, and maintain the leachate control system, implemented pursuant to Title 14, CCR, Chapter 3, Article 7.8, Section 17781, including, costs for the collection and removal or treatment of leachate, sampling, and laboratory analysis;

(3) Annual costs for gas monitoring, and monitoring and control system maintenance costs, based on the requirements of Title 14, CCR, Chapter 3, Article 7.8, Sections 17783 through 17783.17, including the costs of labor, equipment, laboratory analysis, and reporting.

(4) Annual costs of vadose zone monitoring based on the requirements of Title 14, CCR, Chapter 3, Article 7.8, Section 17781, including sampling, testing, replacement, maintenance, and installation costs.

(5) Annual costs for ground water monitoring and network maintenance based on the requirements of Title 14, CCR, Chapter 3, Article 7.8, Section 17782, including costs for sampling, laboratory analysis, reporting, system inspection, and maintenance;

(6) Annual costs to maintain the integrity of the final cover, installed pursuant to Title 14, CCR, Chapter 3, Article 7.8, Section 17773, including costs for material acquisition, labor, and placement, for repair of the cover as required due to the effects of settling, erosion, or subsidence;

(7) Annual costs to maintain the drainage system, installed pursuant to Title 14, CCR, Chapter 3, Article 7.8, Section 17778, including costs to clear materials blocking drainage conveyances, and costs to repair articulated drains, levees, dikes, and protective berms;

(8) Annual inspection costs including frequency of routine inspections by the operator, for each of the following components:

- (A) final cover;
 - (B) final grading;
 - (C) drainage system;
 - (D) gas monitoring and control system;
 - (E) leachate control system;
 - (F) ground water monitoring system;
 - (G) security (e.g., fences, gates and signs);
 - (H) vector and fire control; and
 - (I) litter control.
- (9) Total annual postclosure maintenance costs

NOTE: Authority cited: Sections 66790(f) and 66796.22(d), Government Code. Reference: Section 66796.22(b), Government Code.

Section 18267. Form of Application for Review of Closure and Postclosure Maintenance Plans

An application for the review and approval of the preliminary and final closure and postclosure maintenance plans shall contain all of the following information:

(a) A preliminary or final closure and postclosure maintenance plans containing all of the elements specified under Sections 18261 through 18265, of this Article, as applicable.

(b) Updated cost estimates for closure and postclosure activities to reflect the components under Sections 18263 and 18266, of this Article.

(c) An updated demonstration of financial responsibility in accordance with Article 3.5 of this Chapter. This demonstration shall reflect the updated cost estimates for closure and postclosure activities required under Subsection (b), above. In addition, the operator must include the current balance and a summary of payments made into the financial mechanism from the date of the most recent approval of the closure and postclosure maintenance plans as applicable. This summary must be prepared and signed by an authorized representative of the person maintaining the financial mechanism. A telephone number of the person must accompany the statement for purposes of verification.

NOTE: Authority cited: Sections 66790(f) and 66796.22(d), Government Code. Reference: Sections 66796.22(b), 66796.22(d) and 66796.22(f), Government Code.

Section 18268. Filing of Application and Transmittal of Copies

(a) The operator shall submit ~~two~~ **five** copies of each document required under Section 18267, of this Article, to the Board; and ~~two copies to~~ the local enforcement agency. The operator shall submit two copies of each document under Section 18267(a) and (b) of this Article to the regional water board. All drawings shall be submitted as standard size (24" x 36") and include translucent reproducibles. The closure and postclosure maintenance plans shall be clearly marked "preliminary" or "final," depending on the status. For partial closure, those sections submitted pursuant to Section 18255(b), of this Article, shall be clearly marked "final."

(b) Each agency required to review the application under Section 18268(a), of this Article, shall make a determination as to whether all items identified under Section 18267 of this Article have been submitted by the applicant within thirty (30) days of receipt. If a written determination of completeness is not transmitted to the applicant by any of the approving agencies within 30 days of submittal of the application, then the application will be deemed complete.

(c) The local enforcement agency shall calculate the agency review costs incurred once all items identified under Section 18267 of this Article have been submitted by the applicant.

NOTE: Authority cited: Sections 66790(f) and 66796.22(d), Government Code. Reference: Sections 65943, 66711.5, 66711.6, 66796.22(b)(2), 66796.22(c) and 66796.30(i), Government Code.

Section 18269. Notice of Filing

(a) ~~Notice of the filing of closure and postclosure maintenance plans shall be mailed, by the Board, to the regional water board, the local air district, the Department of Health Service, to the State Clearinghouse for circulation to other public agencies with jurisdiction over solid waste landfills, and to those persons who request such notice in writing. For informational purposes, notice may be provided to newspapers of general circulation.~~

NOTE: Authority cited: Sections 66790(f), and 66796.22(d), Government Code. Reference: Sections 66796.22(b), Government Code and 21080.5, Public Resources Code.

Section 18270. Evaluation of Closure and Postclosure Maintenance Plans

(a) Board. The Board shall be responsible for ensuring that the plan elements conform with all regulations found in Title 14, CCR, Chapter 3, Article 7.8. All provisions of the closure and postclosure maintenance plans shall be consistent with the disposal regulations for solid waste landfills found in Title 14, CCR, Chapter 3, Article 7.8, Disposal Site Standards. Where a regulation identifies a standard of performance for solid waste landfills, the closure and postclosure maintenance plans shall describe how a proposed design, monitoring or control method supports the performance standard.

(b) Local Enforcement Agency. In addition to ensuring that the closure and postclosure maintenance plans comply with the regulations found in Title 14, CCR, Chapter 3, Article 7.8 and this Chapter, the local enforcement agency shall also review the plans to ensure compliance with any additional applicable conditions in the solid waste facilities permit. The local enforcement agency shall also ensure that the plans conform to any existing local conditions and ordinances and that the elements have been reviewed for consistency with local planning and zoning requirements.

(c) Regional Water Board. The regional water board shall review the plans for consistency with regulations found in the Title 23, CCR, Subchapter 15 pertaining to the protection of water quality. The regional water board shall also review the cost estimates for closure and postclosure maintenance with respect to those costs associated with the protection of water quality.

NOTE: Authority cited: Sections 66790(f), 66796.22(b), and 66796.22(d), Government Code. Reference: Section 66711.5 and 66711.6, Government Code.

Section 18271. Approval of Closure and Postclosure Maintenance Plans

(a) Preliminary Plans. The Board shall prepare and the local enforcement agency and the regional water board shall provide to the Board, within sixty (60) days of submittal of the plans by the operator, written comments on the contents of the plans and those items which are omitted, deficient or inaccurate. The Board shall review those comments to determine if any conflict exists among the approving agencies' comments and shall coordinate the resolution of those conflicts prior to forwarding the comments to the operator. Within 120 days of submittal of the preliminary closure and postclosure maintenance plans by the operator, the local enforcement agency and the regional water board shall submit to the Board a written record of approval or denial of the plans. If the record indicates that approval has been denied, the local enforcement agency and/or the regional water board shall include in that written record the specific detailed circumstances for denial.

(1) Prior to the denial of a plan, an approving agency may enter into negotiations with the operator or other authorized agent of the operator to resolve differences which may exist in order to facilitate approval of the preliminary closure and postclosure maintenance plans. These negotiations are to be coordinated among the approving agencies by the agency proposing to initiate negotiations.

(2) Within 60 days from the date of written approval or denial of the preliminary closure and postclosure maintenance plans by the local enforcement agency and the regional water board, the Board shall transmit to the operator a formal letter of approval or denial.

(3) If approval of the preliminary closure and postclosure maintenance plans is denied, the letter of denial shall set forth the specific items that have been deemed deficient or inaccurate. The operator shall submit a revised, preliminary closure and postclosure maintenance plan, containing the information deemed deficient in the letter of denial, to the Board, local enforcement agency and the regional water board in accordance with Sections 18267 and 18268 of this Article.

(4) In accordance with Government Code, Title 7.3, Section 15376, the Board's minimum time frame for processing of the application for review of preliminary closure and postclosure maintenance plans is 120 days. The Board's median and maximum timeframes for processing of the application for review of preliminary closure and postclosure maintenance plans is 180 days.

(b) Final Plans. The local enforcement agency and the regional water board shall provide to the Board, within ninety (90) days of submittal of the plans by the operator, written comments on the contents of the plans and those items which may be omitted, deficient or inaccurate. The Board shall review those comments to determine if any conflict exists among the approving agencies comments and shall coordinate the resolution of those conflicts prior to forwarding the comments to the operator. Within 120 days of submittal of the final closure and postclosure maintenance plans by the operator, the local enforcement agency and the regional water board shall submit to the Board a written record of approval or denial of the final closure and postclosure maintenance plans. If the record indicates that approval has been denied, the local enforcement agency shall include in that written record the specific detailed circumstances for denial.

(1) Prior to denial of the plans, an approving agency may enter into negotiations with the operator or other authorized agent of the operator to resolve differences which may exist in order to facilitate approval of the final closure and postclosure maintenance plans. These negotiations are to be coordinated among the approving and commenting agencies by the agency proposing to initiate negotiations.

(2) Within 60 days from the date of written approval or denial of the final closure and postclosure maintenance plans by the local enforcement agency and the regional water board, the Board shall transmit to the operator a formal letter of approval or denial.

(3) If approval of the final closure and postclosure maintenance plans is denied, the letter of denial shall set forth the specific items that have been deemed deficient or inaccurate. The operator shall submit a revised final closure and postclosure maintenance plan, containing the information deemed deficient in the letter of denial, to the local enforcement agency and the regional water board in accordance with Section 18255 et seq. of this Article.

(4) Final closure and postclosure maintenance plans shall not be approved by the Board, as proposed, if there are feasible alternatives or feasible mitigation measures, identified during the review process which would substantially lessen any significant impact which the activity may have on the environment. For purposes of this section, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic factors and consistent with the Board's responsibilities and duties.

(5) Within 30 days of approving or denying the final closure and postclosure maintenance plans, the Board shall file a notice of decision with the Secretary of the Resources Agency.

(6) In accordance with Government Code, Title 7.3, Section 15376, the Board's minimum time frame for processing of the application for review of preliminary closure and postclosure maintenance plans is 120 days. The Board's median and maximum timeframes for processing of the application for review of preliminary closure and postclosure maintenance plans is 180 days.

NOTE: Authority cited: Sections 66790(f) and 66796.22(d), Government Code. Reference: Section 66796.22(b) and 66796.22(d), Government Code.

Section 18272. Amendment of Closure and Postclosure Maintenance Plans

(a) Preliminary closure and postclosure maintenance plans shall be submitted in accordance with Section 18268 of this Article for amendment every time a review is conducted pursuant to Title 14, CCR, Chapter 5, Article 3.1, Section 18213(b). The form of application shall be in accordance with Sections 18267 and 18268 of this Article. The evaluation and approval of the plan amendments shall be as specified under Sections 18270 and 18271 of this Article.

(b) The plans shall be amended to reflect the following:

(1) A change in operating plans or solid waste landfill design which would affect the implementation of the closure and/or postclosure maintenance plans.

(2) A change in the anticipated year of closure.

(3) A change in the financial mechanism required pursuant to Section 66796.22(b) of the Government Code if that financial mechanism was changed in accordance with the procedures in Title 14, CCR, Chapter 5, Article 3.5, Sections 18292 and 18293. Any amendments made under this subsection shall include documentation verifying the cancellation of the previous financial mechanism.

(4) Updates in the cost estimates as required by Section 66796.22(b) of the Government Code to reflect any changes outlined under Subsections (1) and (2). These updates shall be adjusted for inflation which has occurred since the previous approval.

(c) The local enforcement agency shall conduct an inspection of the solid waste landfill prior to the preparation of comments made pursuant to Section 18271 of this Article. The inspection shall review and confirm the need for changes proposed in the amendment of the closure and postclosure maintenance plans and any irregularities in operation or design which may warrant the need for amendment. These results shall be included in the written comments to the operator and may be cause for denial of the closure and postclosure maintenance plans.

(d) The operator shall submit, by March 1 of each year, a report calculating the increase in the cost estimates due to the inflation factor for the previous calendar year. The inflation factor is derived from the annual Implicit Price Deflator for Gross National Product as published annually by the U.S. Department of Commerce in its Survey of Current Business, which is incorporated by reference. The inflation factor is the result of dividing the latest annual published deflator by the deflator for the previous year. The operator shall increase the monetary amount of the financial mechanism required under Section 66796.22(b) of the Government Code based upon this inflation factor. The mechanism may not be decreased other than as a result of the closure and postclosure plan amendment process.

NOTE: Authority cited: Sections 66790(f) and 66796.22(d), Government Code. Reference: Section 66796.22(d), Government Code.

Section 18275. Certification of Closure

(a) The operator shall submit to the Board and the local enforcement agency a certification that the solid waste landfill has been closed in accordance with the approved specifications in the closure plan.

(b) The certification submitted by the operator shall include a detailed, as-built description of all environmental containment, monitoring, control, collection and recovery systems remaining at the solid waste landfill during the postclosure maintenance period prepared by a registered civil engineer or a certified engineering geologist. This detailed, as-built description shall be incorporated into the approved postclosure maintenance plan under Section 18265.3(a)(2) of this Article.

(c) Any changes to the operational requirements under Section 18265.3(a)(4), of this Article, based upon the detailed, as-built description above shall be included in the certification and shall be incorporated into the approved postclosure maintenance plan under Section 18265.3(a)(4) of this Article.

(d) The registered civil engineer or certified engineering geologist shall conduct and prepare records of inspection, quality control and quality assurance demonstrations, and other documentation necessary to support the certification and the detailed, as-built description to be maintained by the operator. These records shall closely adhere to the construction quality assurance procedures specified under Title 14, CCR, Chapter 3, Article 7.8, Section 17773, pertaining to final cover. Any documentation supporting the registered civil engineer or certified engineering geologist's closure certification must be retained and furnished to the Board or the local enforcement agency upon request.

NOTE: Authority cited: Sections 66790(f) and 66796.22(d), Government Code. Reference: Section 66796.22(d), Government Code.

Section 18276. Revision of Plans During Closure and Postclosure Maintenance

(a) The operator shall adhere to the final closure and postclosure maintenance plans approved pursuant to Section 18271(b) of this Article. Changes to the closure and postclosure maintenance plans, after approval of the final plan, shall be limited to those events which the operator reasonably could not have expected and must be approved by the Board and the local enforcement agency.

(b) Postclosure maintenance plans may be modified during the postclosure maintenance period upon approval by the Board and the local enforcement agency if any of the following conditions exists:

- (1) the modification is to enhance environmental control at the solid waste landfill; or
- (2) the modification is to reduce the amount of control necessary, provided that documentation identifying why a particular level of control is no longer necessary is submitted and approved; or
- (3) the modification is to revise the cost estimate for closure and/or postclosure maintenance at the solid waste landfill either to increase or decrease the amount of funds required in the financial mechanism.

NOTE: Authority cited: Sections 66790(f) and 66796.22(d), Government Code. Reference: Sections 66796.22(b)(2) and 66796.22(h), Government Code.

Section 18277. Release From Postclosure Maintenance

The operator of a solid waste landfill may be released from the requirements of Section 18266, of this Article, after a minimum period of thirty (30) years upon demonstration to and approval by the Board, the local enforcement agency and the regional water board that the solid waste landfill no longer poses a threat to the public health and safety and the environment.

NOTE: Authority cited: Sections 66790(f) and 66796.22(d), Government Code. Reference: Section 66711.6, Government Code.

California Waste Management Board
Agenda Item 2
December 14-15, 1989

Item:

Discussion of Draft Emergency Regulations for Source Reduction and Recycling Elements Required under AB 939.

Key Issues:

- Assembly Bill 939 (Chapter 1095, 1989) requires the Board to adopt emergency regulations for use in the preparation of source reduction and recycling elements by cities and counties.
- The Board has contracted with three leading firms in the preparation of the regulations for these elements.
- Adoption of emergency regulations is proposed at the January, 1990, Board meeting.

Background:

On September 29, 1989, the Governor signed into law Assembly Bill 939 (Chapter 1095, 1989) which establishes the California Integrated Waste Management Board and makes substantial changes to the planning and evaluation process governing the management of solid waste in the State of California. Specifically, the legislature enacted a set of requirements establishing integrated waste management plans which are to be developed and used by each county in the management of its solid waste. One of the major elements of this new planning document is a City Source Reduction and Recycling Element and a County Source Reduction and Recycling Element (reference Public Resources Code Sections 41000 and 41300 respectively). These elements are intended to provide local governments with a planning tool for meeting the aggressive solid waste diversion goals established under Section 41780 of the Public Resources Code.

The solid waste diversion goals are the key to alleviating the solid waste disposal crisis which has been documented in this State. Assembly Bill 939 requires cities and counties to begin planning to achieve these diversion goals immediately in order to meet the 1995 goal of a 25 percent diversion rate in the solid waste stream. Regulations specifying the requirements of the

Source Reduction and Recycling Elements are required to be adopted by the Board by January 1, 1990.

Development of these regulations began in October with an identification of the various components of these regulations. In November, 1989, two contracts were let to assist Board staff in developing the specific regulatory requirements. A third contract was negotiated to provide intensive analysis and evaluation of the draft regulations for clarity, conciseness, non-duplication and completeness. On November 30, 1989, the Board held a workshop on the requirements of Assembly Bill 939 during which the development of the regulations was discussed.

The draft regulations which are being presented to you today are the result of the November workshop and comments received from interested parties in the development of these regulations. The contractors will outline their basic approach to the development of the regulations and will discuss the specific contents and remaining areas of concern. Board staff will provide the contractors with substantial comments on this draft based upon today's the presentation of the draft regulations and comments received during this meeting. Board staff is intending to provide as wide as possible circulation of the draft regulations, within the statutory time constraints to facilitate as much public input into this process as possible.

Board Action:

This item is presented for information and discussion. Staff is requesting Board direction and input into the development of the regulations in preparation for the January deadline for adoption of regulations specifying the requirements of the City and County Source Reduction and Recycling Elements.

CALIFORNIA WASTE MANAGEMENT BOARD

AGENDA ITEM # 3

DECEMBER 14 - 15, 1989

ITEM:

Status report and consideration of operator certifications pursuant to AB 2448.

KEY ISSUES:

- Solid waste landfill operators were required to submit certifications to the Board and their LEA by January 1, 1989, or upon application for a permit.
- Changes in the information received since the last Board meeting will be highlighted.
- Most owners/operators will be required to re-certify by January 31, 1990, under AB 939.
- Scholl Canyon, and Puente Hills and Calabasas are being reviewed under agenda items 10 and 11, respectively.

BACKGROUND:

Assembly Bill (AB) 2448 (Eastin, 1987) establishes a program to ensure the long-term protection of the environment by requiring financial assurances for closure and postclosure maintenance of solid waste landfills. Operators of solid waste landfills that have operated on or after January 1, 1988, are subject to these requirements. This program is structured to be implemented in two phases.

The first phase required operators to make an initial

certification by January 1, 1989, to the California Waste Management Board (Board) and their local enforcement agency (LEA). This required date for the certification was in advance of the statutory deadline of July 1, 1989, for adoption of emergency regulations for this program by the Board. The operator was required to certify the following three things:

- ▶ An initial cost estimate has been prepared,
- ▶ A financial mechanism has been established, and
- ▶ The funding of the selected mechanism will ensure adequate resources for closure and postclosure maintenance.

The Board adopted guidelines to assist the operators in the preparation of the initial cost estimate, selection of a financial mechanism, and funding of the selected mechanism, at their August 1988, meeting. Certification statements were included to ensure that the operator complies with all three elements, as required by the law, and that a qualified professional prepared the initial cost estimate. Financial mechanisms received after August 17, 1989, must comply with the Board's emergency regulations.

AB 939 (Sher, Eastin and Killea, 1989) again requires a certification be submitted to the Board and LEA by January 31, 1990. The certification can now be made by the owner or operator of a solid waste landfill. Most certifications made by operators prior to the effective date of the Board's closure and postclosure regulations will have to be re-done to reflect the acceptable financial mechanisms allowed under the regulations. Very few of the financial mechanisms received with the certification submittals comply with the Certification Guidelines let alone the regulations. The initial cost estimates may also need to be revised to reflect the closure/postclosure regulations to reflect final cover and landfill gas monitoring regulations.

The operators include a list of 418 operators generated from the Solid Waste Information System (SWIS) database. A total of 82 alternative certifications have been received, reducing the number of subject operators to 338. The submittals that have been received have been logged in by Board staff.

A summary of the status of the certification information received from operators is shown on Figure 1. Responses include full and incomplete submittals, requests for extension of time, and a request for aid. Complete certifications are those that certify all three required elements and have submitted all of the requested documentation. A copy of the most recent complete tabulation of information received is attached to this item. Shaded areas highlight changes in the information received since the November 1989, Board meeting.

Board staff has been reviewing the certifications in conjunction

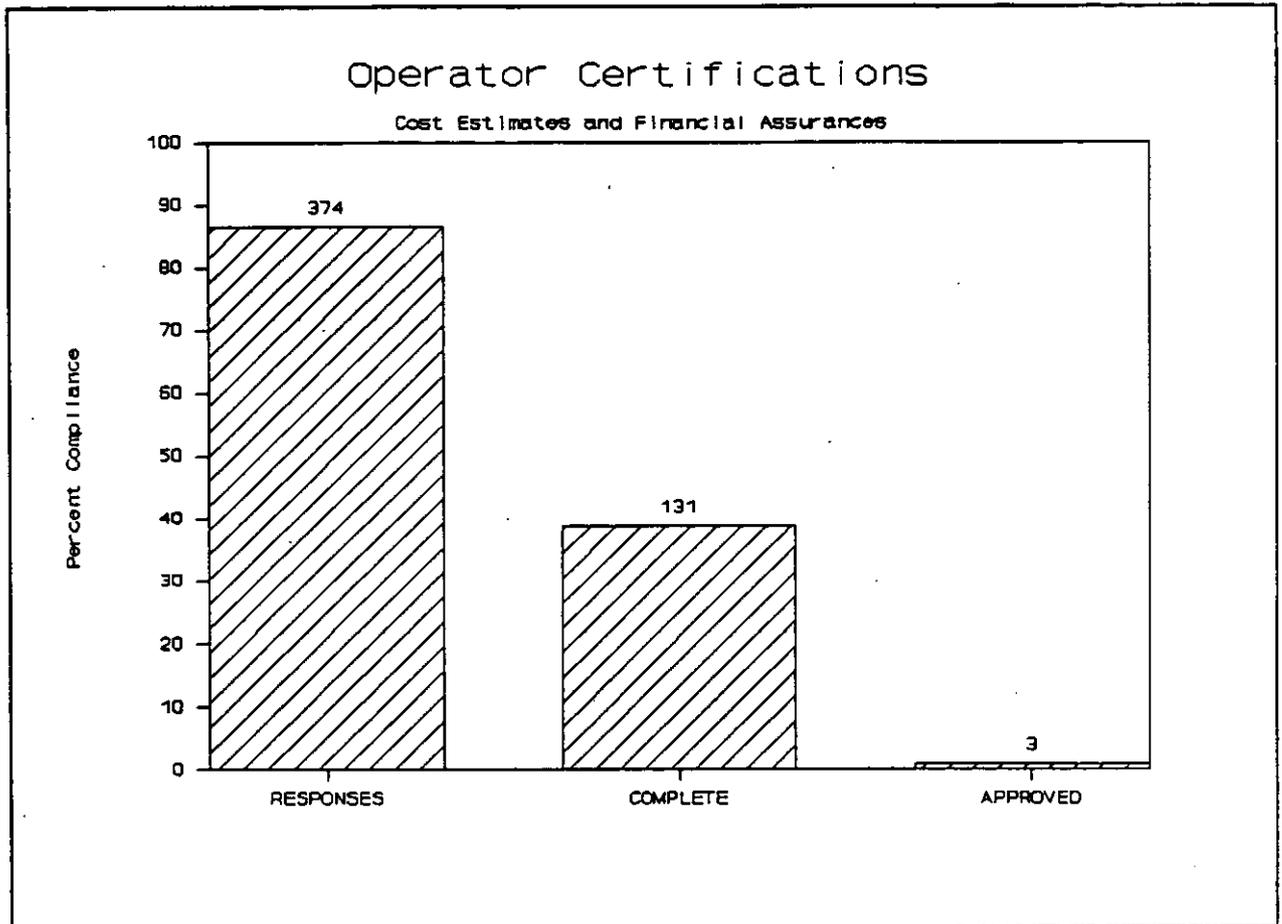


Figure 1

with permits actions. The review consists of verifying the reasonableness of the initial cost estimate and evaluation of the establishment and funding of the selected financial mechanism in accordance with the Certification Guidelines or the Emergency Regulations, as appropriate. Certifications that pass this review will be brought to the Board for consideration of approval.

Operator certifications reviewed in the last month include:

Potrero Hills, Azusa, Highgrove, Calabasas, Puente Hills, and Twinbridges.

The Attorney General (AG) mailed letters to the operators of approximately 100 facilities on August 15, 1989. A meeting was held with the AG to review the additional materials received in response to this letter. Staff is undertaking appropriate follow-up actions to achieve additional compliance.

Comments were received from a number of federal agencies requesting an exemption for federal facilities during the public comment as their response to enforcement letters by the Board and the Attorney General.

BOARD ACTION:

Board direction and guidance to staff.

ATTACHMENTS:

CERTIFICATION RECEIPT LOG

(Revised 11/28/89)

Facility File No.	Facility Name	Date* Received	DOCUMENTS RECEIVED					STATUS
			Operator Certification 1 : 2 : 3			Initial Cost Est. Worksheet	Prof. Cert.	
01-AA-0008	DURHAM ROAD SANITARY LANDFILL	01/03/89*	Y : Y : Y	SUMMARY	Y	CN : Y	: : :	
01-AA-0009	ALAMONT SANITARY LANDFILL	11/17/89	Y : Y : Y	Y	Y	CN : Y	: : :	
01-AA-0010	EASTERN ALAMEDA COUNTY DISPOSAL SITE	12/30/88	Y : Y : Y	Y	Y	GT : Y	: : :	
03-AA-0001	AMADOR COUNTY SANITARY LANDFILL	06/06/89	Y : Y : Y	Y	Y	TF : Y	: : :	
03-AA-0002	AMERICAN FOREST PRODUCTS CORP LANDFILL	04/03/89	Y : Y : Y	Y	Y	MT : Y	: : :	
04-AA-0002	NEAL ROAD LANDFILL	01/09/89	Y : Y : Y	Y	Y	EF : Y	: : :	
04-AA-0009	LOUISIANA-PACIFIC LANDFILL	01/24/89	: : :	Y	Y	: : :	: : :	
04-AC-0020	CITY OF CHICO LEAF COMPOSTING OPERATION	11/14/88	: : :			: : :	X : : :	
05-AA-0014	RED HILL SANITARY LANDFILL	03/22/89	Y : Y : Y	Y	Y	TF : Y	: : :	
05-AA-0015	CALAVERAS CEMENT - DIV OF FLINTKOTE CO	12/30/88	: : :			: : :	X : : :	
05-AA-0023	ROCK CREEK LANDFILL	08/16/89	Y : Y : Y	Y	Y	EF : Y	: : :	Approved 10/11/89
06-AA-0001	EVANS ROAD LANDFILL AP #18-160-46	10/16/89	Y : Y : Y	Y	Y	EF : Y	: : :	8/15/89 AG letter
06-AA-0002	STONYFORD DISPOSAL SITE	10/16/89	Y : Y : Y	Y	Y	EF : Y	: : :	8/15/89 AG letter
06-AA-0005	COLUSA STATE PARK	03/20/89	: : :			: : :	X : : :	
06-AA-0007	CHARTER EVAP RES REC SYS SOLID WASTE DS	10/05/89	Y : Y : Y	Disk	Y	TF : Y	: : :	Approved 10/11/89
07-AA-0001	WEST CONTRA COSTA LANDFILL	10/16/89	: : :	Y	Y	TF : Y	: : :	8/15/89 AG letter
07-AA-0002	ACME LANDFILL	12/29/88	Y : Y : Y	D/Confid.	Y	LC : Y	: : :	
07-AA-0003	CONTRA COSTA SOLID WASTE INC & GBF DS	04/14/89	Y : Y : Y	Y	Y	: : :	: : :	
07-AA-0004	PITTSBURG DISPOSAL SITE	04/14/89	: : :	Y	Y	: : :	: : :	8/15/89 AG letter
07-AA-0005	US STEEL-PITTSBURG DISPOSAL SITE		: : :			: : :	: : :	8/15/89 AG letter
07-AA-0025	C AND H SUGAR DISPOSAL SITE		: : :			: : :	: : :	
08-AA-0004	KLAMATH FOREST PRODUCTS DISPOSAL SITE	01/03/89*	Y : Y : Y	Y	Y	GT : Y	: : :	

* Postmarked by January 1, 1989
 1 Initial Cost Estimate
 2 Establish Financial Mechanism
 3 Ensure Adequate Resources

TF Trust Fund
 EF Enterprise Fund
 GS Government Securities

PR Pledge of Revenue
 CN Confidential
 LC Letter of Credit

SB Surety Bond
 RR Risk Retention Group
 GT Guarantee

IN Insurance
 MT Financial Means Test
 OT Other

A - not a solid waste landfill

B - not operated on or after 01/01/88

C - hazardous waste facility

000123

Facility File No.	Facility Name	Date* Received	DOCUMENTS RECEIVED					STATUS
			Operator Certification 1 : 2 : 3	Initial Cost Est. Worksheet	Prof. Cert.	Financial Mechanism Type : Doc.	Alternative Certification A : B : C	
08-AA-0006	CRESCENT CITY LANDFILL	01/03/89*	Y : letter	Y	Y	:	:	
08-AA-0017	ARCATA LUMBER COMPANY	12/27/88	:	:	:	:	X :	
09-AA-0003	UNION MINE DISPOSAL SITE	03/29/89	Y : Y : Y	Y		:	:	
10-AA-0002	CHATEAU FRESNO LANDFILL	12/30/88	Y : Y : Y	Y	Y	GT : Y	:	
10-AA-0004	CITY OF CLOVIS LANDFILL	01/03/89*	:	Disk	Y	:	:	
10-AA-0005	CITY OF FRESNO LANDFILL	01/17/89	Exten: :	Disk	Y	:	:	
10-AA-0006	COALINGA DISPOSAL SITE	02/14/89	Y : Y : Y	Disk	Y	TF : N	:	
10-AA-0008	MENDOTA-FIREBAUGH DISPOSAL SITE	04/12/89	:	:		:	X :	
10-AA-0009	AMERICAN AVENUE DISPOSAL SITE	02/14/89	Y : Y : Y	Disk	Y	TF : N	:	
10-AA-0011	SOUTHEAST REGIONAL SOLID WASTE DISPOSAL S	02/14/89	Y : Y : Y	Disk	Y	TF : N	:	
10-AA-0013	ORANGE AVENUE DISPOSAL INC	03/23/89	Y : Y : Y	Summary		TF : Y	:	
10-AA-0025	CHESNUT AVE DISPOSAL SITE	04/04/89	Y : Y : Y	Y	Y	GT : Y	:	Approved 4/20/89
10-AA-0156	INDUSTRIAL AGRICO INC	03/24/89	:	:		:	X :	
11-AA-0001	GLENN COUNTY LANDFILL SITE	02/08/89	:	Y		TF : Y	:	
11-AA-0017	REHSE BROS NON-HAZARDOUS DRILLING MUD DS	03/17/89	:	:		:	X :	
11-AA-0018	VALLEY ROCK PRODUCTS INC MUD DUMP SITE	04/24/89	:	:		:	X :	
12-AA-0005	CITY GARBAGE COMPANY LANDFILL	01/03/89*	Y : Y : Y		Y	TF : Y	:	
12-AA-0013	THE PACIFIC LUMBER CO WOOD WASTE DS	01/03/89*	:	Y	Y	:	:	
12-AA-0017	SAHOA LANDFILL SITE	01/24/89	:	Y	Y	:	:	
12-AA-0029	SIMPSON WOOD WASTE DISPOSAL SITE	01/03/89*	Y : Y : Y	Y	Y	GT : Y	:	
12-AA-0056	RENNER WOOD WASTE SITE	01/04/89*	:	:		:	Y :	
12-AA-0076	CARLOTTA LANDFILL	01/03/89*	:	Y	Y	:	:	
12-AA-0085	FAIRHAVEN SOLID WASTE LANDFILL	01/03/89*	Y : Y : Y	Y	Y	GT : Y	:	
12-AA-0086	EEL RIVER SAWMILL LANDFILL #2	01/03/89*	Y : Y : Y	Y	Y	MT : Y	:	
13-AA-0001	WORTHINGTON CUT AND FILL SITE		:	:		:	:	8/15/89 AG letter
13-AA-0004	CALEXICO SOLID WASTE DISPOSAL SITE		:	:		:	:	8/15/89 AG letter
13-AA-0005	OCOTILLO CUT AND FILL		:	:		:	:	" " "
13-AA-0006	HOLTVILLE DISPOSAL SITE		:	:		:	:	" " "
13-AA-0007	PALO VERDE CUT AND FILL SITE		:	:		:	:	" " "
13-AA-0008	BRAWLEY DISPOSAL SITE		:	:		:	:	" " "

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1 Initial Cost Estimate
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TF Trust Fund
EF Enterprise Fund
GS Government Securities

PR Pledge of Revenue
CN Confidential
LC Letter of Credit

SB Surety Bond
RR Risk Retention, Group
GT Guarantee

IN Insurance
MT Financial Means Test
OT Other

A - not a solid site landfill

B - not operated on or after 01/01/88

C - hazardous waste facility

Facility File No.	Facility Name	Date* Received	DOCUMENTS RECEIVED					STATUS	
			Operator Certification 1 : 2 : 3	Initial Cost Est. Worksheet	Prof. Cert.	Financial Mechanism Type : Doc.	Alternative Certification A : B : C		
13-AA-0009	NILAND CUT AND FILL SITE		:	:					8/15/89 AG letter
13-AA-0010	HOT SPA CUT AND FILL SITE		:	:					" " "
13-AA-0011	SALTON CITY CUT AND FILL SITE		:	:					" " "
13-AA-0012	PICACHO CUT AND FILL SITE		:	:					" " "
13-AA-0014	NILAND MARINA SITE		:	:					" " "
13-AA-0015	RED HILL MARINA SITE		Will be closing dig out & re-dispose roll-off bin instead					:	03/08/89 letter
13-AA-0019	MALS PROPERTIES DBA IMPERIAL CO SANITATI	10/10/89	:	:	Y		TF : Y	:	8/15/89 AG letter
13-AA-0021	ANDRE ROAD ILLEGAL DISPOSAL SITE		Inactive per Fred Singh 5/03/89					:	
14-AA-0002	KEELER DISPOSAL SITE	08/24/89	Y : Y : Y		SUMMARY		OT : Y	:	" " "
14-AA-0003	LONE PINE DISPOSAL SITE	08/24/89	Y : Y : Y	Y		Y	TF : Y	:	" " "
14-AA-0004	INDEPENDENCE DISPOSAL SITE	08/24/89	Y : Y : Y	Y		Y	TF : Y	:	" " "
14-AA-0005	BISHOP SUNLAND	08/24/89	Y : Y : Y	Y		Y	TF : Y	:	" " "
14-AA-0006	SHOSHONE DISPOSAL SITE	08/24/89	Y : Y : Y	Y		Y	TF : Y	:	" " "
14-AA-0007	TECOPA DISPOSAL SITE	08/24/89	Y : Y : Y	Y		Y	TF : Y	:	" " "
14-AA-0008	UNION CARBIDE CORP		:	:				:	" " "
14-AA-0009	UNION CARBIDE CORP (TAILINGS POND)	03/23/89	:	:				X : :	" " "
14-AA-0016	FURNACE CREEK	10/02/89	:	:	Y	Y		:	" " "
14-AA-0017	HOMWOOD CANYON DISPOSAL SITE	08/24/89	Y : Y : Y		SUMMARY		OT : Y	:	" " "
14-AA-0018	LOUISIANA PACIFIC DISPOSAL SITE (Sawmill)	04/24/89	:	:				X :	" " "
14-AA-0021	DEEP SPRINGS COLLEGE DISPOSAL SITE		:	:				:	" " "
15-AA-0045	BORON SANITARY LANDFILL	12/30/88	Y : Y : Y	Disk		Y	EF : Y	:	
15-AA-0047	BUTTONWILLOW SANITARY LANDFILL	12/30/88	Y : Y : Y	Disk		Y	EF : Y	:	
15-AA-0048	CHINA GRADE SANITARY LANDFILL	12/30/88	Y : Y : Y	Disk		Y	EF : Y	:	
15-AA-0050	ARVIN SANITARY LANDFILL	12/30/88	Y : Y : Y	Disk		Y	EF : Y	:	
15-AA-0051	GLENVILLE LANDFILL	12/30/88	Y : Y : Y	Disk		Y	EF : Y	:	
15-AA-0052	LOST HILLS SANITARY LANDFILL	12/30/88	Y : Y : Y	Disk		Y	EF : Y	:	
15-AA-0055	KERN VALLEY LANDFILL	12/30/88	Y : Y : Y	Disk		Y	EF : Y	:	
15-AA-0056	LEBEC SANITARY LANDFILL	12/30/88	Y : Y : Y	Disk		Y	EF : Y	:	
15-AA-0057	SHAFTER-WASCO SANITARY LANDFILL	12/30/88	Y : Y : Y	Disk		Y	EF : Y	:	
15-AA-0058	MOJAVE-ROSAMOND SANITARY LANDFILL	12/30/88	Y : Y : Y	Disk		Y	EF : Y	:	

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GT Guarantee

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MT Financial Means Test
OT Other

A - not a solid waste landfill

B - not operated on or after 01/01/88

C - hazardous waste facility

Facility File No.	Facility Name	Date* Received	DOCUMENTS RECEIVED					STATUS
			Operator Certification 1 : 2 : 3	Initial Cost Est. Worksheet	Prof. Cert.	Financial Mechanism Type : Doc.	Alternative Certification A : B : C	
15-AA-0059	RIDGECREST-INYOKERN SANITARY LANDFILL	12/30/88	Y : Y : Y	Disk	Y	EF : Y	: :	
15-AA-0061	TAFT SANITARY LANDFILL	12/30/88	Y : Y : Y	Disk	Y	EF : Y	: :	
15-AA-0062	TENACHAPI SANITARY LANDFILL	12/30/88	Y : Y : Y	Disk	Y	EF : Y	: :	
15-AA-0063	MCFARLAND-DELANO SANITARY LANDFILL	12/30/88	Y : Y : Y	Disk	Y	EF : Y	: :	
15-AA-0067	NORTH BELRIDGE SOLID WASTE DISPOSAL SITE	01/03/89*	Y : Y : Y	Disk	Y	SB : Y	: :	
15-AA-0068	SOUTH BELRIDGE SOLID WASTE DISPOSAL SITE	01/03/89*	: :			: :	: X :	
15-AA-0102	CA-PORTLAND CEMENT CO DISPOSAL SITE	03/15/89	: :			: :	X : :	
15-AA-0150	EDWARDS AFB-MAIN BASE LANDFILL	08/28/89	: :	Y		: :	: :	8/15/89 AG letter
15-AA-0151	EDWARDS AFB-ROCKET PROPULSION LANDFILL	08/28/89	: :	Y		: :	: :	" " "
15-AA-0153	VALLEY TREE & CONSTRUCTION DISPOSAL SITE	01/03/89*	Y : Y* : Y*	Y	Y	TF : :	: :	" " "
15-AA-0154	MONOLITH PORTLAND CEMENT CO LANDFILL	03/20/89	: :			: :	X : :	
15-AA-0251	ARCO DISPOSAL FACILITY (N E W)	11/07/89	Y : Y : Y	Y	Y	LC : Y	: :	" " "
15-AA-0286	EOO #2		: :			: :	: :	" " "
16-AA-0001	HAROLD JAMES INC TIRE DISPOSAL SITE	03/15/89	: :			: :	X : :	" " "
16-AA-0004	AVENAL LANDFILL	10/02/89	Y : Y : Y	Y	Y	EF : Y	: :	" " "
16-AA-0005	NAS LEMOORE SANITARY LANDFILL	11/07/89	: :	Y	Y	: :	: :	" " "
16-AA-0009	HANFORD SANITARY LANDFILL	01/03/89*	Y : Y : Y	Y	Y	EF : Y	: :	
16-AA-0011	CORCORAN SANITARY LANDFILL	01/03/89*	Y : Y : Y	Y	Y	EF : Y	: :	
16-AA-0012	ARNOLD PRIVATE DISPOSAL SITE		: :			: :	: :	" " "
17-AA-0001	EASTLAKE SANITARY LANDFILL	12/27/88	Y : Y : Y	Y	Y	EF : Y	: :	" " "
18-AA-0003	BIEBER DISPOSAL FACILITY	11/15/89	Y : Y : Y	Summary		EF : Y	: :	
18-AA-0004	MADLINE DISPOSAL FACILITY	11/15/89	Y : Y : Y	Summary		EF : Y	: :	
18-AA-0005	RAVENDALE DISPOSAL	11/15/89	Y : Y : Y	Summary		EF : Y	: :	
18-AA-0009	LASSEN COUNTY LANDFILL	11/15/89	Y : Y : Y	Summary		EF : Y	: :	" " "
18-AA-0010	WESTWOOD DISPOSAL FACILITY	11/15/89	Y : Y : Y	Summary		EF : Y	: :	
18-AA-0011	HERLONG DISPOSAL FACILITY	11/15/89	Y : Y : Y	Summary		EF : Y	: :	
18-AA-0013	SIERRA ARMY DEPOT	10/30/89	: :	Y	Y	: :	: : :	" " "
19-AA-0004	CITY OF SAN GABRIEL DISPOSAL SITE	12/12/88	: :			: :	X : :	
19-AA-0006	BRAND PARK LANDFILL	12/30/88	Y : Y : Y	Y	Y	MT : Y	: :	
19-AA-0009	ANTELOPE VALLEY PUBLIC DUMP	01/03/89*	: :	Y	Y	: :	: :	
19-AA-0012	SCHOLL CANYON SANITARY LANDFILL	11/27/89	N : Y : Y	Disk	Y	EF : Y	: :	

* Postmarked by January 1, 1989

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OT Other

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C - hazardous waste facility

Facility File No.	Facility Name	Date* Received	DOCUMENTS RECEIVED					STATUS
			Operator Certification 1 : 2 : 3	Initial Cost Est. Worksheet	Prof. Cert.	Financial Mechanism Type : Doc.	Alternative Certification A : B : C	
19-AA-0013	AZUSA LAND RECLAMATION CO INC	12/30/88	Y : Y : Y	Y	Y	GT : Y	: : :	
19-AA-0015	SPADRA SANITARY LANDFILL #2	01/03/89*	: : :	Disk	Y	: : :	: : :	
19-AA-0027	SAN MARINO DISPOSAL SITE	05/04/89	Y : Y : Y	Y	Y	MT : Y	: : :	
19-AA-0040	BURBANK LANDFILL SITE NO. 3	12/27/88	Y : Y : Y	Y	Y	EF : Y	: : :	
19-AA-0043	NU-WAY INDUSTRIES INC	01/03/89*	: : :			: : :	X : :	
19-AA-0044	LIVINGSTON - GRAHAM	01/13/89	: : :			: : :	X : :	
19-AA-0050	WASTE MANAGEMENT OF LANCASTER S LF	01/03/89*	Y : Y : Y	Y	Y	CN : Y	: : :	
19-AA-0052	CHIQUITA CANYON SANITARY LANDFILL	04/19/89	Y : Y : Y	Disk	Y	LC : Y	: : :	4/19/89 Complete
19-AA-0053	PUENTE HILLS LANDFILL #6	01/03/89*	: : :	Disk	Y	: : :	: : :	
19-AA-0056	CALABASAS LANDFILL #5	01/03/89*	: : :	Disk	Y	: : :	: : :	
19-AA-0057	WAYSIDE HONOR RANCHO LANDFILL	01/30/89	: : :	Y	Y	: : :	: : :	
19-AA-0061	PEBBLY BEACH (AVALON) DISPOSAL SITE	09/20/89	: : :	Y	Y	TF : Y	: : :	8/15/89 AG letter
19-AA-0062	TWO HARBORS LANDFILL SITE	09/18/89	Y : Y : Y	Y	Y	: : :	: : :	" " "
19-AA-0063	US NAVY LANDFILL	10/13/89	Y : : :	Y	Y	: : :	: : :	" " "
19-AA-0064	NU-WAY INDUSTRIES, INC.	03/20/89	: : :			: : :	X : :	
19-AA-0068	155TH STREET DISPOSAL SITE	04/18/89	: : :			: : :	X : :	
19-AA-0069	THREE POINTS DISPOSAL SITE	04/18/89	: : :			: : :	X : :	
19-AA-0070	75TH ST EAST & LITTLE ROCK DISPOSAL SITE	04/18/89	: : :			: : :	X : :	
19-AA-0071	GORMAN DUMP	03/21/89	: : :			: : :	: X :	
19-AA-0820	LOPEZ CANYON SANITARY LANDFILL	12/29/88	Y : Y : Y	Y	Y	EF : Y	: : :	
19-AA-0836	OPERATING INDUSTRIES INC		: : :			: : :	: : :	
19-AE-0004	CHANDLER'S LANDFILL	01/13/89	: : :			: : :	X : :	
19-AF-0001	BKK WEST COVINA DISPOSAL SITE	12/30/88	Exten: : : :			: : :	: : :	
19-AH-0001	CITY OF WHITTIER-SAVAGE CANYON LANDFILL	01/03/89*	Y : Y : Y	Y	Y	EF : Y	: : :	
19-AJ-0001	CLAREMONT CLASS III DISPOSAL SITE	01/03/89*	: : :			: : :	X : :	
19-AR-0002	SUNSHINE CANYON/NORTH VALLEY LANDFILL	12/30/88	Y : Y : Y	Y	Y	GT : Y	: : :	
19-AR-0004	BRADLEY EAST LANDFILL	01/03/89*	Y : Y : Y	SUMMARY	Y	CN : Y	: : :	
19-AR-0006	PENROSE PIT	12/08/88	: : :			: : :	: X :	
19-AR-0008	BRADLEY AVENUE WEST SANITARY LANDFILL		Inactive since 1981 per P. Weiland			: : :	: : :	
19-AR-1016	STRATHERN SANITARY LANDFILL	03/20/89	: : :			: : :	X : :	

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MT Financial Means Test
OT Other

A - not a solid waste landfill

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000127

			DOCUMENTS RECEIVED										
Facility File No.	Facility Name	Date* Received	Operator Certification			Initial Cost Est. Worksheet	Prof. Cert.	Financial Mechanism		Alternative Certification			STATUS
			1	2	3			Type	Doc.	A	B	C	
19-AR-1160	CALMAT CLASS III DISPOSAL SITE	03/20/89	:	:	:					X	:	:	
20-AA-0002	FAIRHEAD SOLID WASTE DISPOSAL SITE	01/05/89	Y	Y	Y	Y		OT	:	:	:	:	
20-AA-0008	STRAWBERRY MINE MUNICIPAL WASTE DS	04/10/89	:	:	:					X	:	:	
21-AA-0001	REDWOOD SANITARY LANDFILL	01/04/89	Y	Y	Y	Disk	Y	TF	:	Y*	:	:	
21-AA-0002	WEST MARIN SANITARY LANDFILL	10/30/89	:	:	:	Y		Trying to implement a trust agreement			8/15/89	AG letter	
21-AA-0004	GHILOTTI BROTHERS DUMP SITE	03/27/89	:	:	:					X	:	:	
22-AA-0001	MARIPOSA COUNTY SANITARY LANDFILL	12/30/88	Y	Y	Y	Y	Y	TF	:	Y	:	:	
23-AA-0003	CASPAR REFUSE DISPOSAL SITE	02/08/88	Y	Y	Y	Y	Y	TF	:	Y	:	:	
23-AA-0005	GEORGIA PACIFIC WOOD WASTE DISPOSAL SITE	01/03/89*	Y	Y	Y	Y	Y	MT	:	Y	:	:	
23-AA-0007	HARWOOD PRODUCTS WOOD WASTE DISPOSAL SIT	09/22/89	Y	Y	Y	Y	Y	TF	:	Y	:	:	8/15/89 AG letter
23-AA-0008	LAYTONVILLE REFUSE DISPOSAL SITE	02/08/88	Y	Y	Y	Y	Y	TF	:	Y	:	:	
23-AA-0010	BIG RIVER FILL SITE	04/13/89	:	:	:						X	:	
23-AA-0011	CASPAR LANDFILL	01/24/89	:	:	:	Y	Y				:	:	
23-AA-0012	COVELO FILL SITE B	01/24/89	:	:	:	Y	Y				:	:	
23-AA-0013	YORK RANCH FILL SITE #3	01/24/89	:	:	:	Y	Y				:	:	
23-AA-0014	WILLITS FILL SITE #4		:	:	:						:	:	
23-AA-0018	SOUTH COAST REFUSE DISPOSAL	02/08/88	Y	Y	Y	Y	Y	TF	:	Y	:	:	
23-AA-0019	CITY OF UKIAH SOLID WASTE DISPOSAL SITE	01/03/89*	Y	Y	Y	Y	Y	MT	:	Y	:	:	
23-AA-0021	CITY OF WILLITS DISPOSAL SITE	04/07/89	:	:	:	Y	Y				:	:	
23-AA-0024	YORK RANCH FILL SITE #4	09/07/89	:	:	:						X	:	8/15/89 AG letter
24-AA-0001	HIGHWAY 59 DISPOSAL SITE	01/05/89	Y	Y	Y	Y	Y	TF	:	Y	:	:	
24-AA-0002	BILLY WRIGHT DUMP SITE	01/05/89	Y	Y	Y	Y	Y	TF	:	Y	:	:	
24-AA-0007	CITY OF LOS BANOS CLASS III DISPOSAL SIT	01/05/89	:	:	:	Y	Y				:	:	
24-AA-0008	FLINTKOTE CO DISPOSAL SITE		:	:	:						:	:	8/15/89 AG letter
25-AA-0001	ALTURAS SANITARY LANDFILL	09/18/89	:	:	:	Disk	Y	EF	:	Y	:	:	" " "
25-AA-0002	EAGLEVILLE DISPOSAL SITE	09/18/89	:	:	:	Disk	Y	EF	:	Y	:	:	" " "
25-AA-0003	FORT BIDWELL LANDFILL	09/18/89	:	:	:	Disk	Y	EF	:	Y	:	:	" " "
25-AA-0004	LAKE CITY LANDFILL	09/18/89	:	:	:	Disk	Y	EF	:	Y	:	:	" " "
25-AA-0021	CEDARVILLE LANDFILL - EAST	09/18/89	:	:	:	Disk	Y	EF	:	Y	:	:	" " "
26-AA-0001	WALKER SANITARY LANDFILL	09/22/89	Y	:	:	Y	Y	TF	:	N	:	:	" " "

* Postmarked by January 1, 1989

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OT Other

A - not a solid waste landfill

B - not operated on or after 01/01/88

C - Hazardous waste facility

Facility File No.	Facility Name	Date* Received	DOCUMENTS RECEIVED					STATUS
			Operator Certification 1 : 2 : 3	Initial Cost Est. Worksheet	Prof. Cert.	Financial Mechanism Type : Doc.	Alternative Certification A : B : C	
26-AA-0002	BRIDGEPORT SANITARY LANDFILL	09/22/89	Y : :	Y	Y	TF : N	: :	8/15/89 AG letter
26-AA-0003	PUMICE VALLEY SANITARY LANDFILL	09/22/89	Y : :	Y	Y	TF : N	: :	" " "
26-AA-0004	BENTON CROSSING SANITARY LANDFILL	09/22/89	Y : :	Y	Y	TF : N	: :	" " "
26-AA-0005	CHALFANT SANITARY LANDFILL	09/22/89	Y : :	Y	Y	TF : N	: :	" " "
26-AA-0006	BENTON SANITARY LANDFILL	09/22/89	Y : :	Y	Y	TF : N	: :	" " "
27-AA-0003	LEWIS ROAD SANITARY LANDFILL	12/29/88	Y : Y : Y	Disk	Y	TF : N	: :	
27-AA-0005	JOHNSON CANYON SANITARY LANDFILL	12/29/88	Y : Y : Y	Disk	Y	TF : N	: :	
27-AA-0006	JOLON ROAD SANITARY LANDFILL	12/29/88	Y : Y : Y	Disk	Y	TF : N	: :	
27-AA-0007	CRAZY HORSE SANITARY LANDFILL	10/02/89	Y : Y : Y	Y	Y	OT : Y	: : D	8/15/89 AG letter
27-AA-0010	MONTEREY PENINSULA SANITARY LANDFILL	01/03/89*	Y : Y : Y	Disk	Y	EF : Y	: :	
27-AA-0012	SAN ANTONIO SOUTH SHORE DISPOSAL SITE	12/29/88	Y : Y : Y	Disk	Y	TF : N	: :	
28-AA-0001	AMERICAN CANYON SANITARY LANDFILL	01/03/89*	Y : Y : Y		Y	TF : Y	: :	
28-AA-0002	UPPER VALLEY DISPOSAL SERVICE LANDFILL	01/03/89*	: : :	Disk	Y	: :	: :	
28-AA-0003	BERRYESSA GARBAGE SERVICE DISPOSAL SITE	01/03/89*	Y : Y : Y	Y	Y	TF : Y	: :	
28-AA-0008	WAPA STATE HOSPITAL DISPOSAL SITE	01/04/89	Claim Exempt			: :	: :	
28-AA-0019	LAKE BERRYESSA ESTATES DISPOSAL SITE		: : :			: :	: :	8/15/89 AG letter
29-AA-0001	MCCOURTNEY LANDFILL	12/30/88	Y : Exten:	Y	Y	: :	: :	
30-AB-0016	OLINDA SANITARY LANDFILL	01/03/89*	: : :	Disk	Y	EF : Y	: :	
30-AB-0017	COYOTE CANYON SANITARY LANDFILL	01/03/89*	: : :	Disk	Y	EF : Y	: :	
30-AB-0018	SANTIAGO CANYON SANITARY LANDFILL	01/03/89*	: : :	Disk	Y	EF : Y	: :	
30-AB-0019	PRIMA DESHECHA SANITARY LANDFILL	01/03/89*	: : :	Disk	Y	EF : Y	: :	
30-AB-0026	CITY OF HUNTINGTON BEACH LANDFILL	04/07/89	: : :			: :	X : :	
30-AB-0029	ARMED FORCES RESERVE CENTER LANDFILL	01/04/89	Y : : :	Y	Y	: :	: :	
30-AB-0035	OLINDA ALPHA SANITARY LANDFILL	01/03/89*	: : :	Disk	Y	EF : Y	: :	
30-AB-0360	BEE CANYON	08/25/89	Y : Y : Y	Y	Y	EF : Y	: :	
31-AA-0120	BERRY STREET MALL - FINGERS LANDFILL	01/03/89*	: : :			: :	: X :	
31-AA-0140	LOOMIS SANITARY LANDFILL	01/05/89	: : :			: :	: X :	
31-AA-0210	WESTERN REGIONAL LANDFILL	12/27/88	Y : Y : Y	Disk	Y	TF : Y	: :	
31-AA-0520	MEADOW VISTA SANITARY LANDFILL	01/05/89	: : :			: :	: X :	
31-AA-0530	CLIPPER CREEK	04/05/89	Determining what alternatives available for closure			: :	: :	8/15/89 AG letter

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MT Financial Means Test
OT Other

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000129

Facility File No.	Facility Name	Date* Received	DOCUMENTS RECEIVED					STATUS					
			Operator Certification 1 : 2 : 3			Initial Cost Est. Worksheet	Prof. Cert.		Financial Mechanism Type : Doc.	Alternative Certification A : B : C			
31-AA-0540	FORESTHILL SANITARY LANDFILL	01/05/89	:	:									
31-AA-0550	CITY OF COLFAX LANDFILL	09/19/89	:	:		Y	N	OT : Y				8/15/89 AG letter	
31-AA-0560	NORTH TAHOE SANITARY LANDFILL	01/03/89*	:	:		Disk	Y	TF : Y					
32-AA-0007	PORTOLA LANDFILL	09/18/89	Y	Y	Y	Disk	Y	EF : Y				" " "	
32-AA-0008	GOPHER HILL SANITARY LANDFILL		:	:								" " "	
32-AA-0009	CHESTER SANITARY LANDFILL		:	:								" " "	
32-AA-0020	LOUISIANA-PACIFIC CRESCENT MILLS D S	04/13/89	:	:						X			
33-AA-0003	HIGHGROVE SANITARY LANDFILL	12/28/88	Y	Y	Y	Y	Y	TF : Y					
33-AA-0006	BADLANDS DISPOSAL SITE	12/28/88	Y	Y	Y	Y	Y	TF : Y					
33-AA-0007	LAMB CANYON DISPOSAL SITE	12/28/88	Y	Y	Y	Y	Y	TF : Y					
33-AA-0008	DOUBLE BUTTE DISPOSAL SITE	12/28/88	Y	Y	Y	Y	Y	TF : Y					
33-AA-0009	MEAD VALLEY DISPOSAL SITE	12/28/88	Y	Y	Y	Y	Y	TF : Y					
33-AA-0011	EDOM HILL DISPOSAL SITE	12/28/88	Y	Y	Y	Y	Y	TF : Y					
33-AA-0012	COACHELLA VALLEY DISPOSAL SITE	12/28/88	Y	Y	Y	Y	Y	TF : Y					
33-AA-0013	ANZA DISPOSAL SITE	12/28/88	Y	Y	Y	Y	Y	TF : Y					
33-AA-0015	OASIS DISPOSAL SITE	12/28/88	Y	Y	Y	Y	Y	TF : Y					
33-AA-0016	EAGLE MOUNTAIN LANDFILL	12/28/88	Y	Y	Y	Y	Y	TF : Y					
33-AA-0017	BLYTHE DISPOSAL SITE	12/28/88	Y	Y	Y	Y	Y	TF : Y					
33-AA-0067	TWIN PINES RANCH DISPOSAL SITE	04/03/89	:	:							X		
33-AA-0068	CORONA CLAY COMPANY		:	:									
33-AA-0069	METROPOLITAN WATER DISTRICT	12/21/88	:	:							X		
33-AA-0071	MECCA LANDFILL II	12/28/88	Y	Y	Y	Y	Y	TF : Y					
33-AA-0217	EL SOBRANTE SANITARY LANDFILL	12/28/88	Y	Y	Y	Y	Y	TF : Y					
33-AA-0223	SKY RANCH	12/16/88	:	:							X		
34-AA-0001	SACRAMENTO COUNTY LANDFILL (KIEFER)	06/06/89	Y	Y	Y	Y	Y	EF : Y					
34-AA-0004	ELK GROVE DISPOSAL SITE	12/27/88	:	:								X	
34-AA-0005	GRAND ISLAND DISPOSAL SITE	12/27/88	:	:								X	
34-AA-0006	AEROJET LIQUID ROCKET COMPANY LANDFILL	08/14/89	:	:		Y	Y	LC : Y					
34-AA-0007	DIXON PIT LANDFILL	10/05/89	Engineers to submit cost est. by 11/7/89										8/15/89 AG letter
34-AA-0017	B AND C DISPOSAL SITE	01/06/89	:	:							X		

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Facility File No.	Facility Name	Date* Received	DOCUMENTS RECEIVED					STATUS
			Operator Certification 1 : 2 : 3	Initial Cost Est. Worksheet	Prof. Cert.	Financial Mechanism Type : Doc.	Alternative Certification A : B : C	
34-AA-0018	SACRAMENTO CITY LANDFILL	01/03/89	Y : Y : Y	Y	Y	EF : Y	: : :	
34-AA-0020	L & D LANDFILL CO	12/30/88	Y : Y : Y	Summary	Y	TF : Y	: : :	
34-AC-0001	CITY OF FOLSOM CORPORATION YARD	03/24/89	: : :			: : :	: X :	
35-AA-0001	JOHN SMITH ROAD SOLID WASTE DISPOSAL SIT	09/13/89	: : :	Summary	N	: : :	: : :	8/15/89 AG letter
35-AA-0003	INDUSTRIAL WASTE TREATMENT FACILITY	03/27/89	: : :			: : :	X : :	
35-AA-0004	COSTA BROS DAIRY	03/07/89	: : :			: : :	X : :	
35-AA-0005	SILVA & SANCHEZ CANNERY DUMP SITE	05/15/89	: : :			: : :	: X :	
35-AA-0006	ALMADEN WINERY	03/24/89	: : :			: : :	X : :	
35-AA-0011	CIRCLE A RANCH	04/04/89	: : :			: : :	X : :	
35-AA-0012	YAMANO FARMS	11/21/88	: : :			: : :	X : :	
36-AA-0001	USMC - YERMO DISPOSAL SITE	01/11/89	: : :			MT : :	: : :	
36-AA-0003	METRO WATER DIST - IRON MOUNTAIN	04/13/89	Y : Y : Y	Y	Y	MT : Y	: : :	8/15/89 AG letter
36-AA-0008	E.O.D. #1 DISPOSAL SITE		: : :			: : :	: : :	8/15/89 AG letter
36-AA-0010	T-RANGE DISPOSAL SITE		: : :			: : :	: : :	
36-AA-0017	CALIFORNIA STREET LANDFILL	12/14/88	: : :	Y	Y	: : :	: : :	
36-AA-0018	KAISER STEEL CORPORATION	03/22/89	: : :			: : :	: X : X	
36-AA-0019	AGUA MANSA LANDFILL	12/07/88	: : :			: : :	X : :	
36-AA-0026	ORO GRANDE LANDFILL	01/03/89*	Y : Y : Y		Y	SB : Y	: : :	
36-AA-0028	ORO GRANDE KILN WASTE DUST DUMP	01/03/89*	Y : Y : Y		Y	SB : Y	: : :	
36-AA-0039	NEWBERRY DISPOSAL SITE	12/30/88	: : :	Disk	Y	EF : Y	: : :	
36-AA-0041	TRONA-ARGUS REFUSE DISPOSAL SITE	12/30/88	: : :	Disk	Y	EF : Y	: : :	
36-AA-0044	PHELAN REFUSE DISPOSAL SITE	12/30/88	: : :	Disk	Y	EF : Y	: : :	
36-AA-0045	VICTORVILLE REFUSE DISPOSAL SITE	12/30/88	: : :	Disk	Y	EF : Y	: : :	
36-AA-0046	BARSTOW REFUSE DISPOSAL SITE	12/30/88	: : :	Disk	Y	EF : Y	: : :	
36-AA-0047	YERMO DISPOSAL SITE	12/30/88	: : :	Disk	Y	EF : Y	: : :	
36-AA-0048	APPLE VALLEY DISPOSAL SITE	12/30/88	: : :	Disk	Y	EF : Y	: : :	
36-AA-0049	BAKER REFUSE DISPOSAL SITE	12/30/88	: : :	Disk	Y	EF : Y	: : :	
36-AA-0050	HESPERIA REFUSE DISPOSAL SITE	12/30/88	: : :	Disk	Y	EF : Y	: : :	
36-AA-0051	COLTON REFUSE DISPOSAL SITE	12/30/88	: : :	Disk	Y	EF : Y	: : :	
36-AA-0054	MILLIKEN SANITARY LANDFILL	12/30/88	: : :	Disk	Y	EF : Y	: : :	

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IN Insurance
MT Financial Means Test
OT Other

A - not a solid waste landfill

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C - hazardous waste facility

000131

Facility File No.	Facility Name	Date* Received	DOCUMENTS RECEIVED					STATUS			
			Operator Certification 1 : 2 : 3	Initial Cost Est. Worksheet	Prof. Cert.	Financial Mechanism Type : Doc.	Alternative Certification A : B : C				
36-AA-0055	FONTANA REFUSE DISPOSAL SITE	12/30/88	:	:		Disk	Y	EF : Y	:	:	
	FONTANA LANDFILL	01/03/89*	:	:					X	:	:
36-AA-0056	BIG BEAR REFUSE DISPOSAL SITE	12/30/88	:	:		Disk	Y	EF : Y	:	:	
36-AA-0057	LANDERS DISPOSAL SITE	12/30/88	:	:		Disk	Y	EF : Y	:	:	
36-AA-0058	MORONGO DISPOSAL SITE	12/30/88	:	:		Disk	Y	EF : Y	:	:	
36-AA-0059	NEEDLES SOLID WASTE DISPOSAL SITE		:	:					:	:	
36-AA-0060	TWENTYNINE PALMS DISPOSAL SITE	12/30/88	:	:		Disk	Y	EF : Y	:	:	
36-AA-0061	LENWOOD-HINKLEY REFUSE DISPOSAL SITE	12/30/88	:	:		Disk	Y	EF : Y	:	:	
36-AA-0062	LUCERNE VALLEY DISPOSAL SITE	12/30/88	:	:		Disk	Y	EF : Y	:	:	
36-AA-0064	HOLLIDAY SANITARY LANDFILL	11/28/88	:	:					X	:	:
36-AA-0067	USMC - 29 PALMS DISPOSAL SITE		:	:					:	:	
36-AA-0068	RESERVE COMP TRAINING CENTER	09/11/89	:	:		Summary			:	:	
36-AA-0069	PFIZER INC DISPOSAL SITE	10/11/88	:	:					X	:	:
36-AA-0074	KAISER CEMENT & GYPSUM-CUSHENBURY PLANT	05/15/89	:	:		Y			:	:	
36-AA-0075	LUDLOW DISPOSAL SITE		(Staff review of Alt. Cert. determined this facility is not exempt)								
36-AA-0078	MONTECITO MEMORIAL PARK		:	:					:	:	
36-AA-0080	WEST SEVENTH STREET DISPOSAL SITE		:	:					:	:	
36-AA-0084	GOLDSTONE DEEP SPACE COMM COMPLEX	07/05/89	:	:		Disk			:	:	
36-AA-0086	HAVASU PALMS DISPOSAL SITE		:	:					:	:	
36-AA-0087	SAN TIMOTEO SOLID WASTE DISPOSAL SITE	12/30/88	:	:		Disk	Y	EF : Y	:	:	
36-AA-0127	HAVASU LANDING #2 DISPOSAL SITE		:	:					:	:	
36-AA-0250	CITY OF RIALTO DISPOSAL SITE	04/10/89	:	:		Y	Y		:	:	
36-AA-0302	KERR MCGEE CHEMICAL CORP DISPOSAL SITE	03/20/89	:	:					X	:	:
37-AA-0001	JAMACHA SANITARY LANDFILL	01/03/89*	:	:					:	X	:
37-AA-0002	VALLEY CENTER LANDFILL	01/03/89*	:	:					:	X	:
37-AA-0003	VIEJAS SANITARY LANDFILL	01/03/89*	:	:					:	X	:
37-AA-0004	BONSALL LANDFILL	01/03/89*	:	:					:	X	:
37-AA-0005	RAMONA LANDFILL	01/03/89*	Y	Y	Y	Disk	Y	EF : Y	:	:	
37-AA-0006	BORREGO SPRINGS LANDFILL	01/03/89*	Y	Y	Y	Disk	Y	EF : Y	:	:	

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Facility File No.	Facility Name	Date* Received	DOCUMENTS RECEIVED					STATUS
			Operator Certification 1 : 2 : 3	Initial Cost Est. Worksheet	Prof. Cert.	Financial Mechanism Type : Doc.	Alternative Certification A : B : C	
37-AA-0008	SAN MARCOS LANDFILL	01/03/89*	Y : Y : Y	Disk	Y	EF : Y	: : :	
37-AA-0009	OTAY SANITARY LANDFILL	01/03/89*	Y : Y : Y	Disk	Y	EF : Y	: : :	
37-AA-0010	OTAY ANNEX LANDFILL	01/03/89*	Y : Y : Y	Disk	Y	EF : Y	: : :	
37-AA-0016	ENCINITAS LANDFILL	01/03/89*	: : :			: : :	: X :	
37-AA-0020	MIRAMAR SANITARY LANDFILL	01/03/89*	Y : Y : Y	Y	Y	OT : Y	: : :	
37-AA-0023	SYCAMORE SANITARY LANDFILL	01/03/89*	Y : Y : Y	Disk	Y	EF : Y	: : :	
37-AA-0205	OCOTILLO WELLS RURAL CONTAINER STATION	01/03/89*	: : :			: : :	: X :	
37-AA-0206	PALOMAR MTN RURAL CONTAINER STATION	01/03/89*	: : :			: : :	: X :	
	GILLESPIE LANDFILL	01/03/89*	: : :			: : :	: X :	
	LAKESIDE BURN SITE	01/03/89*	: : :			: : :	: X :	
37-AA-0902	POWAY LANDFILL	01/03/89*	: : :			: : :	: X :	
37-AA-0903	SAN ONOFRE LANDFILL		: : :			: : :	: : :	8/15/89 AG letter
37-AA-0903	LAS PULGAS LANDFILL	03/23/89	Intends to comply			: : :	: : :	" " "
39-AA-0001	AUSTIN ROAD LANDFILL	02/17/89	: : :	Y	Y	EF : Y	: : :	
39-AA-0002	FRENCH CAMP LANDFILL SITE	02/17/89	: : :	Y	Y	EF : Y	: : :	
39-AA-0003	HARNEY LANE SANITARY LANDFILL	01/03/89*	Y : Y : Y	Y	Y	EF : Y	: : :	
39-AA-0004	FOOTHILL SANITARY LANDFILL	01/03/89*	Y : Y : Y	Y	Y	EF : Y	: : :	
39-AA-0005	CITY OF TRACY - SAN JOAQUIN LANDFILL	12/29/88	Y : Y : Y	Y	Y	EF : Y	: : :	
39-AA-0015	FORWARD INC	02/17/89	: : :	Disk		: : :	: : :	
39-AA-0022	NORTH COUNTY SANITARY LANDFILL PROPOSED	09/28/89	Y : Y : Y	Y	Y	EF : Y	: : :	
40-AA-0001	CITY OF PASO ROBLES LANDFILL	09/18/89	Y : Y : Y	Y	Y	EF : Y	: : :	8/15/89 AG letter
40-AA-0002	CAMP ROBERTS SOLID WASTE DISPOSAL SITE	11/30/88	: : :	Disk	Y	: : :	: : :	
40-AA-0003	CHANSLOR-WESTERN OIL & DEV CO DS	01/03/89*	Y : Y : Y	Y		MT : Y	: : :	
40-AA-0004	COLD CANYON LANDFILL SOLID WASTE DS	12/29/88	Y : Y : Y	Disk	Y	TF : Y	: : :	
40-AA-0007	LOS OSOS LANDFILL	09/01/89	: : :	Summary		OT : Y	: : :	8/15/89 AG letter
40-AA-0008	CHICAGO GRADE LANDFILL	08/30/89	: : :	Y	Y	: : :	: : :	" " "
40-AA-0009	CAMP SAN LUIS OBISPO LANDFILL	01/04/89	Y : : :	Y	Y	: : :	: : :	
40-AA-0014	CALIF VALLEY COMMUNITY SERV DIST SW DS	04/04/89	Extension Request			: : :	: : :	" " "
41-AA-0002	OX MOUNTAIN SANITARY LANDFILL	01/03/89*	Y : Y : Y	Y	Y	GT : Y	: : :	
41-AA-0008	HILLSIDE SOLID WASTE DISPOSAL SITE	12/29/88	Y : Y : Y	Y	Y	TF : Y	: : :	
41-AA-0010	SAN MATEO COMPOSTING SITE	01/03/89*	: : :			: : :	: X :	

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CM Confidential
LC Letter of Credit

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RR Risk Retention Group
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MT Financial Means Test
OT Other

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C - hazardous waste facility

Facility File No.	Facility Name	Date* Received	DOCUMENTS RECEIVED					STATUS
			Operator Certification 1 : 2 : 3	Initial Cost Est. Worksheet	Prof. Cert.	Financial Mechanism Type : Doc.	Alternative Certification A : B : C	
42-AA-0010	NEW CUYAMA SANITARY LANDFILL	03/22/89	Y : Y : Y	Y	Y	EF : Y	: : :	8/15/89 AG letter
42-AA-0011	FOXEN CANYON SANITARY LANDFILL	03/22/89	Y : Y : Y	Y	Y	EF : Y	: : :	
42-AA-0012	VANDENBERG AFB LANDFILL	06/09/89	: : :	Y	Y	: : :	: : :	
42-AA-0013	VENTUCOPA SANITARY LANDFILL	03/22/89	Y : Y : Y	Y	Y	EF : Y	: : :	
42-AA-0015	TAJIGUAS SANITARY LANDFILL	03/22/89	Y : Y : Y	Y	Y	EF : Y	: : :	
42-AA-0016	CITY OF SANTA MARIA REFUSE DISPOSAL SITE	01/05/89	: : :	Y		: : :	: : :	X : : :
42-AA-0017	CITY OF LOMPOC SANITARY LANDFILL	01/24/89	Y : Y : Y	Y	Y	EF : :	: : :	
42-AA-0050	LOS ALAMOS FEE WASTE DISPOSAL SITE	03/29/89	: : :			: : :	: : :	
43-AA-0001	GUADALUPE DISPOSAL SITE	12/27/88	: : :	Disk	Y	TF : Y	: : :	
43-AA-0002	STIERLIN RD DS & WASTE REDUCTION PLANT	03/22/89	Y : Y : Y	Y	Y	MT : Y	: : :	
43-AA-0004	PACHECO PASS SANITARY LANDFILL	01/03/89*	Y : Y : Y		Y	TF : Y	: : :	: X : :
43-AA-0005	NAS MOFFETT FIELD SANITARY LANDFILL	05/05/89	: : :			: : :	: : :	
43-AL-0001	SHORELINE REGIONAL PARK SANITARY LANDFILL	12/30/88	Y : Y : Y	Y	Y	MT : Y	: : :	
43-AM-0001	CITY OF PALO ALTO REFUSE DISPOSAL SITE	12/29/88	Y : Y : Y	Disk	Y	MT : Y	: : :	
43-AN-0001	OWENS FIBERGLAS CO	01/05/89	: : :	Disk	Y	: : :	: : :	
43-AN-0003	NEWBY ISLAND SANITARY LANDFILL	12/30/88	Y : Y : Y	Y	Y	GT : Y	: : :	: : :
43-AN-0005	NINE PAR SOLID WASTE DISPOSAL SITE		Same as Zanker Road Sanitary Landfill			: : :	: : :	
43-AN-0007	ZANKER ROAD SANITARY LANDFILL	12/30/88	Y : Y : Y	Disk	Y	TF : Y	: : :	
43-AN-0008	KIRBY CANYON SANITARY LANDFILL	01/03/89*	Y : Y : Y	SUMMARY	Y	CN : Y	: : :	
43-AO-0001	ALL PURPOSE LANDFILL	07/07/89	Y : Y : Y	Y	Y	SB/PR : Y	Postclosure mechanism not by operator	
43-AQ-0001	CITY OF SUNNYVALE LANDFILL	12/30/88	Y : Y : Y	Disk	Y	MT : Y	: : :	: : :
44-AA-0001	SANTA CRUZ CITY SANITARY LANDFILL	11/16/89	Y : Y : Y	Y	Y	EF : Y	: : :	
44-AA-0002	WATSONVILLE CITY SOLID WASTE DISPOSAL SI	02/23/89	Y : Y : Y	Disk	Y	EF : Y	: : :	
44-AA-0003	BEN LOMOND SOLID WASTE DISPOSAL SITE	01/03/89*	Y : Y : Y	Y	Y	EF : Y	: : :	
44-AA-0004	BUENA VISTA DISPOSAL SITE	01/03/89*	Y : Y : Y	Y	Y	EF : Y	: : :	
45-AA-0019	CITY OF REDDING SANITARY LANDFILL	01/03/89*	Y : Y : Y	Y	Y	EF : Y	: : :	: : :
45-AA-0020	ANDERSON DISPOSAL SITE	01/03/89*	Y : Y : Y	Y	Y	TF : Y	: : :	
45-AA-0021	SIMPSON PAPER COMPANY	01/03/89*	Y : Y : Y	Y	Y	GT : Y	: : :	
45-AA-0022	PACKWAY MATERIALS LANDFILL	12/27/88	Y : Y : Y	Y	Y	TF : Y	: : :	
45-AA-0043	WEST CENTRAL LANDFILL	01/03/89*	Y : Y : Y	Y	Y	TF : Y	: : :	
45-AA-0058	TWIN BRIDGES LANDFILL (P R O P O S E D)	08/08/89	Y : Y : Y	Y	Y	GT : Y	: : :	

* Postmarked by January 1, 1989

- 1 Initial Cost Estimate
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000135

			DOCUMENTS RECEIVED					
Facility File No.	Facility Name	Date* Received	Operator Certification 1 : 2 : 3	Initial Cost Est. Worksheet	Prof. Cert.	Financial Mechanism Type : Doc.	Alternative Certification A : B : C	STATUS
46-AA-0001	LOYALTON LANDFILL	04/10/89	Expect to comply by	May 8		:	:	8/15/89 AG letter
47-AA-0001	MCCLLOUD COMMUNITY SERVICES DISTRICT LF	01/03/89*	Y : Y : Y	Summary	Y	EF : Y	:	
47-AA-0002	YREKA SOLID WASTE LANDFILL	01/03/89*	Y : Y : Y	Y	Y	EF : Y	:	
47-AA-0003	BLACK BUTTE SOLID WASTE DISPOSAL SITE	01/03/89*	Y : Y : Y	Summary	Y	EF : Y	:	
47-AA-0019	WEED SOLID WASTE DISPOSAL SITE	01/03/89*	Y : Y : Y	Summary	Y	EF : Y	:	
47-AA-0026	HAPPY CAMP SOLID WASTE DISPOSAL SITE	01/03/89*	Y : Y : Y	Summary	Y	EF : Y	:	
47-AA-0027	TULELAKE SOLID WASTE LANDFILL	01/03/89*	Y : Y : Y	Summary	Y	EF : Y	:	
47-AA-0029	KELLY GULCH SOLID WASTE DISPOSAL SITE	01/03/89*	Y : Y : Y	Summary	Y	EF : Y	:	
47-AA-0030	CECILVILLE DISPOSAL SITE	01/03/89*	Y : Y : Y	Summary	Y	EF : Y	:	
47-AA-0031	LAVA BEDS DISPOSAL SITE	10/02/89	:	Y	Y	:	:	8/15/89 AG letter
47-AA-0033	NEW TENNANT SOLID WASTE DISPOSAL SITE	01/03/89*	Y : Y : Y	Summary	Y	EF : Y	:	
47-AA-0038	FORKS OF SALMON SOLID WASTE DISPOSAL SIT	03/15/89	:			:	X :	
47-AA-0044	ROGERS CREEK	01/03/89*	Y : Y : Y	Summary	Y	EF : Y	:	
47-AA-0045	HOTELLING GULCH DISPOSAL SITE	01/03/89*	Y : Y : Y	Summary	Y	EF : Y	:	
48-AA-0001	SOLANO GARBAGE COMPANY	04/10/89	:	Y	Y	:	X :	
48-AA-0002	B & J LANDFILL	01/03/89*	Y : Y : Y		Y	TF : Y	:	
48-AA-0004	RIO VISTA SANITARY LANDFILL	12/30/88	AID Requested	Y		:	:	
48-AA-0008	MARE ISLAND NAVAL SHIPYARD SANITARY LF	03/27/89	:			:	:	X
48-AA-0075	POTRERO HILLS SANITARY LANDFILL	11/20/89	Y : Y : Y	Y	Y	TF : Y	:	11/20/89 Complete
49-AA-0001	CENTRAL LANDFILL	12/30/88	Y : Y : Y	Disk	Y	MT : Y	:	
49-AA-0002	ANNAPOLIS LANDFILL	12/30/88	Y : Y : Y	Disk	Y	MT : Y	:	
49-AA-0004	HEALDSBURG DISPOSAL SITE	12/30/88	Y : Y : Y	Disk	Y	MT : Y	:	
49-AA-0008	TUBBS ISLAND SLUDGE DISPOSAL SITE	09/07/89	:			:	X :	8/15/89 AG letter
49-AA-0009	CASA GRANDE SITE	09/13/89	:	Summary		EF : N	:	" " "
49-AA-0010	LUNDEBERG MARYLAND SEAMANSHIP SCHOOL INC	01/03/89*	New Owner :			:	:	
49-AA-0011	CLOVERDALE WOOD WASTE LANDFILL #2	01/24/89	:	Y	Y	:	:	
49-AA-0137	ANGELO GIUSTI DISPOSAL SITE		:			:	:	8/15/89 AG letter
49-AA-0148	FMRP SOLIDS DISPOSAL FACILITY	01/30/89	Y : Y : Y	Y	Y	CN : Y	:	
50-AA-0001	FINK ROAD LANDFILL	04/13/89	Y : Y : Y	Summary	Y	EF : Y	:	
50-AA-0002	GEER ROAD SANITARY LANDFILL	04/13/89	Y : Y : Y	Summary	Y	EF : Y	:	

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			Operator Certification 1 : 2 : 3	Initial Cost Est. Worksheet	Prof. Cert.	Financial Mechanism Type : Doc.	Alternative Certification A : B : C	
50-AA-0003	BONZI SANITARY LANDFILL	12/30/88	Y : Y : Y		Y	TF : Y	: :	8/15/89 AG letter
51-AA-0001	SUTTER DUMP		: : :			: : :	: : :	
52-AA-0001	RED BLUFF SANITARY LANDFILL	12/29/88	: : :	Y	Y	TF : Y	: : :	
52-AA-0002	LOUISIANA-PACIFIC DISPOSAL SITE	01/24/89	: : :	Y	Y	: : :	: : :	" " "
52-AA-0009	DIAMOND LANDFILL	03/27/89	Intend to comply after stike			: : :	: : :	
53-AA-0004	DENNY LANDFILL DISPOSAL SITE		: : :			: : :	: : :	" " "
53-AA-0013	WEAVERVILLE LANDFILL DISPOSAL SITE	01/27/89	Y : Y : Y	Y	Y	EF : Y	: : :	
54-AA-0001	EARLIMART DISPOSAL SITE	08/14/89	Y : Y : Y	Y	Y	EF : Y	: : :	" " "
54-AA-0002	EXETER DISPOSAL SITE	08/14/89	Y : Y : Y	Y	Y	EF : Y	: : :	
54-AA-0004	TEAPOT DOME DISPOSAL SITE	08/14/89	Y : Y : Y	Y	Y	EF : Y	: : :	" " "
54-AA-0008	WOODVILLE DISPOSAL SITE	08/14/89	Y : Y : Y	Y	Y	EF : Y	: : :	
54-AA-0009	VISALIA DISPOSAL SITE	08/14/89	Y : Y : Y	Y	Y	EF : Y	: : :	" " "
54-AA-0010	BALANCE ROCK DISPOSAL SITE	08/14/89	Y : Y : Y	Y	Y	EF : Y	: : :	
54-AA-0011	KENNEDY MEADOWS DISPOSAL SITE	08/14/89	Y : Y : Y	Y	Y	EF : Y	: : :	" " "
54-AA-0012	OROSI DISPOSAL SITE	08/14/89	: : :			: : :	X : :	
55-AA-0001	BIG OAK FLAT LANDFILL	02/27/89	: : :	Y	Y	TF : :	: : :	04/07/89 letter
55-AA-0002	TUOLUMNE COUNTY CENTRAL SANITARY LF	02/27/89	: : :	Y	Y	TF : :	: : :	
55-AA-0005	SIERRA CONSERVATION CENTER	04/13/89	Institution working through Dept. of Corrections				: : :	
56-AA-0004	SANTA CLARA SANITARY LANDFILL	01/03/89*	Y : Y : Y	Y	Y	EF : Y	: : :	06/22/89 Complete
56-AA-0005	TOLAND ROAD SANITARY LANDFILL	01/03/89*	Y : Y : Y	Y	Y	EF* : Y	: : :	06/22/89 Complete
56-AA-0007	SIMI VALLEY LANDFILL	01/03/89*	Y : Y : Y	Y	Y	CN : Y	: : :	8/15/89 AG letter
56-AA-0008	PACIFIC MISSLE TEST CENTER LANDFILL	04/26/89	: : :	Y	Y	: : :	: : :	
56-AA-0009	TEXACO OIL DISPOSAL SITE C	01/03/89*	Y : Y : Y	Y	Y	LC : Y	: : :	06/22/89 Complete
56-AA-0010	BEARDSLEY DISPOSAL SITE	03/31/89	: : :			: : :	X : : :	
56-AA-0011	BAILARD LANDFILL	01/03/89*	Y : Y : Y	Y	Y	EF : Y	: : :	
56-AA-0119	TEXACO OIL VENTURA AVE OILFIELD WASTE DS	03/31/89	: : :			: : :	X : : :	8/15/89 AG letter
57-AA-0001	YOLO COUNTY CENTRAL LANDFILL	12/23/88	Y : Y : Y	Disk	Y	TF : Y	: : :	
57-AA-0004	UNIV OF CALIF DAVIS SANITARY LANDFILL	01/13/89	Y : Y : Y	Disk	Y	EF : Y	: : :	
57-AA-0005	DELTA SUGAR CORP LANDFILL	02/14/89	: : :			: : :	: Y :	
58-AA-0001	BEALE AFB SANITARY LANDFILL	09/18/89	Intend to submit initial cost estimates by 2/90				: : :	

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58-AA-0002	PONDEROSA SANITARY LANDFILL		: :			: :	: :	8/15/89 AG letter
58-AA-0004	QUINCO CORP DISPOSAL SITE	03/23/89	: :			: :	X : :	
58-AA-0005	YUBA-SUTTER DISPOSAL INC	01/03/89*	Y : Y : Y		Y	TF : Y	: :	
58-AA-0006	YUBA-SUTTER DISPOSAL AREA		: :			: :	: :	8/15/89 AG letter
58-AA-0007	SPECKERTT DISPOSAL AREA	03/20/89	: :			: :	X : :	
CITY OF CARSON		01/20/89	Exten:req :			: :	: :	

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000137

CALIFORNIA WASTE MANAGEMENT BOARD

AGENDA ITEM # 4

DECEMBER 14 - 15, 1989

ITEM:

Consideration of Approval of the Contra Costa County Solid Waste Management Plan Revision.

KEY ISSUES:

- o County to approve Plan Revision on December 12
- o Deficient areas in the disapproved Revision have been addressed
- o Revision includes reserved landfill sites
- o Revision includes programs for meeting recycling goals

BACKGROUND:

On November 19, 1985, the County submitted a Plan Review Report indicating the need for a Plan Revision. In the Plan Review Report, the County proposed to revise the Plan without including adequate disposal capacity for the short term planning period. The decision to not include adequate disposal capacity was a result of a policy set by the County Board of Supervisors that did not allow any proposed landfill sites to be included in the Plan until after all local land use approvals had been obtained by the proponent. Board staff advised the County that a Plan Revision which did not provide for short term disposal capacity could not be fully approved by the Board.

On August 11, 1986, the County submitted a revised Plan Review Report indicating that they would include landfill sites in the Plan Revision. On the basis of new sites and future capacity being included in the Plan Revision, the Board accepted the Plan Review Report at its September 22-23, 1986 meeting. At that time, the Board directed the County to revise its Plan within 270 days ending on June 22, 1987.

Subsequently, completion of the Plan Revision was delayed when on January 30, 1987, the County Board put all landfill siting decisions on hold for six months. This decision was made to allow time for a County Board appointed task force to review and rank all proposed landfill sites. In April, 1987, the County presented an informational item to the Board regarding the status of replacement landfill sites in Contra Costa County. The County informed the Board that they would not be able to complete the Plan Revision within 270 days if they had to include future landfill sites in the Plan Revision. At that time the County indicated that future landfill sites would not be included in the Plan Revision. The County stated its intent to include future landfill sites in the Plan Revision by amendment after the sites had been locally approved.

The Plan Revision was not submitted to the Board on or before its required June 22, 1987 due date. The County Board, however, did approve the Plan Revision on June 23, 1987. The Plan Revision was then circulated to the cities for their approval. At the end of the 90 day city approval period, the Plan Revision had been approved by 12 of 18 cities representing 64% of the incorporated population in Contra Costa County. Board staff received 20 copies of the locally approved Plan Revision by November, 1987.

At the Board's January 13-14, 1988 meeting, the Board disapproved the Plan Revision. The Board found the Plan Revision to be deficient in several areas, including the following:

- o the Revision did not include future disposal sites,
- o the Revision did not include adequate recycling programs for achieving stated recycling goals
- o and finally, the Revision did not include a comprehensive implementation schedule.

On February 10, 1988, the Board sent a letter to the County outlining the Revisions deficient areas and directing the County to resubmit the Plan Revision, with corrections, by May 12, 1988. Subsequently, County staff informed Board staff that the County could not include future sites in the Plan Revision, and that they would be unable to resubmit the Revision by the May 12, 1988 deadline. Consequently, after the County had failed to resubmit the Plan Revision as required, on May 12, 1988, the Board directed staff to refer the County to the State Attorney General to ensure County compliance with State planning law.

On August 22, 1988, the State Attorney General sent a letter to the County advising them that the filing of litigation on the delinquent Plan Revision would be delayed until September 9, 1988. The purpose of this action was to allow the Board and the County time to develop proposals for resolving the matter of the delinquent Plan Revision. On September 26, 1988 representatives of Board staff, County staff and the State Attorney General met to discuss how the County could expedite the submittal of a revised Plan which satisfied the Board's requirements for the contents of Plan Revisions. As a result of this meeting the County decided to include future landfill sites in the Plan Revision and to address other deficient areas of the Plan Revision as identified by the Board.

On September 30, 1988, Board staff received the resubmitted draft Plan Revision. Board staff provided oral comments on the draft Plan Revision on October 7, 1988. Written comments were sent to the County on October 17, 1988. That same day the County responded to Board staff's comments and amended the Plan Revision to address staff's concerns. On October 18, 1988 the County Board of Supervisors approved the amended Plan Revision and filed a Notice of Exemption for the project.

On December 16, 1988, Board staff met with County staff to discuss the Notice of Exemption filed on the Plan Revision. Board staff informed the County that the Plan Revision did not meet the requirements for an emergency exemption to CEQA. As a result, the County decided to prepare an EIR for the Plan Revision and for General Plan Amendments needed to designate areas for the location of solid waste facilities. By including landfill sites in the Plan Revision and County General Plan, the proposed landfill sites would become reserved as a matter of law. Therefore, the County would satisfy the Board's requirement that the Plan Revision reserve future landfill sites if the County has less than eight years of remaining disposal capacity (as is the case with Contra Costa County).

Due to the County's inability to resolve local solid waste management issues, and as a result of its inability to resubmit the Plan Revision as required by the Board, the Board filed a lawsuit on the delinquent Plan Revision on March 2, 1989. The court issued an order based on a stipulation between Contra Costa County and the Board to adopt a Plan Revision by December 1, 1989. The stipulation included a detailed timetable completing the Plan, siting replacement landfills, and for completing the necessary CEQA documents for the Plan Revision and future landfills. It also required the County to submit monthly reports to the Board, and a schedule of activities to ensure the December 1, 1989 Plan submittal date.

On May 15, 1989, Board staff received the draft EIR for the Plan Revision and General Plan Amendments. Written comments on the draft EIR were sent to the County on July 3, 1989. On August 15, 1989, the County Board certified the EIR for the Plan Revision and General Plan Amendments and circulated the Plan Revision for city approval. On November 22, 1989, Board staff received twenty copies of the locally approved Plan Revision.

Twelve of eighteen cities with a combined population of 383,372, representing 63% of the incorporated population, approved the Plan Revision. Four cities, Pittsburgh, Antioch, Brentwood and Martinez, disapproved the Plan Revision. The cities, located in the central and eastern portions of the County, are concerned that they will be adversely impacted by the establishment of new landfills near their jurisdictions.

However, the County Board of Supervisors has not yet acted on the Plan Revision. Board of Supervisors has scheduled action on the Plan Revision for December 12, 1989. Before the Board considers the Plan Revision on December 15, 1989, the County will FAX a copy of the Board of Supervisors Resolution approving the Plan Revision, and a copy of the Notice of Determination filed with the State Clearinghouse for the EIR prepared for the project, to Board staff. Therefore, Board staff will have received all necessary local approvals before the Board acts on the Plan Revision.

DISCUSSION:

County Characteristics and Solid Waste System:

Contra Costa County is located within the San Francisco Bay Area. San Pablo and San Francisco Bay lay to the west, Suisun Bay and the San Joaquin river lay to the north, San Joaquin County borders to the east, and Alameda County borders on the south of Contra Costa County. The County encompasses 710 square miles of land area, and as of 1988 had a population of 755,200. Terrain in the County varies from Bay frontage in the western portion of the County, to the steep hillsides of the Diablo Range in the central portion of the County, and finally, to delta terrain in the eastern portion of the County, which is bounded by the San Joaquin Delta.

The weather in Contra Costa County is characterized by two distinct climates. The western portion, near the San Francisco Bay, has a marine climate with little variation in temperature and conditions. The inland areas experience greater fluctuations in climate and are influenced by conditions in the Sacramento/San Joaquin Valley. Overall, the climate in Contra Costa County is Mediterranean (hot, dry summers and mild, wet winters). The Plan Revision states that the County will generate approximately one million tons of waste in 1989. This figure is derived from the estimated quantities of waste landfilled and recycled in the County.

The County estimates that it is currently recycling approximately 165,000 tons of waste annually. Existing recycling programs include buyback/dropoff centers, construction/demolition recycling, curbside collection and landfill salvaging.

All solid waste collection companies in Contra Costa County are privately owned. Most solid waste collection is regulated by franchise agreements between the collectors and cities or special districts.

Currently, there are three landfills operating in the County. The West Contra Costa Sanitary Landfill, located near the City of Richmond, serves the west County area. The facility currently receives between 650-1,050 tons per day of waste. The estimated closure date for this facility is 1993 (assuming no diversion of waste from other areas of the County). The Acme Landfill, located near the City of Martinez, serves the central County area and the City of Benecia in Solano County. The facility currently receives between 1,100 and 1,500 tons per day of solid waste. This facility is out of capacity and will stop receiving waste by late November or early December of 1989. The Contra Costa Sanitary Landfill/Pittsburgh Landfill serves the eastern area of Contra Costa County. The County considers these two sites as one site even though these two sites have separate solid waste facilities permits. The permitting status of these two sites is currently under review by Board staff. The two sites combined are currently receiving approximately 900 tons per day of solid waste. These sites may reach capacity in late 1990 or early 1991 if a significant portion of central County waste is diverted to them after closure of the Acme Landfill.

The County has been pursuing export agreements with Alameda and Solano County for the disposal of central County waste after the closure of the Acme Landfill. At the Board's November 20, 1989 meeting, the Board approved an Alameda County Plan Amendment allowing the import of up to 1,100 tons per day of waste, based on a five day week, from Contra Costa County. This completed all necessary State and local approvals needed for the import project and allowed Alameda County to begin receiving waste at the Altamont Landfill. At the Board's November 8, 1989 meeting, the Board approved a Solano County Plan Amendment to import an average of 242 tons per day of waste, averaged over one year, for a three year period. The Board will consider concurrence in the revision of a Solid Waste Facilities Permit, and a Determination of Conformance with the Solano County Plan, for the Potrero Hills Landfill for the receipt of Contra Costa County waste.

There is currently one interim transfer station operating in Contra Costa County. At the Board's October 19, 1988 meeting, the Board permitted the Interim Acme Transfer Station, on the basis of Public Need and Necessity (since the County did not have

a valid Plan), until a permanent facility could be established. The transfer station was needed to enable the County to dispose of central County waste at an alternative disposal site after the closure of the Acme Landfill.

REVISION FEATURES:

This section summarizes the significant information, by chapter, contained in the Plan Revision.

Part I

Part I of the Plan Revision summarizes the Plan's goals and policies and contains the implementation schedule for the Plan Revision. Significant policies for each Plan Element are discussed. Dates for completing key tasks for implementing Plan programs are identified.

Part II

Part II discusses the Plan Revision's elements by chapter.

Chapter 3 - Administration

This section discusses the existing oversight roles of Federal, State and Local government agencies involved in the management and regulation of non-hazardous solid waste.

Existing funding methods for solid waste management and enforcement programs are identified. Solid waste management and enforcement programs are funded from fees assessed to landfill operators.

Chapter 4 - Storage and Collection

This chapter indicates that a major portion of the solid waste enforcement budget is allocated to investigating and abating nuisances as a result of storage problems. Most solid waste collection is regulated under franchise agreements between private waste collectors and franchising jurisdictions -- cities or special districts.

Chapter 5 - Transfer Stations

This chapter discusses the operation of the interim Acme Transfer Station, near the City of Martinez, and its eventual replacement by a permanent facility. This chapter also identifies the locations of possible future transfer stations in the County.

Chapter 6 - Landfill Disposal

This chapter discusses the remaining disposal capacity at the County's three active landfills, export of waste to out-of-county landfills, and the reservation of sites for establishment of replacement landfills. The County estimates that it will be out of landfill capacity sometime in 1991. Consequently, the Plan Revision reserves five sites for the establishment of a replacement landfill by 1991, and includes a discussion of how the County's waste will be disposed of on an interim basis until a new landfill is established.

Chapter 7 - Resource Recovery

This chapter includes a discussion of existing and proposed recycling programs. The County currently recycles approximately 16% of its waste stream through a combination of curbside, buyback/dropoff, construction/demolition and landfill salvaging programs. The County has set recycling goals of 31% for the short-term, 41% for the medium-term (1999), and 71% for the long-term (2009). The short-term goal will be achieved through increased residential/commercial recycling programs and through additional composting programs. The medium and long-term goals are dependent upon the implementation of waste-processing and waste-to-energy facilities.

Chapter 8 - Special Wastes

The collection, processing and disposal of thirteen categories of special waste is provided. The procedures for handling and disposing of each waste is discussed individually. The handling and disposal methods for household hazardous wastes, asbestos wastes, sewage sludge and shipboard and port wastes are included.

Chapter 9 - Current Waste Streams and Future Projections

The waste stream in Contra Costa County is broken down into four broad categories; residential, commercial, industrial and construction demolition. The amount, in tons per day, and the percentile of each category of waste comprising the County's waste stream is provided. Additionally, the different types of waste comprising the residential and commercial waste stream are described.

Also, current and future waste stream quantities are estimated. The quantity of waste generated is estimated in two ways. First, estimating the amount of waste landfilled and recycled in the County. Second, by multiplying the County's total population by per capita waste generation figures supplied by the Association of Bay Area Governments. The County currently estimates that it generates approximately 1,005,137 tons of waste annually.

Chapter 10 - Economic Analysis

The costs for operating the solid waste handling and disposal system are provided. Cost estimates for collection, transport, transfer and disposal of the County's waste stream are identified.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

CEQA requires that the environmental impacts of a project be considered by each public agency with discretionary authority over the project. The Board's approval of the Contra Costa Solid Waste Management Plan Revision is a discretionary act. Therefore, before the Board may act on the project, the project's potential adverse environmental impacts must first be considered in the appropriate environmental document.

EIR Preparation and Certification

The Contra Costa Community Development Department prepared an Environmental Impact Report (EIR) for the project. The County Board of Supervisors certified the EIR on August 15, 1989.

As required by the CEQA Guidelines, the environmental document discusses the project's potential adverse environmental impacts, mitigation measures to impacts, remaining impacts, cumulative impacts and alternatives to the project.

Described below are the project's impacts and mitigation measures associated with the siting of future landfills in the County.

Planning and Land Use

Impact

The existing County General Plan land use designations are incompatible with landfill use for all five proposed landfill sites.

Mitigation Measure

Part of the proposed project includes amending the County General Plan to identify the five proposed landfill sites.

Impact

Surrounding residential, commercial and recreational uses could be adversely affected by potential landfill sites.

Mitigation Measure

Significant adverse impacts to nearby land uses should be evaluated during project level environmental review.

Public Health and Safety

Impact

The proposed landfill sites have the potential to provide food, cover and breeding ground for disease vectors such as mosquitoes, small rodents, and certain species of birds.

Mitigation Measures

- o Landfill compaction and packer truck compaction would reduce the attraction of vectors.
- o The sites would be covered regularly with new refuse or soil, which would eliminate vector breeding habitat.
- o The applicants should coordinate design of sedimentation basins with Contra Costa County Mosquito Abatement District to enable easy inspection and spraying of larval suppressant.

Impact

Normal domestic and commercial refuse taken to the landfill could contain materials that in sufficient quantity would be classified as hazardous and could affect air and water quality.

Mitigation Measures

- o The landfill would accept only non-hazardous municipal refuse and inert construction/demolition materials.
- o The landfill operator would implement a comprehensive waste acceptance control program.

Impact

Potential for public exposure to hazardous and infectious wastes through leachate contamination of groundwater and off-site surfaces.

Mitigation Measures

- o Design features to prevent off-site migration of leachate are included in landfill design.

- o Water quality monitoring systems would be incorporated into the facility.
- o California law requires a plan to recover the leachate in case of landfill liner failure.

Transportation

Impact

Traffic volumes generated by any of the five landfill sites would add to the current congestion on Highway 4 in the area between Antioch and the Willow Pass Grade.

Mitigation Measures

- o The travel patterns for transfer trucks would be managed to avoid truck trips to the landfill during the peak hours, especially the AM peak. Minimize traffic by the use of transfer stations, and prohibit self-haulers at the landfills.
- o There are several highway projects being planned that will widen and improve Highway 4 in this area. Some of these improvements are anticipated to be completed before the opening of the proposed landfill(s).

Impacts

There would be moderate traffic impacts on the local roads and streets on the local roads and streets in the vicinity of each proposed landfill.

Mitigation Measures

At each of the landfill sites, the applicant would participate in funding the necessary roadway and traffic control improvements.

Air Quality

Impacts

Decomposing wastes would create substantial amounts of gas, a fraction of which would include photochemically active organic compounds (ROG) and toxic compounds. The Bay area's ozone problem could be worsened and nearby downwind receptors could be adversely affected by toxins.

Mitigation Measures

Installation of a gas collection and combustion system would destroy 90% of the ROG and toxins. The remaining fraction of ROG would have an insignificant affect on regional ozone levels. Risk assessments would have to demonstrate that the exposure of downwind populations to the remaining fraction of toxins would not be considered significant under BAAQMD criteria (i.e., the chance of induced cancer for any individual would be less than one in a million).

Noise

Impact

Noise resulting from waste handling machinery could disturb nearby residents.

Mitigation Measures

Limiting the hours of landfill operation and fitting all machinery with noise control features to the degree feasible would reduce the likelihood of disturbance.

Geology and Soils

Impact

Landslide activity on fill or cut slopes and unstable natural slopes could occur as a consequence of site excavations and earthwork construction, causing structural damage and endangering lives.

Mitigation Measures

- o Potential slide areas would be drained, unstable earth materials would be excavated, attention would be given to keeping slip surfaces dry.
- o The applicant would perform a site specific static and seismic stability analysis as part of the final design for the project.

Impact

Groundshaking from off-site earthquakes could damage the landfill's containment and drainage features and/or cause slope failure.

Mitigation Measures

- o Landfill and drainage features would be designed to withstand ground acceleration from a maximum credible earthquake.
- o The applicant would perform a site-specific seismic stability analysis as part of the final design for the project.

Hydrology and Water Quality

Impact

Leachate has the potential to contaminate groundwater or surface water with which it comes into contact.

Mitigation Measures

- o Route stormwater runoff around the landfill perimeter to prevent runoff from coming in contact with refuse.
- o A low-permeability clay liner or a composite liner, a subdrain system, and a leachate control and removal system would be installed in compliance with State and federal regulations
- o A groundwater monitoring program would be required for all landfills to provide early warning in the event of leachate migration from the landfill.

Visual Quality

Impact

Litter both on-site and off-site and illegal dumping could be a significant aesthetic detraction.

Mitigation Measures

- o Litter control strategies include use of portable debris fences around the active area and daily covering of all solid waste with soil.
- o Collect litter daily that accumulates on-site and along the site access road in the vicinity of the site.
- o Periodically publish litter control rules in newspaper advertisements or mail flyers.

In addition to the adverse impacts which can be mitigated, there are, however, some impacts which cannot be totally mitigated. These impacts would result in unavoidable impacts on the environment. These include:

- o Permanent alteration of the topography of the proposed new landfill areas.
- o Surface drainage alteration including elimination of intermittent streams and some groundwater recharge potential.
- o Loss of habitat, including wetlands, woodland, and freshwater marsh
- o Death and displacement of wildlife, and potential impacts on sensitive species
- o Destruction of historic homestead sites and associated cultural resource artifacts

As a result of these remaining impacts, the County will adopt findings that these impacts are acceptable because overriding considerations indicate benefits from the project which will outweigh the adverse effects.

In addition to addressing the project's impacts, the EIR also considered alternatives to the proposed project. CEQA requires EIRs to describe a range of alternatives to the project which could feasibly attain the objectives of the project, and evaluate the comparative merits of the project.

The basic objective of project reviewed in the EIR is effective management of the County's solid waste stream through the siting of one or more new landfills, and the implementation of recycling and resource recovery programs. The alternatives to the preferred project included:

- o The no project alternative,
- o alternative treatment of municipal solid waste to reduce the amount of waste to be landfilled,
- o no transfer station alternative, and
- o consideration of other landfill sites as alternatives to the five proposed landfill sites identified in the Plan Revision.

After consideration of all alternatives, the County determined that the preferred project, as identified in the Plan Revision, would best meet the objective of handling and disposing of the County's waste stream in environmentally safe and economically efficient manner.

Board staff has carefully reviewed the EIR and has determined that it is an appropriate and adequate environmental document for the Board's use in evaluating the Contra Costa County Solid Waste Management Plan Revision.

STAFF ANALYSIS:

The final Plan Revision has been reviewed by Board staff to determine: (1) if the Plan Revision reflects the areas of revision identified by the Board and County at the time the Plan Review Report was accepted, (2) if the Plan Revision addressed the deficient areas identified by the Board when it disapproved the Revision at its January 13-14, 1988 meeting, and (3) if the Plan Revision complies with State Policy, Board Planning Guidelines, and Procedures for Preparing, Revising, and Amending County Solid Waste Management Plans.

Board staff has reviewed the Plan Revision and found that the County has adequately addressed most of the required areas. The County has carried out a thorough assessment of its waste management needs, and the Plan should provide the County with the necessary direction for managing its waste. In addition, the County has identified recycling programs for meeting the 20% recycling goal and has included handling and disposal programs for household hazardous waste and asbestos waste.

The one area of the Plan Revision that may still be inadequate is compliance with Government Code Section 66780.2, providing the County with adequate permitted disposal capacity. The County in the submitted Plan Revision has proposed to comply with this section of the Government Code by exporting, in the interim, wastes to both Solano and Alameda counties until one of the potential landfills reserved in the Plan Revision is sited.

Contra Costa County currently has a waste export agreement with Alameda County, and the Altamont Landfill Solid Waste Facilities Permit has been revised to accept exported waste. For Solano County, a waste export agreement with Contra Costa County has been signed, and the last action necessary for receipt of Contra Costa County's waste is Board concurrence in a Solid Waste Facilities Permit for the Potrero Hills Landfill. That permit is scheduled for consideration at this Board meeting. If the permit is denied, Contra Costa County will be unable to export waste to Solano County and will be without the sufficient interim disposal capacity required by Government Code Section 66780.2.

OPTIONS FOR BOARD ACTION:

1. Disapprove the Plan Revision. This option would be appropriate if the County had not revised the areas of the Plan identified in the Plan Review Report and in the Board's February 10, 1988 letter, and with recent changes in the Government Code.
2. Partially approve the Plan Revision. This would be appropriate if the County had revised the Plan in most of the areas identified in the Plan Review Report, the Board's February 10, 1988 letter and with recent changes in the Government Code, but had failed to address one or more significant solid waste management issues.
3. Approve the Plan Revision. This would be appropriate if the County had revised the Plan in all the areas identified in the Plan Review Report, the Board's February 10, 1988 letter and with recent changes in the Government Code.

The Plan Revision does address all of the areas identified in the Plan Review Report and those required in the Board's letter and by the Government Code. The document should adequately direct the County's management of solid waste.

RECOMMENDATION:

Staff recommends that the Board select Option #3 and adopt Resolution #89-98 approving the Contra Costa County Solid Waste Management Plan Revision, provided the Solid Waste Facilities Permit for Potrero Hills Landfill is concurred upon by the Board. If the Solid Waste Facilities Permit is not concurred upon by the Board, then staff recommends that the Board select Option #1 disapproving the Plan Revision.

ATTACHMENTS:

1. Plan Revision letter of transmittal from Contra Costa County
2. Tabulation of city approval of the Plan Revision
3. Proposed Board Resolution #89-98 approving the Contra Costa County Plan Revision.

The Board of Supervisors

County Administration Building
651 Pine St., Room 106
Martinez, California 94553

Tom Powers, 1st District

Nancy C. Fahden, 2nd District

Robert I. Schroder, 3rd District

Sunne Wright McPeak, 4th District

Tom Torlakson, 5th District

Contra Costa County



NOV 27 1989

Phil Batchelor
Clerk of the Board
County Administration
(415) 646-237

November 22, 1989

John E. Gallagher, Chairman
California Waste Management Board
1020 Ninth Street, Suite 300
Sacramento, California 94814

Dear Chairman Gallagher:

With great pleasure Contra Costa County submits the 1989 revision to the Contra Costa Solid Waste Management Plan to the California Waste Management Board for your review and approval.

Twelve cities with a combined population of 383,372 approved the Solid Waste Plan. A majority of cities was reached when ten cities with a combined population of 315,000 approved the Plan. Attached is a chart indicating the action of each city, the date of action and the city's population. Also attached is a copy of the public hearing notice and resolution received from each city to date (we have requested certified copies from the remaining cities as soon as possible and will FAX them to your staff as we receive them). In addition, the Board of Supervisors has scheduled a public hearing on the Solid Waste Management Plan for December 12, 1989. A copy of the Board's resolution on the Plan will be FAXed to your staff as soon as possible.

As we discussed with your staff, the County would appreciate consideration of the Solid Waste Management Plan at the December 15, 1989 meeting of the California Waste Management Board.

Sincerely,

Tom Torlakson

Tom Torlakson, Chair
Board of Supervisors

TT:SMH:ah
H6/gallaghr.ltr

cc: Board of Supervisors
Phil Batchelor, County Administrator
George Eowan, CWMB
Bob Conheim, CWMB
Mike Leao, CWMB

000153

CCC SOLID WASTE MANAGEMENT PLAN

		<u># cities</u>	<u>Population</u>	<u>Cumulative Population</u>	
<u>Approved</u>					
September	25	Lafayette	1	22,857	22,857
September	18	Walnut Creek	2	62,561	85,418
September	18	Pinole	3	15,890	101,308
September	19	Clayton	4	6,827	108,135
October	2	San Pablo	5	21,687	129,822
October	2	Danville	6	30,020	159,842
October	11	Moraga	7	16,168	176,010
October	16	Pleasant Hill	8	31,753	207,763
November	14	Orinda	9	17,561	225,324
November	14	Concord	10	110,102	335,426
November	14	Hercules	11	14,527	349,953
no action		San Ramon	12	33,779	383,732

Conditional Approval

October	23	El Cerrito		23,460	
November	15	Richmond		82,004	

Denial

October	10	Brentwood		6,820	
November	14	Antioch		57,637	
November	15	Martinez		30,695	
November	16	Pittsburg		43,764	

A majority is obtained when ten cities with a combined population of 315,000 approve the Plan.

CALIFORNIA WASTE MANAGEMENT BOARD

RESOLUTION #89 - 98

DECEMBER 14 - 15, 1989

Resolution of Approval for the Contra Costa County Solid Waste Management Plan Revision.

WHEREAS, the Nejedly-Z'Berg-Dills Solid Waste Management and Resource Recovery Act of 1972 (hereafter referred to as the Act), requires each county, in cooperation with affected local jurisdictions, to prepare a comprehensive, coordinated Solid Waste Management Plan consistent with State Policy and Guidelines and Procedures for Preparing, Revising and Amending of County Solid Waste Management Plans (Planning Guidelines); and

WHEREAS, the County of Contra Costa prepared a revised County Solid Waste Management Plan which was approved by the California Waste Management Board on December 16, 1982; and

WHEREAS, the Act required that approved County Solid Waste Management Plans be reviewed and revised, if appropriate, at least every three years; and

WHEREAS, the County of Contra Costa reviewed its Plan and on September 22, 1986, the California Waste Management Board accepted the County Plan Review Report and identified a need to prepare a Plan Revision; and

WHEREAS, the County of Contra Costa has prepared a revised County Solid Waste Management Plan as required by the California Waste Management Board; and

WHEREAS, the Plan Revision has been approved by a majority of incorporated cities, representing a majority of the incorporated population, and the Contra Costa County Board of Supervisors; and

WHEREAS, the Board finds that the Environmental Impact Report (EIR) for the Plan Revision has been prepared and circulated in compliance with the California Environmental Quality Act (CEQA); and

WHEREAS, the mitigation measures identified in the EIR have eliminated, or reduced to level of insignificance, the project's potential adverse environmental impacts; and

WHEREAS, the Board finds that the environmental document is adequate and appropriate for use in its approval of the Plan Revision; and

WHEREAS, the Board and the Board's staff have reviewed the Plan Revision and found that it substantially complies with the State Policy and Planning Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the California Waste Management Board hereby approves the revised County Solid Waste Management Plan.

CERTIFICATION

The undersigned Chief Executive Officer of the California Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a Resolution duly and regularly adopted at a meeting of the California Waste Management Board held on December 14-15, 1989.

Dated:

George T. Eowan
Chief Executive Officer

California Waste Management Board

Agenda Item # 5

December 14 - 15, 1989

ITEM:

Consideration of Full Approval of the Riverside County Solid Waste Management Plan

KEY ISSUES:

- Board partially approved Plan on October 12, 1989
- Resubmittal due February 10, 1990
- City approvals to be completed by early December.
- Enforcement Program Element meets minimum requirements for approval

BACKGROUND:

After reviewing the Riverside County Solid Waste Management Plan as submitted on August 4, 1989, Board staff found that the County had adequately addressed all required Plan elements except for the required Enforcement Program Element. Consequently, the Board partially approved the Plan on October 12, 1989. At that time, the Board approved all other Plan elements and directed the County to resubmit the Plan with a revised Enforcement Program Element for full approval within 120 days.

The Riverside County Board of Supervisors held a public hearing on November 21, 1989 and voted unanimously to approve the revision to the Enforcement Program Element regarding the restructuring of the Local Enforcement Agency (LEA), the Department's plans to complete 5-year permit reviews, and the related portions of the Implementation Schedule. The Riverside County Waste Management Department then circulated the Plan Element revisions to the incorporated cities for approval. A majority of the cities containing a majority of the population is expected to approve the revisions to the Plan Element in early December 1989.

DISCUSSION:

In response to the CWMB's detailed evaluation of the County's LEA function and as a result of the Board's partial approval of the revised CoSWMP indicating a conflict of interest regarding a member of the LEA also being responsible for Solid Waste Handling and disposal, the Riverside County Board of Supervisors in September 1989, by Resolution #89-471 designated the County Health Department, Division of Environmental Health as the sole LEA for the County.

STAFF ANALYSIS:

Board staff carefully reviewed the resubmitted CoSWMP containing the revised Enforcement Program Element, and believes this section adequately addresses those requirements of Section 66780.5 of the Government Code. Therefore, Board staff believes the resubmitted CoSWMP is adequate for Board consideration.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The County of Riverside prepared a Negative Declaration for the Plan Revision which incorporated by reference, as a program EIR, the Final EIR No. 185 prepared for the 1985 Plan Revision.

The Negative Declaration incorporating the Program EIR was certified by the Board of Supervisors on August 1, 1989 and a Notice of Determination was filed with the State Clearinghouse. Staff has reviewed the Negative Declaration and incorporated Program EIR and has found it adequate for the Board's use in evaluating this project.

OPTIONS FOR BOARD ACTION:

1. Disapprove the Resubmitted CoSWMP Revision. This option would be appropriate if the County had not revised the Plan to include an Enforcement Program element as required by Government Code Section 66780.5
2. Approve the Resubmitted CoSWMP Revision. This option would be appropriate if the County; had revised the Plan to include an Enforcement Program element as required by Government Code Section 66780.5

RECOMMENDATION:

Staff recommends that the Board select option #2 and approve the resubmitted Riverside County Solid Waste Management Plan Revision.

ATTACHMENTS:

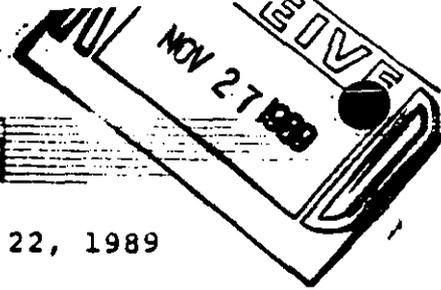
1. Transmittal letter from Riverside County
2. Revised Enforcement Program element.
3. Resolution of Riverside County Board of Supervisors approving the Enforcement Program element.
4. Proposed Board Resolution #89-95 approving the Riverside CoSWMP Revision.

THE COUNTY OF RIVERSIDE

WASTE MANAGEMENT

ROBERT A. NELSON
Director

November 22, 1989



George T. Eowan, Executive Director
California Waste Management Board
1020 9th Street, Suite 300
Sacramento, CA 95814

ATTN: Steve Ault

Re: Approval of Riverside County Solid Waste Management Plan

Dear Mr. Eowan:

Yesterday, November 21, 1989, the Riverside County Board of Supervisors held public hearings and voted unanimously to approve plan revisions to the County Solid Waste Management Plan which was partially approved by your Board on October 12, 1989.

At this time, the County Waste Management Department is diligently pursuing adoption of the plan revisions by a minimum of fifty percent of our cities representing fifty percent of the jurisdictions' population. On November 7, 1989, all city managers were mailed the amendments to Chapter XII of the plan as stipulated by your Board.

The attached cover letter and amendment packet once delivered by certified mail was then followed up by a telephone call to inquire as to the status of the requested action by each city council.

Each city manager or representative spoken to acknowledged that everything possible would be done to review the amendments in a timely manner and to prepare the matter for council action by December 6, 1989. Furthermore, given the county's expressed goal of making the California Waste Management Board's meeting agenda for December 15, 1989, each agreed to make available within twenty four hours to the Waste Management Department, via FAX, the results of the Councils' action.

On December 15, 1989, Riverside County would like to be able to present to the Waste Management Board the plan revision in order to make possible the total adoption of our plan. Enclosed you will find a minute order of our Board's action yesterday. We are very confident that the remaining documentation showing concurrence with the cities will be available in advance of your December hearings so that we can close the loop on this approval process prior to January 1, 1990.

If you have any questions regarding this matter, please do not hesitate to contact me at (714) 785-6081.

Sincerely,

Robert A. Nelson
Robert A. Nelson, Director

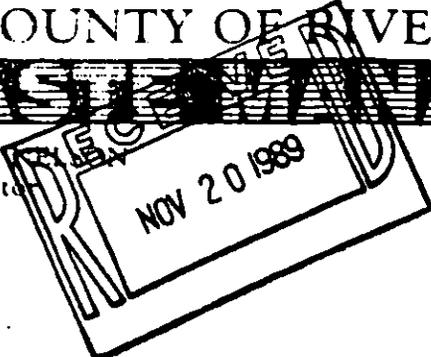
cc: John Fanning, Riverside County Health Dept. (LEA)
Roger Streeter, Riverside County Planning Dept.

11728 Magnolia, Suite A • Riverside, CA 92503 • (714) 785-6081

THE COUNTY OF RIVERSIDE

WASTE MANAGEMENT

ROBERT A. [unclear]
Director



November 13, 1989

California Waste Management Board
1020 9th Street, Suite 300
Sacramento, CA 95814

Attn: Steve Ault
Associate Waste Management Specialist

Re: Modification for the Riverside County Solid Waste
Management Plan

Attached for your information are the changes that have been made to the Riverside CoSWMP which address the concerns of the CWMB. The revisions have been sent to the cities for review. The revisions are scheduled to be heard by our County Board of Supervisors on November 21, 1989.

Additionally, be advised that we are making every effort to get a majority of the cities to approve the measure by December 1 so that we might be on the December 15 CWMB agenda.

If you have any questions, please feel free to contact me at (714) 785-6081.

Sincerely,

Maureen Marshall
Maureen Marshall
Administrative Services Officer

MM:ft

Attachments

CHAPTER XII

LOCAL SOLID WASTE MANAGEMENT ENFORCEMENT AGENCY FOR RIVERSIDE COUNTY

This chapter discusses the authority, purpose, organization and responsibilities of the Local Solid Waste Management Enforcement Agency (LEA) programs currently in operation in the County of Riverside.

AUTHORITY

The California Waste Management Board (CWMB) was created in 1972 to develop and maintain standards for waste disposal facilities. These standards were developed and adopted by the CWMB in 1974. Enforcement authority came with the passage of AB 2439, the Z'berg-Kapiloff Solid Waste Control Act in 1976, which vested local governments with the right, with CWMB approval, to establish local enforcement agencies (LEAs). The responsibility of the LEAs was to ensure that local waste management facilities met the State's operational standards. The Act required that each county establish an agency with the authority to enforce all provisions and regulations within the Z'berg-Kapiloff Solid Waste Handling and Disposal under Title 7.3, of the California Government Code, Section 66770.

In response to this legislation, the Riverside County Board of Supervisors in May of 1977 adopted Resolution 77-165 designating the Department of Health as lead agency for the Local Solid Waste Management Enforcement Agency within Riverside County and its incorporated cities. California Waste Management Board Resolution number 77-25-LEA adopted July 28, 1977, gave the LEA authority over the unincorporated area of Riverside County as well as all of its incorporated cities.

In January, 1989, the California Waste Management Board conducted a detailed review of the LEA for the County of Riverside. The review consisted of an overall evaluation of the LEA including: the original designation (Resolution 77-165, cited above), an in depth analysis of current enforcement activities, the administration of the LEA funding, staffing and training, and the status of solid waste facilities throughout the County.

The review showed a conflict of interest with regards to an LEA member also being responsible for Solid Waste handling and disposal operations. This was in reference to the Department of Waste Management having a representative on the LEA which violated Government Code, Section 66796(e), which prohibits the operator of a solid waste handling or disposal operation from being on the LEA without a waiver.

On July 20, 1989, at a LEA public hearing, this issue was discussed and recommended action was for the Health Department to develop a Board transmittal to request the LEA be redesignated within the Health Department bringing the LEA into compliance with the CWMB's directive.

In response to the CWMB directive to resolve the conflict of interest, the Riverside County Board of Supervisors in September 1989 adopted Resolution 89-471 designating the Health Department Environmental Health as the Local Solid Waste Management Enforcement Agency for the County of Riverside.

PURPOSE

The purpose of the Riverside County LEA is to provide for enforcement of solid waste management regulations that provide for the protection of the environment and the public's health and safety through proper storage, collection, transportation and disposal of solid wastes. This is accomplished through the enforcement of California Code of Regulations Title 14 (CCRT14), California State Government Code and County ordinances which regulate the solid waste management system.

Specific hazards to the public's health and safety, and impacts to the environment associated with solid waste include, but are not limited to the following:

- * spread of disease
- * propagation of vectors
- * contamination of ground and surface water
- * creation of safety and fire hazards
- * public nuisances (dust, odors, litter, noise, etc.)
- * adverse environmental impacts
- * air pollution
- * visual/aesthetic degradation
- * impacts to flora and fauna
- * damage or depreciation of property

The LEA is served by a staff comprised of one Supervising Environmental Health Specialist (EHS), one EHS IV, three EHS III's and a Supervising Office Assistant I. Additional staff support is provided through the Environmental Health Services Land Use Program, Public Health Engineering Program and Hazardous Waste Management Program. Staff's responsibilities include investigation of complaints related to solid waste, solid waste facility inspections, complaint investigations, review of closure plans in accordance with CCR title 14 Regulations, inspection of closed landfills, 5 year permit reviews, exempt site inspections, permitting of proposed landfills and transfer stations, investigation of illegal landfills, overseeing a number of incorporated cities as the LEA, permitting of liquid waste

disposal sites, issuing permits for excavation of inactive landfills, and enforcement of agricultural waste management state standards.

The LEA communicates to the Board of Supervisors on solid waste management issues at their request or when appropriate.

PROGRAM RESPONSIBILITIES

The LEA has several responsibilities as mandated by California Government Code, Chapter 3, Article 1, Section 66796.10. Riverside County's Local Solid Waste Management Enforcement Agency is involved in a variety of programs. The LEA ensures routine inspection of all solid waste facilities; investigates complaints related to improper storage, handling, collection, transportation and disposal of solid waste; reviews permit applications; issues permits for solid waste facilities (i.e. landfills, transfer stations, waste to energy facilities); reviews solid waste facility permits every five years; keeps abreast of new technologies; and provides public education.

COMPLAINT INVESTIGATION

Complaints from the public related to solid waste collection, storage, transportation and disposal are investigated by the LEA. If necessary, the LEA staff may request appropriate federal, state, and local agencies for assistance where matter fall under their jurisdiction.

The LEA works closely in a supportive manner with other agencies to ensure compliance with Title 14.

ILLEGAL LANDFILL ACTIONS

The illegal disposal of solid waste is a major concern to the LEA. When complaints regarding illegal disposal of wastes are received, staff investigates to determine location, types of wastes involved, total amount of waste, and property ownership, etc.

Appropriate enforcement action is then taken by the LEA to ensure compliance has been achieved. The LEA may have several responses depending on the nature of the complaint. The LEA works closely in a supportive manner to coordinate any enforcement action with the other federal, state, local agencies and private persons.

PROPER CLOSURE OF LANDFILLS

When a landfill reaches its maximum capacity a detailed description of the site, including a map, shall be submitted by the operator for review by the LEA, Water Quality Control Board and Air Quality Management District. The primary responsibility of the LEA is to ensure compliance with provisions contained in the solid waste closure facility permit, and verify that proper documents have been filed by the operator with the County Recorder's Office showing that the property contains a closed disposal facility.

adequacy and develops a proposed permit. This review is intended to ensure that the landfill is designed and will be operated in such a manner that minimum standards can be met. The proposed permit is referred to CWMB for concurrence or non-concurrence prior to being acted on by the LEA Board members.

REVIEW ENVIRONMENTAL AND FEASIBILITY STUDIES

Some Environmental Documents completed for land development projects in Riverside County are reviewed by the LEA. The LEA ensures all concerns related to the safe handling and disposal of solid waste are adequately addressed. Comments and recommendations from these reviews are sent back to the Planning Department. Comments usually are in reference to impacts on solid waste storage, collection, transportation and disposal.

5 YEAR PERMIT REVIEWS.

The LEA is involved with the periodic reviews of existing landfill design and operation. CCRT 14 Section 17751 requires the owner or operator of a disposal site to have a registered civil engineer to review the site design, implementation and operation plan to determine if any revisions are necessary and to estimate the remaining site life. The conclusions and recommendations of this review shall be submitted to the local enforcement agency and the California Waste Management Board. The LEA determines whether there have been any significant changes in the design or operation of the facility which may require a permit revision. The County Waste Management Department is currently updating permits on the following sites:

Highgrove	Coachella	Blythe	Pinon Flats
Double Butte	Mecca	Desert Center	Badlands
Mead Valley	Oasis	Anza	Lamb Canyon

It is anticipated that the permit reviews will be completed by the end of Fiscal Year 1989-90. If a permit revision is not necessary LEA reviews the report for accuracy and modifies the solid waste facility permit where needed.

EXEMPT SITES

After a public hearing the LEA may grant an exemption from the requirement that a solid waste facility obtain a permit. An exemption may be granted if the facility falls within one of the classifications which may be exempted and all of the following findings are made:

- * the exemption is not against the public interest
- * the quantity of solid wastes is insignificant
- * the nature of the solid wastes poses no significant threat to health, safety or the environment

The LEA reviews SWF permit applications to determine whether exemptions may be granted. Facilities which the LEA has granted exemptions from permitting requirements are inspected and evaluated routinely to ensure conditions which existed at the time the exemption was granted have not changed.

SHORT TERM PLANNING PERIOD
1988 - 1992

MEDIUM TERM
1993-1998

LONG TERM
1998-2008

PLAN #	PLAN DESCRIPTION	SHORT TERM PLANNING PERIOD 1988 - 1992					MEDIUM TERM 1993-1998						LONG TERM 1998-2008								
		1988	1989	1990	1991	1992	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07
53	Investigate and implement if feasible, overlay planning areas around all existing and proposed facilities (Chapter XI-34)		Task 1	Task 2	Task 3	Task 4	Task 5														
54	The County LEA should continue to function under existing program with Administrative review (Chapter XII-9)	Task 1	Task 2																		
55	Promote and continue to participate in Enforcement Advisory Council (Chapter XII-9)	Task 1																			
56	The County WMD should continue to function under its existing program and organizational structure (Chapter XIII-22)		Task 1	Task 2																	
57	Continue to evaluate alternate revenue structures to provide for capital improvements (Chapter XIII-22)		Task 2																		
58	Complete Engineering Reports on all sites being permitted Complete environmental review on all sites being permitted Obtain revised permits (Chapter XII)	Task 1	Task 2	Task 3																	

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

Attachment #3



9.6

10:00 a.m. being the time set for further hearing on the recommendation from the Waste Management Department regarding Revision to the Riverside County Solid Waste Management Plan, the Chairman called the matter for hearing.

The matter was presented by Ms. Marshall.

It appearing that no one else present wished to speak on the matter, the Chairman declared the hearing closed.

On motion of Supervisor Dunlap, seconded by Supervisor Cenicerros and duly carried by unanimous vote, IT WAS ORDERED that the proposed revision to the Riverside County Solid Waste Management Plan is approved as recommended by the Waste Management Department in their submittal dated November 7, 1989.

Roll Call resulted as follows:

Ayes: Cenicerros, Dunlap, Larson and Abraham
Noes: None
Absent: Younglove

I hereby certify that the foregoing is a full, true and correct copy of an order made and entered on
November 21, 1989 of Supervisors Minutes.

WITNESS my hand and the seal of the Board of Supervisors

Dated: November 21, 1989
Gerald A. Maloney, Clerk of the Board of Supervisors, in and
for the County of Riverside, State of California.

(seal)

By: Margaret Lozano Deputy

AGENDA NO.

9.6

xc: Waste Mgmt., Co.Co.

CALIFORNIA WASTE MANAGEMENT BOARD

RESOLUTION #89 - 95

DECEMBER 14 - 15, 1989

Resolution of Full Approval of the Riverside County Solid Waste Management Plan Revision

WHEREAS, the Board finds that at its October 11-12, 1989, meeting it partially approved the Riverside County Solid Waste Management Plan Revision because the County did not include an adequate Enforcement Program element as required by Government Code Section 66780.5, and

WHEREAS, the Board finds that the Negative Declaration for the Plan Revision has been prepared and circulated in compliance with the California Environmental Quality Act (CEQA);

WHEREAS, the Negative Declaration and incorporated program EIR reduce any potential adverse environmental impacts to a level of insignificance; and

WHEREAS, the Board finds that the County of Riverside has submitted the required Enforcement Program element, and

WHEREAS, the Board finds that Board staff has reviewed submitted information and found it to meet the requirement of Government Code Section 66780.5, and

NOW, THEREFORE, BE IT RESOLVED that the California Waste Management Board hereby fully approves the Riverside County Solid Waste Management Plan Revision.

CERTIFICATION

The undersigned Chief Executive Office of the California Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly and regularly adopted at a meeting of the California Waste Management Board held on December 14-15, 1989.

Dated:

George T. Eowan
Chief Executive Officer

CALIFORNIA WASTE MANAGEMENT BOARD

AGENDA ITEM NO. 6

DECEMBER 14 - 15, 1989

Item:

Consideration of Determination of Conformance and Concurrence in a Solid Waste Facilities Permit for Potrero Hills Landfill, Solano County.

Key Issues:

- A new permit for an existing facility due to a change in operator
- Proposed permit allows importation of Contra Costa County wastes
- Proposed permit allows increase in current operation
- A determination on the necessity of a 404 permit has not been made.
- Staff recommends granting a Determination of Conformance and objection to issuance of the permit

Facility Facts:

Name: Potrero Hills Landfill,
Facility No. 48-AA-0075

Project: New permit

Location: Potrero Hills, four miles southeast
of Suisun City

Owner/Operator: Potrero Hills Landfill, Inc.

Area: 320 acre facility, 190 acres for disposal ³²⁹⁷

Permitted Capacity: 2,500 tons per day

Estimated Closure Date: 1999

Background:

The Potrero Hills Landfill has been in operation since August 1986. The Solid Waste Facilities Permit was issued to Solano Garbage Company on October 15, 1985. Potrero Hills Landfill, Inc. advised the LEA that they were the operators of the facility on August 20, 1986. The LEA should have asked that the new operator's apply for a new SWFP, but they attempted to legitimize the action by issuing a new permit cover sheet with the new operators name on it. The Board was not notified of the change in operator. As solid waste facilities permits are not transferable from one operator to another, the facility is currently classified as unpermitted.

Upon issuance of the proposed permit, Potrero Hills Landfill, Inc. is proposing to receive waste from Contra Costa County, and expand its current operations. Out of the County importation of waste is limited by an initiative passed by the voters in 1984. The ordinance has the effect of limiting the amount of solid waste which can be imported into Solano County to 95,000 tons per year. An intercounty agreement for the disposal of municipal solid wastes between Contra Costa County and Solano County has been finalized. The intercounty agreement limits the amount of waste Contra Costa County can export to Solano County to 88,500 tons per year for a three year period. The exportation of Contra Costa waste to Potrero Hills Landfill is crucial as the Acme Landfill in Contra Costa County may cease operations on November 30, 1989.

In addition to allowing importation of out of county waste, the proposed permit incorporates expansion of facility operations including: an increase in the daily tonnage from the previously permitted 400 TPD to 2,500 TPD; a woodwaste recycling operation, a concrete and asphalt recycling operation; and a composting operation.

The facility comprises 320 acres, of which 190 acres are permitted for disposal purposes. The facility receives municipal solid wastes, dead animals, construction and demolition wastes, municipal wastewater and water treatment solids, agricultural wastes, asbestos and infectious wastes. Tires are shredded on site and disposed of in the landfill. In the future, the shredded tires may be transported off site for use as fuel or resource recovery.

An unloading facility for vehicles carrying small volumes of waste has been established at the site. The transfer station area has unloading space for 12 vehicles. This separate area for disposal is provided to insure safety for site users and minimize tracking of wastes onto public roads.

This facility has been designed to meet Subchapter 15 requirements for a Class III landfill. The majority of the landfill is underlain by claystone/shale sediments that have measured in-place permeabilities of 1×10^{-6} cm/sec to 1×10^{-7} cm/sec. Areas of the landfill underlain by more permeable sandstone are provided with a five foot compacted clay liner that has a minimum permeability of 1×10^{-6} cm/sec. A dendritic leachate collection and recovery system has been in place, and is monitored as required by the Regional Water Quality Control Board. This facility is located within the Suisun Marsh Management area. The Potrero Hills Landfill is expected to reach final capacity in April 1999.

Board Action:

Because a new Solid Waste Facilities Permit is being proposed, the Board must review this proposal for conformance with the Solano County Solid Waste Management Plan (CoSWMP) and must either object to or concur with the proposed permit as submitted by the LEA.

Pursuant to GC Section 66796.32(e), the Board has 40 calendar days to concur in or object to the issuance or revision of a Solid Waste Facilities Permit. Since the proposed permit for this facility was received on November 27, 1989, the last day the Board could act is January 5, 1990.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The Solano County Planning Department prepared a Mitigated Negative Declaration for the import of waste project. The County determined that the mitigation measures proposed as a part of the project would eliminate, or reduce to a level of insignificance, the potential adverse impacts associated with the project.

The potential adverse impacts and their mitigation measures are listed below:

1) Impact - Loss of landfill capacity

The loss of disposal capacity in Solano County and cities could have long term, secondary, and/or indirect impacts on the County and Cities. The loss of capacity could require the siting of new disposal facilities sooner than previously planned.

Mitigation Measures

- o Reduction in the amount of disposal capacity available in the County can be mitigated by charging Contra Costa County a per ton disposal fee. This fee can be used to fund programs that reduce waste, or to buy more landfill space either in Solano or Contra Costa County. Solano County and Contra Costa County have set this fee at six dollars per ton of waste deposited in the Potrero Hills Landfill. In addition, Solano County may negotiate reciprocal rights to utilize future disposal capacity in Contra Costa County.

2) **Impact - Air Quality**

- o The increased rate of waste disposal operations could also increase the amount of dust generated.

Mitigation Measures

- o The project includes greater dust suppression measures.

3) **Impact - Light and Glare**

- o The project would expand operating hours to accommodate the Contra Costa transfer vehicles during off peak-hour traffic hours, as specified in the Solano/Contra Costa Intercounty Agreement. During 1989, and possibly in 1990, 1991 and 1992, deliveries would be made to the site after 7 p.m. and before 6 a.m.

Mitigation Measures

- o The lighting units will be placed so as not to create light and glare impacts to neighboring or distant locations, nor create a glare visibility hazard to the transfer vehicle drivers entering and exiting the landfill.

4) **Impact - Health and Safety**

- o The project could increase the fire hazard due to the storage and processing of used tires and wood debris

Mitigation Measures

- o The project description identifies specific measures to reduce the fire hazard from tire and wood chip storage. Facility staff will be trained in fire suppression for all wastes.

5) **Impact - Litter**

- o Waste disposal from Contra Costa County will potentially increase the amount of litter near the site and along the transport route.

Mitigation Measures

- o The terms of the Intercounty Agreement specify that Contra Costa waste will be hauled in transfer vehicles that are fully enclosed.

6) **Impact - Transportation**

- o Traffic from the Acme Transfer station to the Potrero Hills Landfill could result in a slight increase in daily and peak traffic volumes. Current peak hour traffic congestion at the Highway 12, Sunset Avenue intersection is currently at level of service "E". Therefore, the project would contribute to degraded peak hour level of service.

Mitigation Measures

- o Peak hour traffic effects are mitigated by the Intercounty Agreement which requires waste import transport trucks to haul from the Contra Costa Transfer Station to the landfill at staggered intervals other than peak traffic hours. Avoidance of peak hour transport reduces traffic hazards to motor vehicles, bicycles and/or pedestrians to a level of insignificance. Landfill site operations shall be adjusted to accommodate non-peak traffic hour haul to the site.

The County determined that the above mitigation measures would reduce any potential adverse environmental impacts associated with the project to a level of insignificance. The County filed a Notice of Determination, stating that the project would not have significant impacts on the environment, with the State Clearinghouse on September 13, 1989.

Board staff has determined that Mitigated Negative Declaration prepared by the County adequately addressed the project's adverse environmental impacts. Based on the above, Board staff has concluded that the environmental document is adequate for the Board's use in evaluating this project.

Requirements for a Determination of Conformance:

Government Code Section 66784 requires that the Board make a Determination of Conformance with the County Solid Waste Management Plan (CoSWMP) prior to the establishment of any new or expanded Solid Waste Facility. In accordance with the procedures for obtaining a Determination of Conformance, the project proponent filed a Notice of Proposed Facility with this Board (Attachment No. 3). A copy of that Notice was also sent to the Solano County Department of Environmental Management, the agency responsible for maintaining the Solano CoSWMP. That Department, in compliance with procedures for obtaining a Determination of Conformance, found the project to be in conformance with the CoSWMP (Attachment No. 4).

Board staff has determined that all necessary local actions have been completed and that it is now appropriate for the Board to consider the Determination of Conformance for the Potrero Hills Landfill. Staff has reviewed the CoSWMP Amendment for the import of Contra Costa County solid waste and the Notice of Proposed Facility for the Potrero Hills Landfill, and makes the following findings based on the four Board established criteria for a Determination of Conformance:

1. Consistency with State Policy

The proposed import project is consistent with State Policy by providing for an environmentally safe and economically efficient waste handling and disposal service.

2. Consistency with the Policies and Objectives of the CoSWMP

The Solano CoSWMP was amended to bring the proposed import project into consistency with that document. The change in daily throughput and the project's impact on remaining site life at the Potrero Hills Landfill were identified. Also, the CoSWMP's policy on the import of waste was amended to ensure that the proper monitoring procedures would be enacted to prevent Solano County from exceeding a voter mandated cap on

the amount of waste which may be imported into the County. This cap was enacted in 1984 when voters passed an initiative which limited the amount of waste the County could import to 95,000 tons per year.

3. Consistency with Short, Medium and Long Term Facilities Element of the CoSWMP

The import project is consistent with the recently approved Plan Amendment. The Plan Amendment revised the Plan's import policy and the discussion of operation of the Potrero Hills Landfill to allow the receipt of Contra Costa County waste at this facility.

4. Local Issues and Planning

The Use Permit for the Potrero Hills Landfill was revised to reflect the operational changes at that facility as a result of the import of Contra Costa County waste.

In conclusion, since the project identified in the NOPF is consistent with the project identified in the Plan Amendment, the project meets the requirements for obtaining a Determination of Conformance with the CoSWMP.

Requirement for Closure and Postclosure Maintenance:

Approval of Operator Certification

The operator has certified: 1) preparation of an initial cost estimate for closure and postclosure maintenance, 2) establishment of a financial mechanism, and 3) funding of the mechanism that will ensure adequate resources for closure and postclosure maintenance. Board staff recommends Board approval of the closure/postclosure certification. The closure/postclosure certification satisfies the requirements of Government Code Section 66796.22 (b)(1) and staff recommends the Board approve the attached certifications. If approved, the operator will be removed from the list of facilities referred to the Attorney General's office.

Initial Cost Estimates

The initial cost estimate for the Potrero Hills Landfill closure/postclosure maintenance has been reviewed by the Board's Standards and Regulations Division. The general site information including specific characteristics concerning the landfill classification and waste description, as well as, site geology and groundwater features has been compared with other supporting site documentation. These supporting documents include the Solid Waste Facility Permit Application, and Report of Disposal Site Information (RDSI).

The initial cost estimates were prepared by a registered civil engineer. Board staff has reviewed the itemized cost calculations for materials, labor, monitoring and maintenance, and replacement costs of materials. The following is a summary of closure and postclosure maintenance costs including a 20% contingency cost and 15 years of postclosure maintenance. A summary of the Initial Cost Estimates and Certification are attached.

Closure Costs	\$ 456,600
Postclosure Maintenance Costs	<u>840,600</u>
Total Costs	\$ 1,297,200

Board staff has verified that the initial cost estimates satisfy the requirement of Government Code Section 66796.22 (b)(1).

Financial Mechanism

The Potrero Hills Landfill, Inc., has submitted documentation for a trust fund established to finance the costs of closure and postclosure maintenance.

The Finance Unit staff has evaluated the documents submitted in relation to the requirements for a trust fund as financial assurance mechanism for closure and postclosure maintenance costs based on the Emergency Regulations (CCR Title 14, Chapter 5, Article 3.5, Section 18284).

Based on the information contained in the certification submittal received, the Trust Fund does meet the requirements of the Emergency Regulations for providing adequate financial assurance.

Submission of Closure and Postclosure Maintenance Plans

The Solid Waste Facilities Permit contains a condition that requires the operator to submit a closure and postclosure maintenance plan to the local enforcement agency, the Regional Water Quality Control Board, and the Board by October 1, 1990, for consideration of approval. The cost estimates and the financial mechanism must be revised to reflect the development of the plans.

Requirements for Concurrence with the Solid Waste Facilities Permit:

Government Code Section 66796.30 et. seq. requires an operator of a solid waste facility to file an application with the LEA for a Solid Waste Facilities Permit. Included with the application to operate a landfill is a Report of Disposal Site Information, and all necessary approvals from other regulatory agencies. When the application is deemed complete by the LEA, a copy of the application and other required documents are transmitted to the Board. Staff have reviewed the application and the required documents and find the following deficiency:

The San Francisco Bay Conservation and Development Commission has determined that the entry road to the Potrero Hills Landfill was built through Suisun marsh management area. The commission has determined that a CEQA review was necessary for the construction of the road. A marsh development permit, and possibly a United States Army Corp of Engineers (USACE) Section 404 Clean Water Act Permit, are required for the development of the Suisun marsh wetlands.

It has been the Board's policy that the solid waste facilities permit be the last permit issued. For this reason the applicant must provide evidence that a USACE Section 404 permit is not necessary for the facility prior to Board concurrence with the Solid Waste Facilities Permit. A determination on the 404 permit has not been provided. (Attachment No. 5 and 6). If the 404 permit is required, its issuance would be necessary before the Board considered concurrence in the revised solid waste facilities permit.

Within 75 days of accepting an application, an LEA is to submit a proposed Solid Waste Facilities Permit to the Board. The applicant has waived this requirement.

When submitting the proposed permit, the LEA is required to make the following three findings required by GC 66796.32(c):

1. Consistency with CoSWMP

The LEA has found the proposed Solid Waste Facilities Permit is consistent with the Solano County Solid Waste Management Plan. Staff has determined that the terms and conditions of the proposed permit are consistent with the CoSWMP Amendment for the import of Contra Costa County waste.

2. Consistency with Board Standards

The LEA has determined that the permit is consistent with Board standards. Staff disagrees with this conclusion because a determination on the necessity of a USACE 404 permit has not been made.

3. Consistency with General Plan

The facility has been determined to be consistent with the Solano County General Plan by the LEA. Staff agrees with this determination.

Staff have reviewed the proposed Solid Waste Facilities Permit and supporting documents and find the form and content of the permit to be acceptable.

Board Options:

1. Take no action. If the Board does not act on a permit within 40 days of receipt, concurrence would be by default, and the permit would be issued by the LEA.
2. Find conformance and object to issuance of the permit. This action would be appropriate if the proponent and the LEA had met all local and state requirements for a conformance finding but had not met all local and State requirements for permit concurrence.
3. Find conformance and concur in the issuance of the permit.

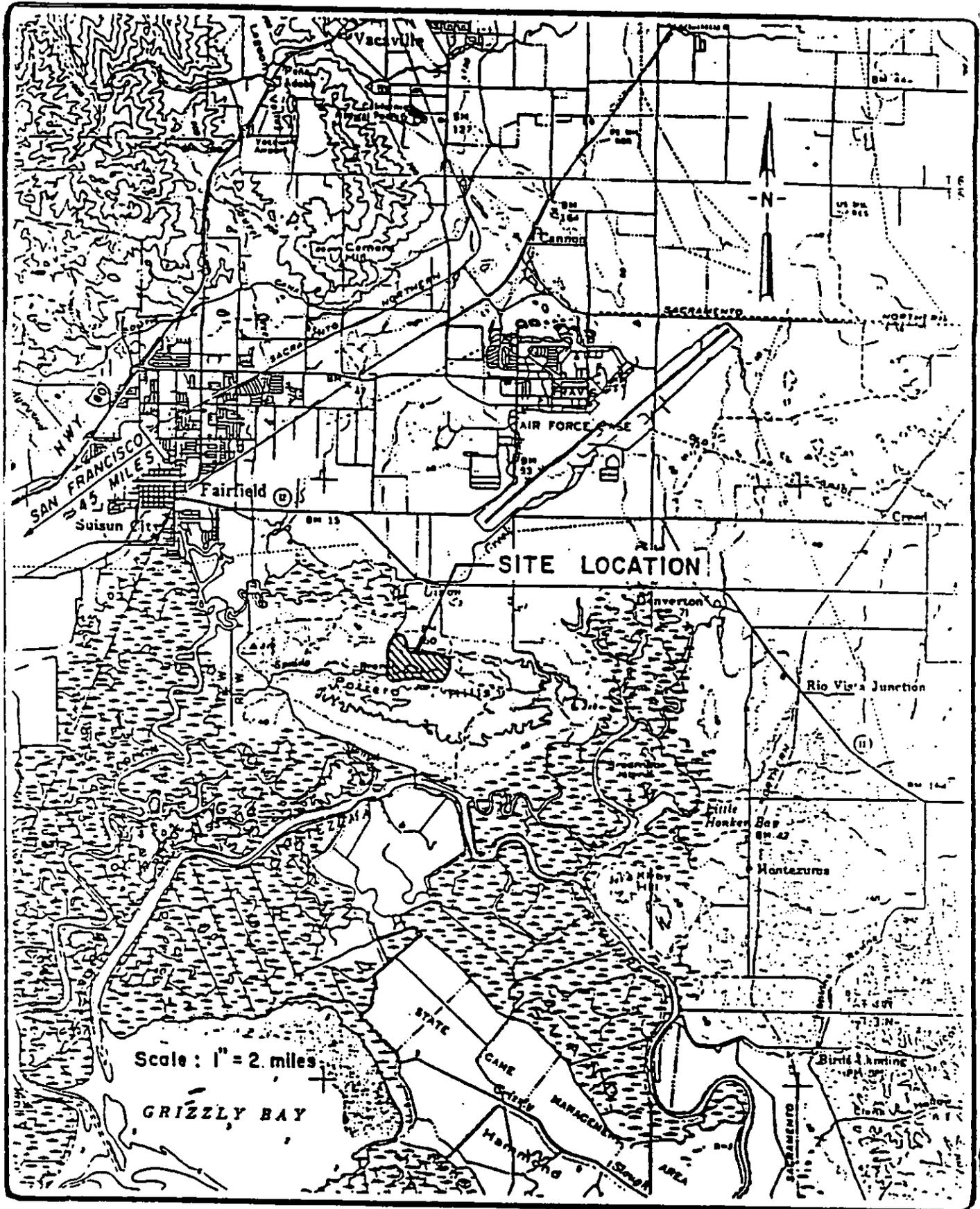
This would be appropriate if the proponent and LEA have met all State and local requirements for these two actions.

Recommendation:

Staff recommends Option No. 2 that the Board adopt Solid Waste Facility Determination of Conformance No. 89-21 granting a Determination of Conformance to the Potrero Hills Landfill and Solid Waste Facilities Permit Decision No. 89-70, objecting to the issuance of Solid Waste Facilities Permit No. 48-AA-0075 because a determination for the requirement of a USAC 404 permit has not been made.

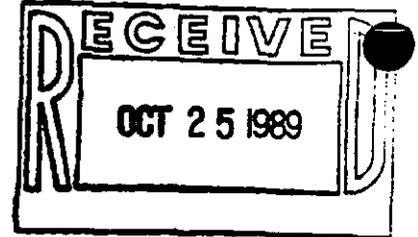
Attachments:

1. Location Map
2. Notice of Determination
3. Notice of Proposed Facility
4. Local Conformance Finding
5. Letter from San Francisco Bay Conservation and Development Commission
6. Proposed permit cover letter, from LEA to the Board
7. Proposed Permit No. 48-AA-0075
8. Summary of Initial Cost Estimates
9. Operator Certification
10. Determination of Conformance No. 89-21 and Permit Decision No. 89-70.





ATTACHMENT 3



October 25, 1989

Mr. George Eowan,
Executive Officer
California Waste Management Board
1010 Ninth Street, Suite 300
Sacramento, CA 95814

Re: Notice of Proposed Facility Modifications for Potrero Hills
Landfill, Solano County; Solid Waste Facility No. 48-AA-0075

Dear Mr. Eowan:

As owner of the property on which the landfill is situated, we are aware that the responsibility for compliance with the standards established by the California Waste Management Board and the Local Enforcement Agency (LEA) and by other applicable agencies rests with both the property owner and the site operator. Since its inception in August 1986 the operation of the landfill has been conducted by our firm, Potrero Hills Landfill, Inc. The Report of Facility Information prepared by Potrero Hills Landfill, Inc. in July 1989 and amended in October 1989 represents the operations to be conducted at our Potrero Hills location (see location map attached).

This letter constitutes the second submittal of the "Notice of Proposed Facilities" for the landfill. This notice supercedes the one dated August 13, 1985 which was submitted at the time the landfill was originally permitted. The following lists the project description information requested to be submitted:

- Owner of Landfill: Potrero Hills Landfill, Inc.
P. O. Box 68, Fairfield CA 94533
- Operator of Landfill: Potrero Hills Landfill, Inc.
P. O. Box 68, Fairfield CA 94533
- Project Description: Municipal solid waste landfill. The project includes a separate public unloading area for small volume self-hauled wastes. Also, recycling facilities are included for wood, asphalt, concrete and compost.
- Site Location: Approximately 4 miles southeast of Suisun City, 3/4 mile south of

2

intersection of Kildeer Road and
Emmington Road

- **Types of Wastes:** Class III Facility intended to receive wastes including municipal solid wastes, street refuse, dead animals, construction and demolition debris, municipal wastewater and water treatment solids, agricultural wastes, infectious wastes and asbestos materials.
- **Volume of Wastes:** Primarily municipal solid wastes and construction and demolition debris reaching an anticipated average level of 850 TPD7 by the year 1995 for Solano County service area; approximately 1100 TPD7 during period when Contra Costa County waste import occurs. Peak daily waste volume is 2500 TPD.
- **Estimated Life Span:** 39 to 52 years for the Central Solano County service area (Fairfield, Suisun City, and Green Valley) and including a 3-year delivery period for Contra Costa County wastes, depending upon assumptions used for population growth and per capita waste generation.
- **Acreage:** Total acreage within property = 320 acres; amount of acreage to be covered with landfill = 190 acres.
- **Resource Recovery:** Salvaging at active landfill face to extract metals, waste paper, and other materials for recycling; dropoff center for paper, glass and metals; wood waste recovery, asphalt recycling, concrete debris recycling, and vegetative waste composting programs; recovery of landfill gas to be studied for feasibility; waste-to-energy facility also to be evaluated.
- **Site Map:** See attached maps.

By separate correspondence Potrero Hills Landfill, Inc. has submitted to the LEA an application for a Solid Waste Facilities Permit, and a Report of Facility Information. We are awaiting the

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processing of the revised permits to allow the landfill to receive municipal wastes imported from Central Contra Costa County possibly beginning in November. We have requested that the facilities permit be considered by your board at its November meeting. Therefore, we ask that we be informed as soon as possible if you believe we need to submit additional information.

Sincerely,

POTRERO HILLS LANDFILL, INC.

Larry Burch

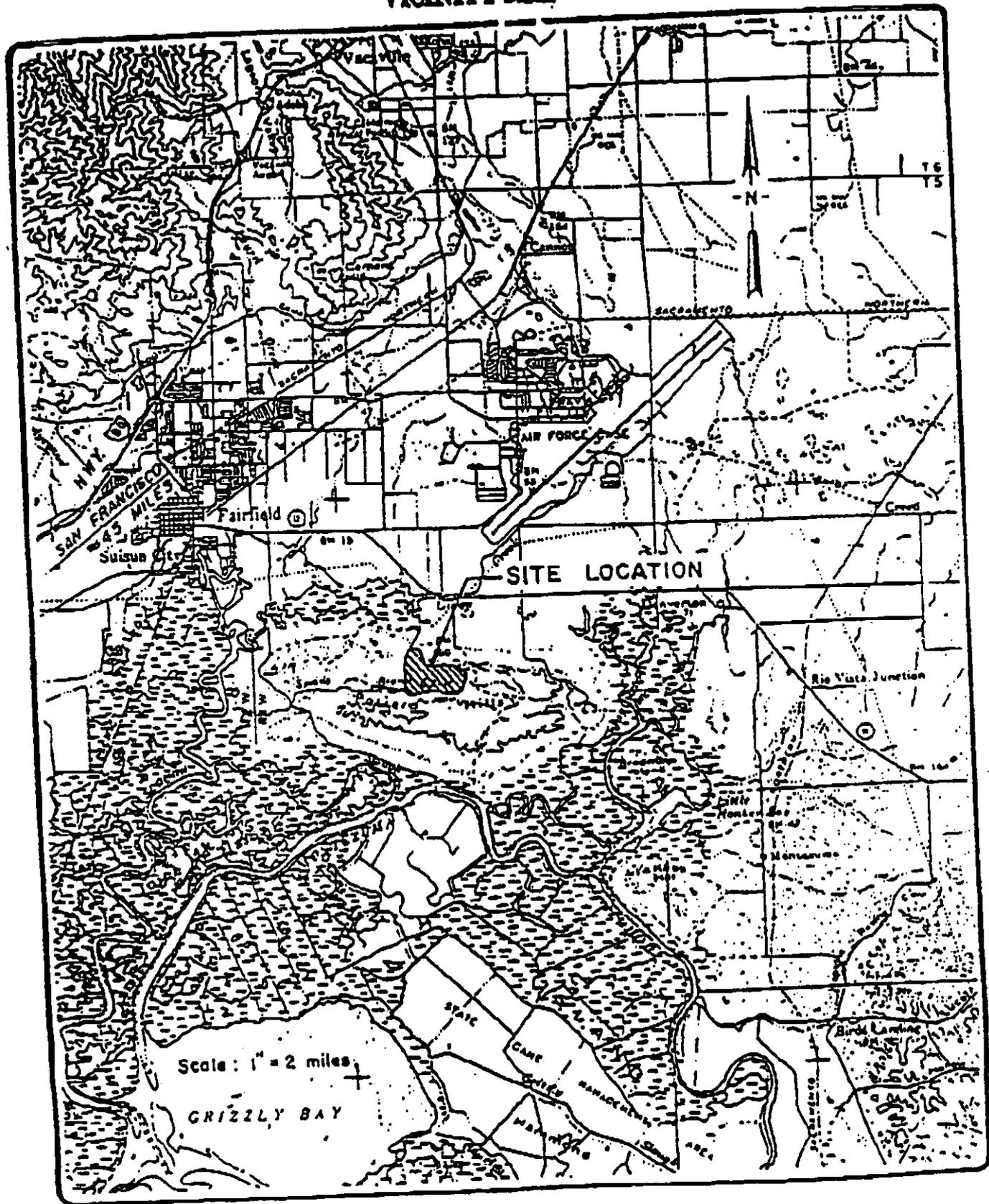
Larry Burch, P.E.
Director of Engineering

cc: Joe Della Zoppa, PHLF
Dave Hubbell, Solano County
Holly Bowers, Solano County
Mike Leone, CWMB
Don Dyer, CWMB

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Figure 1
Potrero Hills Landfill
VICINITY MAP



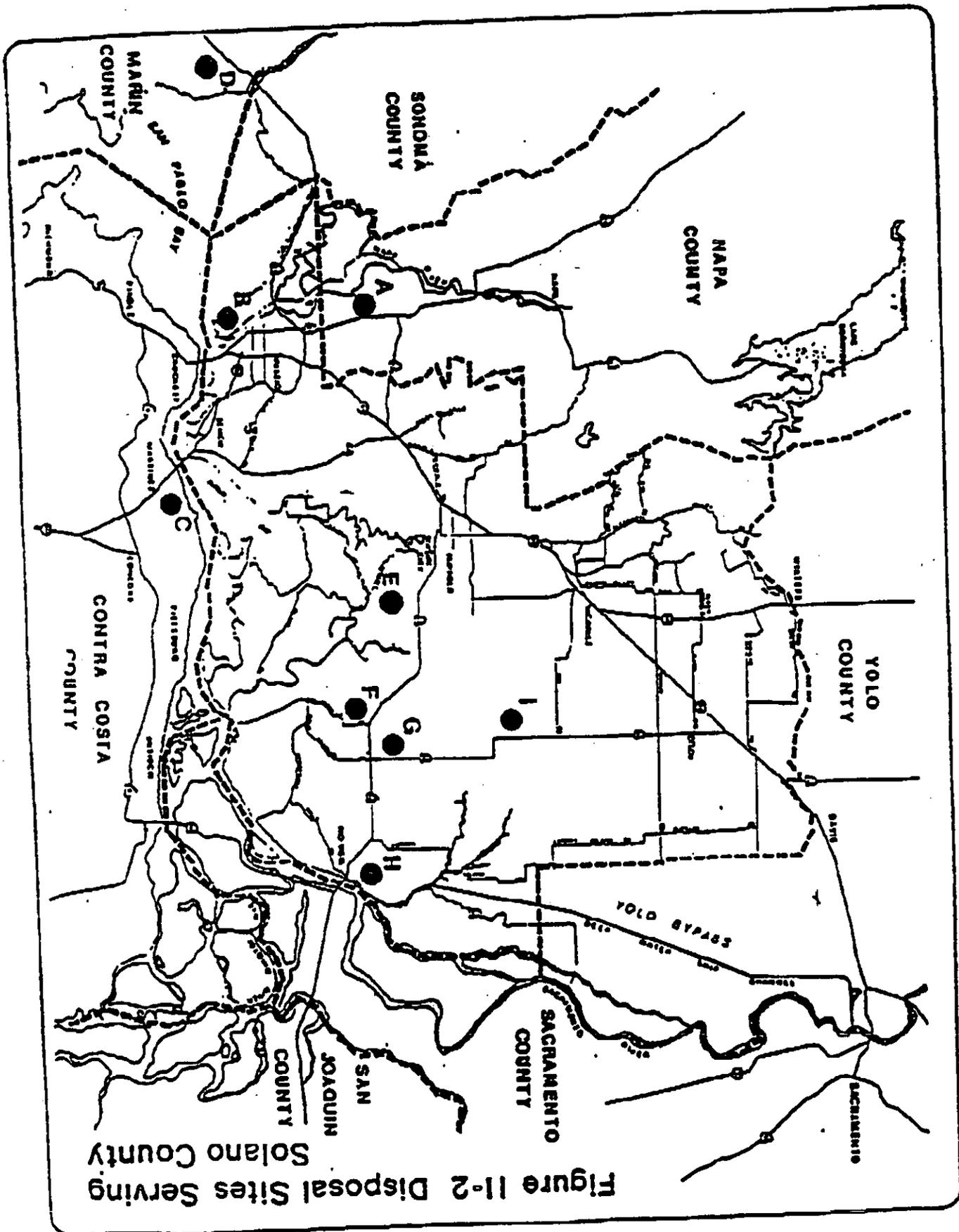


Figure 11-2 Disposal Sites Serving Solano County

Table IX-1 STATUS OF SOLID WASTE DISPOSAL SITES SERVING SOLANO COUNTY

Disposal Site Identification	Owner			Operator			ANOCs		Method of Disposal			Total Site Acreage	Type of Terrain	Approximate Remaining Capacity, acre-feet	Average Total Daily Quantities Received, tons	Approximate Remaining Life of Site, years	Planned Use of Completed Fill	
	Code	Private	U.S. Government	City(C) or State(S)	Private	U.S. Government	City or State	Site Classification	Discharge Requirements	Sanitary Landfill	Modified Sanitary Landfill							Evaporative Ponds
American Canyon	A	X			X			IIIc	Yes	X		122	Flat	1,700	300	8-10	Open space/ Crazing	
Mare Island Sanitary Landfill	B		X		X	X		II-1	No		X	18	Flat	226	45	20+	Unknown	
Acme Fill ^b	C	X			X			II-1	Yes	X			Flat		46	2	Recreation	
Redwood Landfill	D	X			X				No	X		222	Flat	4712	45	23	Unknown	
Potrero Hills Landfill	E	X			X			IIIc	Yes	X		220	Blod- ing	20,600	300	70+	Crazing	
I.T. Corporation Monteruma Hills	F	X			X			II-1	Yes			1	50	Flat	129	6000 bbl		Open Space
Aqua-Clear Farms	G	X			X			II-1	Yes			1	110	Hills	1300 bbl		8	Unknown
Rio Vista Landfill	H			S	X		C	II-1	Yes	X		20	Flat	177	15	14	Open Space	
B & J Dropbox Landfill	I	X			X			II-1	Yes	X		161	Flat	3,700	160	43-47	Crazing/ Agriculture	

Department of
ENVIRONMENTAL MANAGEMENT



DD / *Martha V.*
10/24/89 ATTACHMENT 4

601 TEXAS STREET
FAIRFIELD, CALIFORNIA 94533-6376

PLANNING AND ZONING (707) 429-6555
 ENVIRONMENTAL HEALTH 429-6401
 BUILDING INSPECTION 429-6434

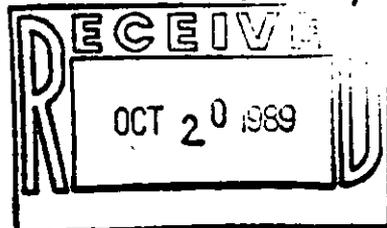
FACILITY FILE CARSON COPY

Submitted By MEA

Original To ① Fax file 48-AA-0075

10/24/89
Date

② BV / JB / Andy



October 19, 1989

Mr. George Eowan
California Waste Management Board
1020 Ninth Street, Suite 300
Sacramento, CA 95814
Attention: Michael Leon

SUBJECT: Conformity of Revised Potrero Hills Landfill Facility Permit

Dear Mr. Eowan:

This agency is responsible for maintenance of the Solano County Solid Waste Management Plan. We have examined the proposed revision to the Potrero Hills Landfill Facility Permit for conformity with that plan.

We believe that the revision as proposed is consistent with the Solid Waste Facility Plan portion of the County's Solid Waste Management Plan. The principal changes to the permit include an increased through put to the site resulting from importation of Contra Costa County municipal waste for a three year period and increased waste generation factors in the site's service area. These changes in wastes to be received at the site were included in a Solid Waste Management Plan Amendment which has recently been ratified by the Board of Supervisors and a majority of the cities with a majority of the incorporated population. The Waste Plan Amendment is currently under consideration for approval by your Board. The Solid Waste Plan Amendment would allow Contra Costa County to import up to 88,500 tons of municipal waste annually for a three year period.

Other changes in the permit have been made to increase recycling opportunities for tires, asphalt, wood waste composition and landfill gas, and to provide for handling and disposal of infectious wastes and asbestos. We have reviewed these activities and determined they conform to the Resource Recovery Element and Facilities Plans' portion of our Solid Waste Management Plan.

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Mr. George Eowan
California Waste Management Board
October 19, 1989
Page two

If you have any questions about this matter, do not hesitate to contact David Hubbell or Cynthia Copeland of my staff.

Very truly yours,



JOHN E. TAYLOR
Director

JET/DWH/ah

pdheowan

000189

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

100 CITY VAN NESS AVENUE, SUITE 2011
SAN FRANCISCO, CA 94107-6080
PHONE (415) 357-3686



October 2, 1989

Solano County Board of Supervisors
County Courthouse
600 Texas Street
Fairfield, California 94533

SUBJECT: Possible Violations of Suisun Marsh Preservation Act at the Solano Garbage Company Landfill; BCDC Permit No. 38-79, Solano County Marsh Development Permit MD-82-19, and SL.SC.6926.1.

Dear Supervisors:

I am writing to notify you that we believe there are violations of the Suisun Marsh Preservation Act at the Solano Garbage Company site. Enclosed is a schematic drawing showing the areas and problems.

On August 28, 1989, members of my staff visited the site and found two unpermitted conditions. The first is a paved road that has been constructed from Kildeer Road, through the Solano Garbage Company landfill site, and across seasonal and lowland grasslands, connecting to the Potrero Hills landfill entrance. We have no record of a marsh development permit from Solano County for this road. County staff advised us that the road may have been approved by the County as part of the closure plan for the Solano Garbage Company landfill. However, there is no exception in the Suisun Marsh Preservation Act for closure plans; thus, any development involved in a closure plan also requires a marsh development permit. It also appears that the road had environmental impacts. To our knowledge, no environmental review was done for this project.

Nor do we believe that a marsh development permit can be issued for the road because it does not comply with Solano County Suisun Marsh Local Protection Program Utilities, Facilities and Transportation Policy 1(e) which states that "new roadways...should not be constructed in the Suisun Marsh or in adjacent uplands necessary to protect the Marsh except where such roadways...are necessary in the secondary management area for the operation of water-related industry...at Collinsville."

My staff also noted large amounts of demolition waste in an area outside the approved waste facility boundaries (between the new access road and Emmington Road) and stockpiled soil also outside the boundaries (on the east side of the new access road, near Scally Road). Neither of these areas are within the bounds of waste facility that was recognized as being in place when the Marsh Act and Plan came into being. Moreover, the placement appears quite recent. According to the County's combined use permit and marsh development permit (U-82-56) for the closure of the Solano Garbage Company landfill and the permit (MD-82-19) for opening of the Potrero Hills Landfill, the Solano landfill was to have closed and dumping to have ceased by October 1, 1987.

000190

Solano County Board of Supervisors
October 2, 1989
Page 2

The U.S. Army Corps of Engineers may also have jurisdiction over the areas where the road and the debris are located under Section 404 of the Clean Water Act. We have no record that the Army issued a permit for these activities in the Suisun Marsh wetlands. The activities also do not appear to be consistent with the Clean Water Act and the applicable federal regulations.

Our staff has enjoyed a very cooperative working relationship with the County in the past, which I would like to continue. In this spirit I am bringing these problems to the County's attention to encourage the County to resolve these issues quickly. We would prefer not to have to take formal enforcement action and look forward to the County's views on how these matters can be resolved.

Very truly yours,



ALAN R. PENDLETON
Executive Director

ARP/CP/qjg

Enclosure

cc: Col. Galen Yanagahara, Corps of Engineers
Mr. George Eowan, Solid Waste Management Board
Regional Water Quality Control Board
Richard Granzella
Larry Birch
Solano County Department of Environmental Management
Attn: Dave Hubbell

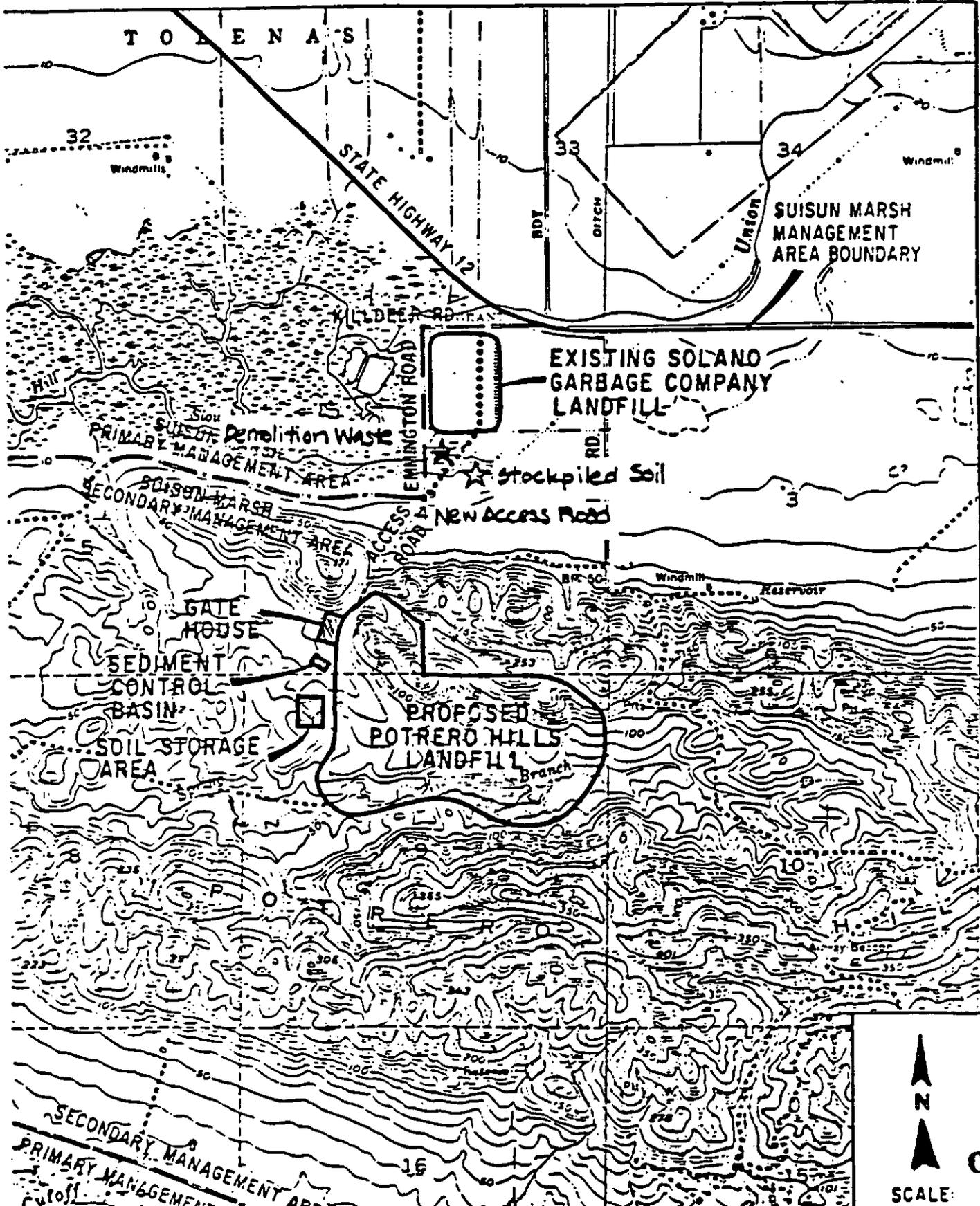
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29522



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SCALE

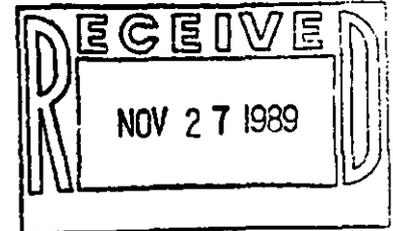
Department of
ENVIRONMENTAL MANAGEMENT



Attachment 6

601 TEXAS STREET
FAIRFIELD, CALIFORNIA 94533-6376

- PLANNING AND ZONING (707) 429-6561
- ENVIRONMENTAL HEALTH 429-6401
- BUILDING INSPECTION 429-6434



November 21, 1989

Don Dier, Permitting Chief
California Waste Management Board
1020 Ninth Street, Suite 300
Sacramento, CA 95814

Re: Potrero Hills Landfill Facility Permit 48-AA-0075

Dear Mr. Dier:

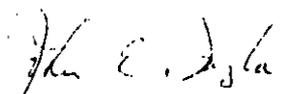
Enclosed is the proposed solid waste facility permit for the Potrero Hills Landfill facility. The language in Specification C regarding the permitted capacity, and the Self Monitoring requirements have been modified to reflect the outcome of Solano Staff's meeting with you and the applicant on November 7, 1989. As we have not received any further comments from you or your staff on the permit, no additional changes were made.

You also indicated at the November 7 meeting that before the Board can make a determination of conformance with the facility permit, the applicant must determine if a US Army Corps of Engineers 404 permit is required for the facility. If necessary, the applicant was to obtain the 404 permit prior to the December 14, 1989 Board meeting.

It appears from a recent conversation with the applicant, that no determination on the 404 permit has been made to date. However, the applicant has been advised that this issue must be resolved prior to the Board meeting.

If you or your staff have any further questions or concerns or if you feel it would be helpful to meet regarding this issue please contact Clifford Covey or Holly Bowers at (707) 429-6401.

Sincerely yours


John E. Taylor
Director

JET/HAB/tm

cc: Joe Della Zoppa, Solano Garbage Company
Larry Burch, Richmond Sanitary Service

ehbpotr

000193

AT THE TIME THIS ITEM WENT TO PRINT, THE
LATEST VERSION OF THE PERMIT HAD NOT BEEN
RECEIVED. A COPY OF THE PERMIT WILL BE
PROVIDED AT THE MEETING.

SUMMARY OF INITIAL COST ESTIMATES

Closure

Final Cover (Line 23)	\$ 314,700
Revegetation (Line 29)	\$ 7,300
Landfill Gas Monitoring and Control (Line 32)	\$ 4,000
Groundwater Monitoring Installations (Line 34)	\$ 0
Drainage Installation (Line 35c)	\$ 54,500
Security Installation (Line 36c)	\$ 0
1. Subtotal \$ 380,500	
20% (.2) Contingency Costs =	\$ 456,600

Monitoring and Postclosure Maintenance

Revegetation (Line 39)	\$ 0/yr
Leachate Management (Line 45)	\$ 6,200/yr
Monitoring (Line 49)	\$ 34,700/yr
Drainage (Line 50a)	\$ 2,400/yr
Security (Line 51)	\$ 2,200/yr
Inspection (Line 52b)	\$ 1,200/yr
2. Subtotal \$ 46,700	
20% (.2) Contingency Costs =	\$ 56,040/yr
3. Line 2 x 15 Years Postclosure Care	\$ 840,600
TOTAL COSTS (Line 1 + Line 2 + Line 3)	\$ 1,297,200

- A. Prepared an initial estimate of closure and postclosure maintenance costs, consistent with Title 14, California Code of Regulations (14 CCR) Section 18263;
- B. Established a trust fund or equivalent financial arrangement acceptable to the board, in accordance with the 14 CCR Section 18283, which is described below; and
- C. Deposited into the trust fund or equivalent financial arrangement acceptable to the board in accordance with 14 CCR Section 18282, amounts that will ensure adequate resources for closure and postclosure maintenance.

Please check each mechanism that applies.

CLOSURE FINANCIAL MECHANISMS

Trust Fund (Public and Private Owners/Operators)

Provide an original signed copy of CWMB Form 100, establishing a trust fund in accordance with 14 CCR Section 18284.

Enterprise Fund (Public Owners/Operators)

Provide a copy of all official resolutions, forms, letters or other pertinent documents generated to establish the enterprise fund in accordance with 14 CCR Section 18285, including a subsidiary depository mechanism.

[] Government Securities (Public Owners/Operators)

Provide a copy of all official resolutions, forms, letters or other pertinent documents generated to establish this mechanism, including a subsidiary depository mechanism in accordance with 14 CCR Section 18286.

[] Letter of Credit (Public and Private Owners/Operators)

Provide the original letter of credit worded and completed as specified by CWMB Form 101, in accordance with 14 CCR Section 18287.

[] Surety Bond (Public and Private Owners/Operators)

Provide the bond using either CWMB Form 102 or CWMB Form 103, issued in accordance with 14 CCR Section 18288.

POSTCLOSURE MAINTENANCE FINANCIAL MECHANISMS

[X] Trust Fund (Public and Private Owners/Operators)

Provide an original signed copy of CWMB Form 100, establishing a trust fund, in accordance with 14 CCR Section 18284.

[] Enterprise Fund (Public Owners/Operators)

Provide a copy of all official resolutions, forms, letters or other pertinent documents generated to establish the enterprise fund in accordance with 14 CCR Section 18285, including a subsidiary depository mechanism.

- [] Government Securities (Public Owners/Operators)
Provide a copy of all official resolutions, forms, letters or other pertinent documents generated to establish this mechanism, including a subsidiary depository mechanism in accordance with 14 CCR Section 18286.

- [] Letter of Credit (Public and Private Owners/Operators)
Provide the original letter of credit worded and completed as specified by CWMB Form 101, in accordance with 14 CCR Section 18287.

- [] Surety Bond (Public and Private Owners/Operators)
Provide the bond using either CWMB Form 102 or CWMB Form 103, issued in accordance with 14 CCR Section 18288.

- [] Guarantee (Private Owners/Operators)
Provide evidence of the guarantee by using CWMB Form 105, in accordance with Section 18291.

- [] Financial Means Test (Private Owners/Operators)
Provide evidence of ability by using CWMB Form 104 in accordance with 14 CCR Section 18289.

- [] Pledge of Revenues (Public Owners/Operators)
Provide evidence of ability in accordance with 14 CCR Section 18290.

I, Alan Klein (name), do hereby certify that the above mechanism(s) has/have been established for use exclusively as funding for the Potrero Hills Landfill (name of solid waste landfill), SWIS No. 48AA-0075, for the closure and postclosure maintenance period required pursuant to Public Resources Code Section 43501;

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that I am authorized to make this certification on behalf of Potrero Hills Landfill, Inc. (name of entity).

11/8/89 Richmond, California
Date and Place



Signature
CONTROLLER

CALIFORNIA WASTE MANAGEMENT BOARD

**Solid Waste Facility Determination of Conformance No. 89-21
Solid Waste Facilities Permit Decision No. 89-70
December 14 - 15, 1989**

WHEREAS, a Notice of Proposed Facility has been filed with the Board for an increase in waste tonnage received at the Potrero Hills Landfill, and

WHEREAS, the County of Solano has found the increase in waste tonnage received to be consistent with the County Solid Waste Management Plan, and

WHEREAS, Solano County has prepared and circulated a Mitigated Negative Declaration for the project in compliance with California Environmental Quality Act; and

WHEREAS, mitigation measures identified in this environmental document will eliminate or reduce potential impacts to a level of insignificance;

WHEREAS, the Board has reviewed the environmental document and finds it is adequate and appropriate for its use; and

WHEREAS, Solano County, acting as Local Enforcement Agency, has submitted to the Board for its review and concurrence in, or objection to, the issuance of a Solid Waste Facilities Permit for the Potrero Hills Landfill, and

WHEREAS, Board staff has evaluated this new permit proposal for consistency with the Minimum Standards for Solid Waste Handling and Disposal Regulations under Division 7, Title 14 of the California Code of Regulations; and

WHEREAS, the Board finds the proposed permit is consistent with the Solano CoSWMP; and

WHEREAS, the Board finds the proposed permit is not consistent with standards adopted by the Board; and

WHEREAS, the operator has complied with the requirements of Government Code Section 66796.22 regarding closure and postclosure certification.

NOW, THEREFORE, BE IT RESOLVED that the California Waste Management Board finds the Potrero Hills Landfill in conformance with the Solano County Solid Waste Management Plan; and

BE IT FURTHER RESOLVED that the California Waste Management Board objects to the issuance of Solid Waste Facilities Permit No. 48-AA-0075.

CERTIFICATION

The undersigned Chief Executive Officer of the California Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Waste Management Board held December 14 - 15, 1989.

Dated:

George T. Eowan
Chief Executive Officer

CALIFORNIA WASTE MANAGEMENT BOARD

AGENDA ITEM NO. 7

December 14 - 15, 1989

ITEM:

Consideration of Determination of Conformance and Concurrence in the Issuance of a Revised Solid Waste Facilities Permit for the Highgrove Landfill, Riverside County.

Key Issues:

- o Change in tonnage from 850 to 1800 tons per day
- o Environmental review has been conducted for proposed project
- o Staff recommends granting a Determination of Conformance
- o Staff recommends concurrence in the issuance of Solid Waste Facilities Permit

Facility Facts:

Name: Highgrove Landfill,
Facility No. 33-AA-0003

Project: Increase permitted maximum daily tonnage to
1800 tons per day

Location: About 2 miles East of Highgrove, CA,
Riverside County

Owner/Operator: Riverside County

Highgrove Landfill
2 of 8

Maximum Acreage: 91 acres of the 280 acre site will be landfilled

Closure Date: 1997

Permitted Capacity: 1,800 tons per day

Landfill Capacity: 2.45 million cubic yards

Background:

The Highgrove Landfill was originally permitted in 1979 to accept approximately 170 tons per day of wastes. In 1983 the permit was revised to increase the allowable tonnage to 850 tons per day in order to accommodate wasteshed growth and the closure, by late 1984, of the West Riverside and City of Riverside landfills. The LEA determined during the recent (1989) 5 Year Permit Review that the facility was consistently accepting in excess of the permitted 850 tons per day with peak loadings as high as 1500 tons per day. The LEA subsequently directed the operator to apply for a permit revision and environmental review to address the increases in tonnage at the facility.

Mitigation measures addressing the increase in tonnage are identified in the Mitigated Negative Declaration and are included in the permit by reference. The Mitigated Negative Declaration also includes the requirement for an annual report by the operator to the LEA which demonstrates compliance with the identified mitigation measures. No other changes to the permit or the facility design or operation are proposed at this time.

Board Action:

Because a revised Solid Waste Facilities Permit is proposed, the Board must review this proposal for conformance with the Riverside County Solid Waste Management Plan (CoSWMP) and must either object to or concur with the proposed permit as submitted by the Local Enforcement Agency (LEA).

Pursuant to Government Code Section 66796.32(e), the Board has 40 days to concur with or object to the issuance or revision of a Solid Waste Facilities Permit. Since the permit for this facility was received on November 22, 1989, the last day the Board could act is January 2, 1990.

California Environmental Quality Act (CEQA):

CEQA requires that the environmental impacts of any project be considered by any public agency having discretionary authority over that project. Board actions on the project, the Determination of Conformance and concurrence in Solid Waste Facilities Permit, are discretionary approvals under CEQA. Therefore, the Board must review the potential environmental impacts of the activity now being considered.

An Environmental Assessment and Mitigated Negative Declaration (SCH# 89073107) were prepared and circulated locally and through the State Clearinghouse. The Environmental Assessment identified some potentially significant environmental impacts. The potential impacts and the accompanying mitigation measures were included in the Mitigated Negative Declaration to reduce the potential impacts to a level of insignificance; they are given below:

1. Drainage channels will be constructed and used as landfill contours change, in order to minimize soil erosion.
2. Refuse vehicle traffic will be routed along Palmyrita Avenue to minimize noise impacts to sensitive land use areas, and will not be allowed within 1000 feet of residential areas.
3. Commercial refuse vehicles will not be allowed to enter the landfill on Sundays in order to mitigate noise impacts upon the nearby church.
4. Landfill heavy equipment will be equipped with noise attenuation equipment and heavy equipment operators will be provided with noise protection devices.
5. Water trucks will be used to control dust as needed.
6. Current compaction and cover procedures will mitigate any potential landfill gas migration, insect and rodent problems, and odors. Highly odorous wastes will be re-routed to more suitable landfills.

7. Wells and lysimeters will continue to be used to monitor potential leachate migration to groundwater.
8. Potential fire hazards will be mitigated by cutting of annual fire breaks around the site, compacting waste, applying proper daily cover, and use of water trucks.
9. Backup dozers, scrapers and water trucks will remain available in case of landfill vehicle breakdowns
10. Daily litter cleanup will be provided by litter crews.

The Mitigated Negative Declaration was approved by the Riverside County Board of Supervisors on November 7, 1989 and a Notice of Determination (Attachment 2) was filed with the County Clerk and the State Clearinghouse on November 13, 1989.

Board staff have reviewed the Mitigated Negative Declaration and found the mitigation measures adequate for the proposed project.

Requirements for a Determination of Conformance:

Title 7.3, Government Code, Section 66784 requires that the Board make a Determination of Conformance with the County Solid Waste Management Plan (CoSWMP) prior to the establishment of any new or expanded solid waste facility. In accordance with Board procedures for obtaining a Determination of Conformance, which are identified in California Code of Regulations, Title 14, Chapter 4, the project proponent filed a Notice of Proposed Facility with the Board on November 16, 1989 (Attachment 3).

Also in accordance with those procedures, the Riverside County Waste Management Program, as the local agency responsible for the CoSWMP, found the facility in conformance with the recently-approved 1989 CoSWMP. The Riverside County Waste Management Department filed the local Finding of Conformance with the CoSWMP on November 16, 1989 (Attachment 4).

Staff finds that all local actions have been completed and it is appropriate for the Board to consider the request of a Determination of Conformance for the subject facility. Staff has reviewed the CoSWMP and the Notice of Proposed Facility and makes the following findings based on the four Board-established

criteria for a Determination of Conformance:

1. Consistency with State Policy.

The establishment of the proposed facility is consistent with the Board's State Policy of providing for an environmentally safe and efficient method of waste disposal.

2. Consistency with the Policies and Objectives of the CoSWMP.

The establishment of the proposed facility is consistent with specific CoSWMP objectives of providing an efficient, economic and convenient disposal system.

Only one element of the 1989 Riverside CoSWMP Revision has been found inadequate by the Board: the Enforcement Program element, together with the corresponding sections of the Implementation Schedule. The Waste Disposal and Processing Element of the 1989 Riverside CoSWMP Revision, as well as all other elements of the Plan Revision, have been approved by the Board.

Since the Waste Processing and Disposal element and the majority of the other elements of the Plan Revision have been approved by the Board, it would be consistent with Board Policy to make a Determination of Conformance for increased tonnage at the facility with a partially-approved CoSWMP.

3. Consistency with Short, Medium and Long Term Facilities Element of the CoSWMP.

The Highgrove Landfill is specifically identified on pp. IV-10, XI-8 and XI-26 of the 1989 Riverside CoSWMP Revision as a facility to undergo tonnage increases.

4. Local Issues and Planning.

All local approvals have been obtained for this site.

In conclusion, the proposed project meets all four Board-established criteria for a Determination of Conformance.

Requirements for Closure/Post Closure Maintenance:

Approval of Operator Certification

The operator is required to certify: 1) preparation of an initial cost estimate for closure and postclosure maintenance, 2) establishment of a financial mechanism, and 3) funding of the mechanism that will ensure adequate resources for closure and postclosure maintenance. The operator certification received was rejected as incomplete because it did not include all the required documents for a financial mechanism acceptable for closure and postclosure maintenance. A detailed review of the operator certification, including initial cost estimates, will commence when the requested materials are received and the submittal is deemed complete.

Based on the information contained in the certification submittal, this mechanism does not meet the requirements of the Emergency Regulations, effective August 17, 1989, regarding the use of a Trust Fund to provide adequate financial assurance. The adequacy of the initial cost estimates shall also be based on these regulations.

The operator certification received does not satisfy the requirements of Government Code Section 66796.22 (b)(1). The permit contains a condition that the operator shall provide a complete certification of initial cost estimate and financial assurance for closure and postclosure maintenance by January 31, 1990.

Submission of Closure and Postclosure Maintenance Plans

The Solid Waste Facilities Permit contains a condition that requires the operator to submit a closure and postclosure maintenance plan to the local enforcement agency and the Board 120 days prior to the fifth anniversary of the issuance of the permit.

Requirements of Concurrence with the Solid Waste Facilities Permit:

Government Code (GC), Section 66796.30 et.seq. requires an operator of a solid waste facility to file an application with the LEA for a solid waste facilities permit. Along with the requirement for an application is a requirement for an appropriate Report of Facility Information (RFI) which in this case exists as an 1989 RDSI. When the application is deemed complete by the LEA, a copy of the application and supporting documents are transmitted to the Board. Staff have received these documents and find them to be satisfactory.

Within 75 days of accepting an application, an LEA is to submit a proposed solid waste facilities permit to the Board. The LEA has complied with this requirement.

When submitting the proposed permit, the LEA certified the following two findings as required by GC 66796.32(c):

1. Consistency with CoSWMP

The proposed solid waste facilities permit is consistent with the Riverside County Solid Waste Management Plan.

2. Consistency with Board Standards

The facility has been found in compliance with the State Minimum Standards. The permit is, therefore, consistent with State Minimum Standards.

Staff have reviewed the proposed Solid Waste Facilities Permit and supporting documentation. The form and content of the permit is acceptable

In order for the Board to concur in the issuance of a Solid Waste Facilities Permit, there must be evidence that CEQA has been complied with and that the project has been found in conformance with the CoSWMP. As noted above, these actions have been accomplished. Staff is, therefore, able to recommend that the Board concur in the issuance of the revised Permit.

Board Options:

1. Take No Action

If the Board does not act on a permit within 40 days of receipt, the permit is deemed to have been concurred with.

2. Deny Conformance and Object to the Issuance of the Permit

This action would be appropriate if the applicant and LEA had not met all the local and State requirements for these two actions.

3. Find Conformance and Concur in Issuance of the Permit

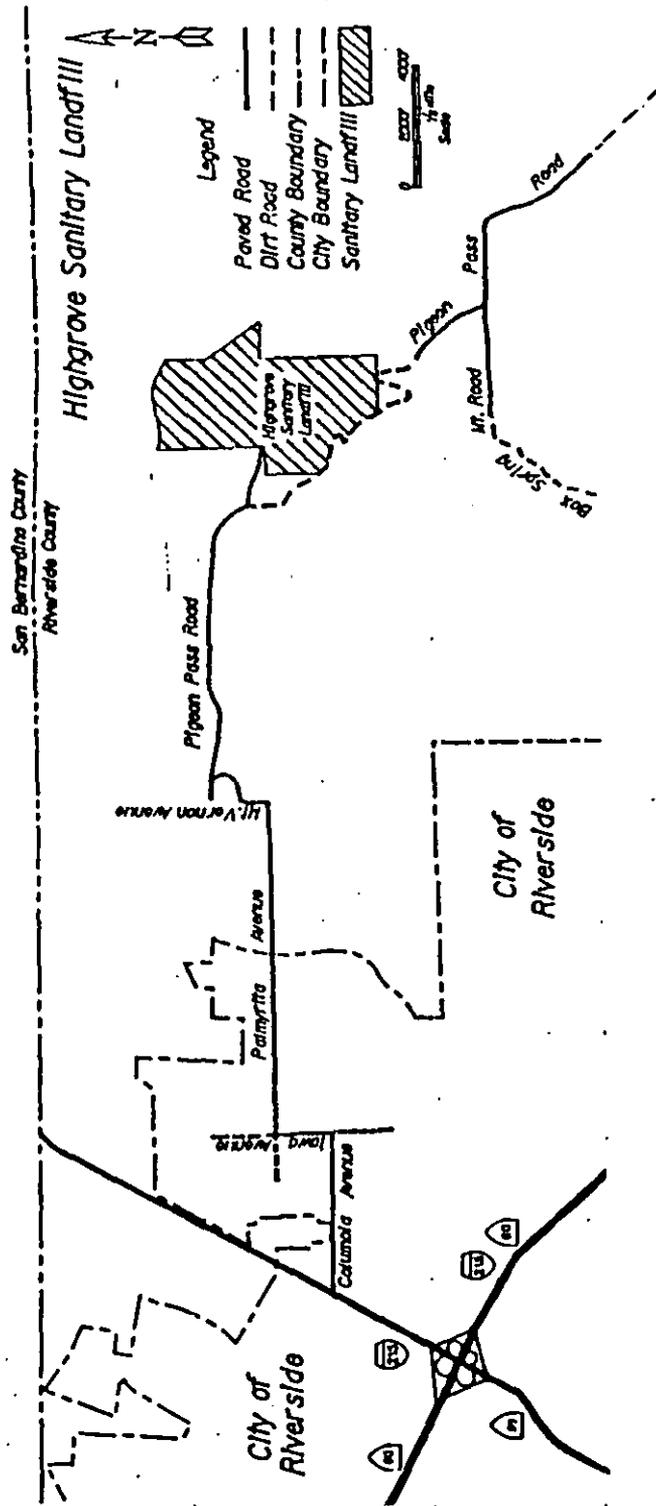
This action would be appropriate if the applicant and LEA had met all the local and State requirements for these two actions.

Recommendation:

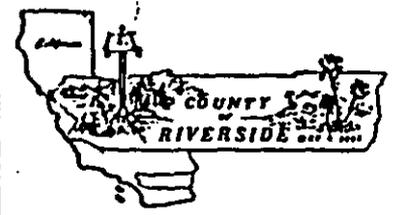
Staff recommends Option 3, that the Board adopt Determination of Conformance No. 89-24 finding the Highgrove Landfill in conformance with the Riverside CoSWMP and Solid Waste Facilities Permit Decision 89-97 concurring in the issuance of revised solid waste facilities permit No. 33-AA-0003.

Attachments:

1. Location map
2. Notice of Determination
3. Notice of Proposed Facility
4. Local Finding of Conformance letter.
5. Proposed Solid Waste Facilities Permit No. 33-AA-0217.
6. Determination of Conformance No. 89-24 and Solid Waste Facilities Permit Decision No. 89-97.



COUNTY OF RIVERSIDE
 WASTE MANAGEMENT DEPARTMENT
 HIGHGROVE SANITARY LANDFILL
 LOCATION MAP
 OCTOBER 1988



RIVERSIDE COUNTY PLANNING DEPARTMENT
NEGATIVE DECLARATION AND NOTICE OF DETERMINATION

Highgrove Landfill
Permit Revision

Case No. (Mod) EA No. 34032

NEGATIVE DECLARATION

Based on the Initial Study, it has been determined that the proposed project will not have a significant environmental effect.

PROJECT DESCRIPTION AND LOCATION: *See attached Initial Study*

Roger S. Streeter, Planning Director

CLERK OF THE BOARD
Neg Declaration/Ntc Determination
Filed per P.R.C. 21152
POSTED

COMPLETED Richard J. MacHott

Principal Planner

NOV 17 1989

By Elizabeth Hammond

Title Planner

Removed:

Date September 25, 1989

By: Deputy

Highgrove Landfill

County of Riverside, State of California

Case No. (Mod) Permit Revision

Land Div Sch

Appl/Rep Riv. Co. Waste Management Dept.

Developable Lots

Dev. Ac

Date Submitted May 4, 1989

Open Space Lots

O.Sp. Ac

Existing Zones W-2-20

Changes of Proposed
Zones Only Zoning
Acreage

ADOPTED

- Board of Supervisors
- Planning Commission
- Area Planning Council
- Planning Director
- _____ (Other)

Person verifying adoption Gerald A. Maloney

Date Nov. 7, 1989 Clerk of the Board

BY: *Margaret Legano*, Deputy

NOTICE OF DETERMINATION

HEARING BODY OR OFFICER

- Board of Supervisors
- Planning Commission
- Area Planning Council
- Planning Director
- _____ (Other)

ACTION ON PROJECT

- Approval
- Disapproval

Date November 7, 1989 (10.2)

Developable Lots n/a Dev.Ac n/a Open Space Lots n/a O.Sp. Ac n/a

Changes of Approved
Zones Only Zones
Acreage

n/a					
n/a					

The project will not have a significant effect on the environment and a Negative Declaration has been adopted and may be examined at the Planning Department at the address below.

Person verifying action Gerald A. Maloney Title Clerk of the Board

RIVERSIDE COUNTY PLANNING DEPARTMENT
4080 LEMON STREET, 9TH FLOOR
RIVERSIDE, CA 92501 BY: *Margaret Legano*
Deputy

BOARD OF SUPERVISORS
FILED

NOV 13 1989

CLERK OF THE BOARD
COUNTY CLERK

- 1st White Original - County Clerk
- 2nd Canary - Case File
- 3rd Pink - Scheduling

ATTACHMENT 3

THE COUNTY OF RIVERSIDE

WASTE MANAGEMENT

ROBERT A. NELSON
Director

November 16, 1989

George T. Eowan, Executive Officer
California Waste Management Board
1020 Ninth Street, Suite 300
Sacramento, CA 95814

RE: Notification of Proposed Facilities for the Highgrove
Sanitary Landfill

Dear Mr. Eowan:

At the request of your Board, attached is a copy of the
Notification of Proposed Facilities for Highgrove Sanitary
Landfill.

Sincerely,



Robert A. Nelson
Director

PCT:ldl

Attachment

cc: John Fanning, LEA

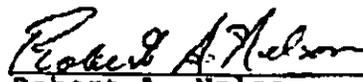
NOTIFICATION OF PROPOSED FACILITIES**HIGHGROVE SANITARY LANDFILL****NOVEMBER 16, 1989**

The Waste Management Department (WMD), County of Riverside operates the Highgrove Sanitary Landfill. The Riverside County LEA has determined a significant change in operation of the landfill will occur over the next five years due to anticipated growth in the daily tonnage of trash disposed of at the site. The LEA has, therefore, requested the WMD to have an environmental assessment prepared and to apply for a permit revision.

The WMD caused an environmental assessment to be prepared, a negative declaration was circulated and approved on November 7, 1989. The WMD subsequently applied to the LEA for a permit revision on November 16, 1989. The LEA has prepared a revised permit for consideration by the California Waste Management Board (CWMB).

CWMB staff has informed the WMD that prior to CWMB review of the revised permit, a NOTIFICATION OF PROPOSED FACILITIES must be submitted by the WMD to the CWMB in accordance with Title 14, Division 7, Article 17936 of the California Code of Regulations. The following is submitted:

The Waste Management Department, County of Riverside, expects the maximum daily tonnage to increase up to 1800 tons per day over the next five years at the Highgrove Sanitary Landfill due to normal growth in the Highgrove watershed.



Robert A. Nelson
Director

PCT:ldl

cc: John Fanning, LEA

ATTACHMENT 4

THE COUNTY OF RIVERSIDE

WASTE MANAGEMENT

ROBERT A. NELSON
Director

November 16, 1989

George T. Eowan, Executive Officer
California Waste Management Board
1020 Ninth Street, Suite 300
Sacramento, CA 95814

RE: Determination of Conformance for the Highgrove Sanitary
Landfill

Dear Mr. Eowan:

The Riverside County Waste Management Department, as designated administrator of the County Waste Management Plan (CoSWMP), is required to make a determination of conformance with the CoSWMP with application for revision to existing Solid Waste Facility Permits. The Riverside County Waste Management Department is currently revising the existing Solid Waste Facility Permit for Highgrove Sanitary Landfill permit No. 33-AA-003 issued on November 22, 1983 by the Local Solid Waste Enforcement Agency. The revision of permit will allow the facility to operate in accordance with the anticipated growth in the daily tonnage of trash disposed of at the site.

The Riverside County Solid Waste Management Plan in the 1989 tri-annual amendment to the CoSWMP, identifies the Highgrove Sanitary Landfill on page XI-8 as an existing disposal site.

Based upon the above:

The Riverside County Waste Management Department, in accordance with California Code of Regulations, Title 14, Chapter 4, Section 17937, and as designated administrator of the Riverside County Solid Waste Management Plan, determines that revision of Highgrove Sanitary Landfill permit No. 33-AA-003 is consistent with and is in conformance with the 1989 County Solid Waste Management Plan.

Sincerely,

Robert A. Nelson
Robert A. Nelson
Director

PCT:ld1

cc: John Fanning, LEA

11728 Magnolia, Suite A • Riverside, CA 92503 • (714) 785-6081

000215

OPERATING PERMIT FOR FACILITIES
RECEIVING SOLID WASTE

	TYPE OF FACILITY Class III Sanitary Landfill	FACILITY/PERMIT NUMBER 33-AA-003
NAME AND STREET ADDRESS OF FACILITY Highgrove Sanitary Landfill 1520 Highgrove Dump Rd. Riverside, CA 92507	NAME AND MAILING ADDRESS OF OPERATOR Riverside County Waste Management Department 11728 Magnolia, Suite A Riverside, CA 92503	
ISSUING ENFORCEMENT AGENCY Local Solid Waste Management Enforcement Agency for County of Riverside (LEA)	CITY/COUNTY Riverside County	

PERMIT

This permit is granted solely to the operator named above, and is not transferrable.

Upon a change of operator, this permit is subject to revocation.

Upon a significant change in design or operation from that described by the Plan of Operation or the Report of Station or Disposal Site Information, this permit is subject to revocation, suspension, or modification.

This permit does not authorize the operation of any facility contrary to the State Minimum Standards for Solid Waste Handling and Disposal.

This permit cannot be considered as permission to violate existing laws, ordinances, regulations, or statutes of other government agencies.

The attached permit findings, conditions, prohibitions, and requirements are by this reference incorporated herein and made a part of this permit.

APPROVED: _____ APPROVING OFFICER <u>John M. Fanning, Chairman</u> NAME/TITLE	AGENCY ADDRESS 3636 University Avenue Riverside, CA 92501				
SEAL	AGENCY USE/COMMENTS <table border="1"> <tr> <td data-bbox="817 1890 1214 1984"> PERMIT RECEIVED BY CWMB </td> <td data-bbox="1214 1890 1632 1984"> CWMB CONCURRENCE DATE </td> </tr> <tr> <td data-bbox="817 1984 1214 2079"> PERMIT REVIEW DUE DATE </td> <td data-bbox="1214 1984 1632 2079"> PERMIT ISSUED DATE 000216 </td> </tr> </table>	PERMIT RECEIVED BY CWMB	CWMB CONCURRENCE DATE	PERMIT REVIEW DUE DATE	PERMIT ISSUED DATE 000216
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DEPARTMENT OF HEALTH

SOLID WASTE MANAGEMENT ENFORCEMENT AGENCY

HIGHGROVE SANITARY LANDFILL SOLID WASTE FACILITY PERMIT**FINDINGS:**

1. The following describes this facilities design and operation as authorized by this solid waste facility permit.

A. This facility is owned by the County of Riverside and operated by the County of Riverside Department of Waste Management.

B. The site is located on 280 acres within the southeast quarter of Section 10 and northeast quarter of Section 15, T2S, R4W of SBB&M in Riverside County, California. Maps showing the general location and details of on-site structures within 1000 feet are shown in the Report of Facility Information, Highgrove Sanitary Landfill, dated March 1989 and Highgrove Sanitary Landfill Engineering Report dated March 1989. Of the 280 acres, 91 acres are actually permitted for landfill.

C. A fee collection building is located at the entrance of the facility. A railroad boxcar serves as storage space. The access road to the active work area is partially paved.

D. This facility receives non-hazardous Class III wastes which include:

- 1- municipal solid wastes
- 2- agricultural wastes
- 3- construction/ demolition wastes
- 4- tires
- 5- industrial wastes
- 6- inert materials
- 7- dead animals

E. This facility receives an average of 840 tons of waste per operating day. Peak loadings are anticipated to reach 1800 tons per day within five years. The facility shall receive no greater than 1800 tons of waste per operating day. The site capacity is calculated to be 11.05 million cubic yards. Remaining site capacity is estimated to be 2.45 million tons as of January 1989.

F. The area method of landfilling is used at this facility. Wastes are weighed at the scales building, and then routed to the active work face where they are discharged. Wastes are spread and compacted using heavy equipment and covered with six inches of cover material at the end of the day.

G. Resource recovery and salvaging operations are not conducted or planned at this facility. Hazardous wastes are not accepted at this facility. Any hazardous waste inadvertently discharged at this facility shall be handled according to the Protocol for Handling of Improperly Disposed of Hazardous Waste at Class III County Solid Waste Facilities.

H. Wastes are identified by type at the weighing scale fee collectors, routed to the working face and unloaded under the direction of a traffic director.

I. The facility is open seven days a week from 8:00 a.m. to 4:30 p.m. Operations must not be conducted before sunrise or after sunset. The facility is closed New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and Easter Sunday. The Report of Disposal Site Information dated March 1989 states in January 1989, the remaining site life was estimated to be six or seven years. The facility will close between the years 1996 - 1997. Due to the proximity of a church, the operator does not allow commercial refuse haulers to use this facility on Sundays.

2. The following documents condition the operation and use of this facility:

A. Report of Disposal Site Information dated March 1989 and its addenda.

B. Regional Water Quality Control Board - Santa Ana Region Waste Discharge Requirements 79-35 dated February 23, 1979.

C. South Coast Air Quality Management District exemption from Rule 1150.1 letter dated September 8, 1989

D. Negative Declaration Number 34032, State Clearing House Number 89073107.

3. The following findings are required pursuant to Government Code 66796.32:

A. The Riverside County Solid Waste Management Plan, as amended in May 1985, identifies the Highgrove Sanitary Landfill.

B. This permit is consistent with standards adopted by the California Waste Management Board.

C. The Site is designated as a solid waste disposal site within the County Comprehensive General Plan dated March 6, 1989.

4. The design and operation of the facility is in compliance with the State Minimum standards for Solid Waste Handling and Disposal as determined by the Local Solid Waste Management Enforcement Agency on November 27, 1989.

5. The facility is in conformance with in conformance with applicable fire standards as required in GC 66796.43."

6. Riverside County Planning Department has made a written finding that surrounding land use is compatible with the facility operation, as required in GC66796.41(b) and (c) in a letter dated November 15, 1989

7. The County of Riverside Planning Department prepared Negative Declaration Number 34032 State Clearing House Number 89073107 which was adopted by the Board of Supervisors on October 17, 1989.

CONDITIONS:

Requirements:

1. This facility must comply with State Minimum Standards for Solid Waste Handling and Disposal, California Code of Regulations, Title 14.

2. The facility must comply with all federal, state, and local requirements and enactments. including all mitigation measures given in Negative Declaration Number 34032, State Clearing House Number 89073107.

3. Any additional information must be provided as required by the Local Solid Waste Management Enforcement Agency.

4. To protect the public's health and safety, the LEA may require monitoring probes to be installed to detect gas migration. If needed, a landfill gas control system shall be installed.

5. The operator shall provide a complete certification of initial cost estimate and financial assurance for closure and post-closure maintenance no later than January 31, 1990.

Prohibitions:

1. This facility is prohibited from receiving hazardous, liquid, and infectious wastes. This facility is also prohibited from receiving waste water treatment sludge, and asbestos.
2. The operators are prohibited from allowing burning of wastes and scavenging at this facility.
3. The operators are prohibited from allowing water to pond on fill area surfaces.
4. The operators are prohibited from allowing wastes to remain uncovered at the end of each day's activities.

Specifications:

1. The following operational procedures and specifications are required:
 - A. Six inches of compacted soil must be applied to any specially handled large brush, and tree root balls within 30 days of receipt.
 - B. The operators shall require equipment operators to use hearing protection.
 - C. In order to prevent negative environmental impacts, the operators must not allow stockpiling of more than 150 tons of tires prior to shredding. All whole tires must be either shred or covered with a minimum of six inches of compacted cover material within 60 days of receipt.
 - D. This facility is prohibited from receiving greater than 1800 tons of waste per day. The operator may restrict operating hours within those outlined in the Findings of this permit in order to meet this requirement.
 - E. The operators must take adequate steps to control dust in operations areas at this facility.
 - F. All wastes received at this facility excluding large brush, tree root balls and tires, must be covered with six inches of compacted cover material daily.
 - G. The operator shall restrict commercial trucks from entering the facility on Sundays.
 - H. Equipment maintenance and storage areas shall be maintained in an approved manner to avoid oil spills or soil contamination.

5

2. The operator is prohibited from making any change which would cause the design or operations of the facility not to conform to the terms or conditions of this solid waste facility permit. Such a change would be considered a significant change and require a permit revision.

3. This facility has a permitted capacity of 1800 tons per operating day and shall not receive more than this amount without first obtaining a revision of the permit from the Local Solid Waste Management Enforcement Agency.

4. Tires shall not be stockpiled for longer than 60 days prior to shredding. Shredded tires must be covered with six inches of compacted cover material within 72 hours. Dead animals must be covered with a minimum of six inches of compacted cover material immediately upon receipt.

5. The Department of Waste Management for the County of Riverside is the authorized operator of this facility. The LEA shall be notified by the Department of Waste Management at least 120 days prior to any proposed change in the operator of this facility. Such change is considered to be a significant change which requires a permit revision.

Provisions:

This solid waste facility permit is subject to review by the Local Solid Waste Management Enforcement Agency, and may be modified, suspended, or revoked, for sufficient cause after a hearing.

Upon approval by the LEA, the operators may elect to modify operations hours from those in the FINDINGS section of this permit. However, operations may not be conducted before sunrise or after sunset unless prior written approval has been obtained from the LEA.

Closure/Postclosure Maintenance:

1. All documentation relating to the preparation of the closure and post closure maintenance costs must be retained by the operator and shall be available for inspection by the Board or the LEA at reasonable times.

2. The Closure/Postclosure Maintenance Plan for this facility shall be submitted with the next Periodic Site Review per GC 66796.33(d) and CCR 18213 120 days prior to the fifth anniversary of the issuance of this solid waste facility permit. The next review date may be found on the cover sheet to this permit. The plan must be included as part of the application for review.

3. The Department of Waste Management's Closure/Postclosure Maintenance Plan must be accompanied by evidence of financial ability to provide for the cost of closure and 15 years of postclosure maintenance.

Self-Monitoring:

The following environmental measurements shall be reported to the LEA on a quarterly basis:

1. water quality monitoring reports
2. leachate monitoring
3. number of vehicles utilizing the site
4. area of site utilized
5. quantities and types of wastes received
6. quantities of dead animals and tires
7. a log of special occurrences, i.e., fires, explosions, accidents, hazardous wastes, injuries
8. items required under mitigation measures monitoring program as outlined in environmental assessment #34032

California Waste Management Board

Solid Waste Facility Determination of Conformance No. 89-24

Solid Waste Facilities Permit Decision No. 89-97

WHEREAS, the Board finds that Riverside County has filed a Notice of Proposed Facility to increase the daily tonnage accepted at the Highgrove Landfill; and

WHEREAS, the Board finds that Riverside County has determined the project to be in conformance with the County Solid Waste Management Plan; and

WHEREAS, Riverside County has prepared and circulated a Mitigated Negative Declaration for the project in compliance with the California Environmental Quality Act; and

WHEREAS, mitigation measures identified in the environmental document will reduce potential impacts to a level of insignificance; and

WHEREAS, the Board has reviewed the environmental document and finds it is adequate and appropriate for its use; and

WHEREAS, the Board has considered the issue of conformance for the project from the standpoint of local issues and planning, consistency with the short, medium and long term facilities element, and goals and objectives of the Riverside County Solid Waste Management Plan; and

WHEREAS, the Riverside County Solid Waste Enforcement Agency has submitted to the Board for its review and concurrence in or objection to a Revised Solid Waste Facilities Permit for the Highgrove Landfill; and

WHEREAS, Board staff has evaluated this permit proposal for consistency with the Minimum Standards for Solid Waste Handling and Disposal Regulations under Division 7, Title 14 of the California Code of Regulations; and

WHEREAS, the Board finds the proposed permit is consistent with the Riverside County Solid Waste Management Plan and State Minimum Standards for Solid Waste Handling and Disposal.

NOW, THEREFORE, BE IT RESOLVED that the California Waste Management Board finds the increase in tonnage received at the Highgrove landfill to be in conformance with the Riverside County Solid Waste Management Plan; and

BE IT FURTHER RESOLVED that the California Waste Management Board concurs in the issuance of revised Solid Waste Facilities Permit No. 33-AA-0003 for the Highgrove Landfill.

CERTIFICATION

The undersigned Chief Executive Officer of the California Waste Management Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Waste Management Board held on December 14 - 15, 1989.

Dated:

George T. Eowan
Chief Executive Officer

CALIFORNIA WASTE MANAGEMENT BOARD

AGENDA ITEM NO. 8

DECEMBER 14 - 15, 1989

Item:

Consideration of Determination of Conformance and Concurrence in a Solid Waste Facilities Permit for Twin Bridges Landfill, Shasta County.

Key Issues:

- o New Landfill to replace the Simpson Paper Company Landfill
- o Private monofill site for paper mill sludge
- o Site life of 50 years
- o Acceptable financial mechanism for closure/postclosure
- o Required documents are lacking or deficient
- o Staff recommends granting a Determination of Conformance and objection to issuance of permit

Facility Facts:

Name:	Twin Bridges Landfill, Facility No. 45-AA-0058
Project:	New Landfill
Location:	One mile north of Dersch Road and one-half mile east of Millville Plains Road, Shasta County
Owner/Operator:	Simpson Paper Company

Twin Bridges Landfill
2 of 12

Area: 160 acre site, of which 21 acres will be used for landfill and five acres will be used for leachate and sedimentation ponds

Permitted Capacity: 30 tons per day

Estimated Closure Date: 2040

Background:

The Twin Bridges Landfill will replace the existing Simpson Paper Company Landfill. The immediate construction and operation of the Twin Bridges Landfill is crucial to the waste disposal needs of the Simpson Paper mill.

The proposed Twin Bridges Landfill encompasses 160 acres. Twenty-six acres will be permitted for use as a landfill. Twenty-one acres are to be used as landfill cells. The remaining five acres are to be used for a leachate holding pond, a sedimentation pond, and access roads. The landfill will consist of five cells, each having a life span of approximately ten years. As each cell nears its capacity, the next cell will be constructed. Each cell is to be closed when it has reached its design capacity.

The waste disposed of at this site is generated by the paper making process from the Simpson Paper Mill in Anderson, California. Ninety-eight percent of the waste will consist of primary clarifier solids (sludge), with a moisture content of less than 50%. Dioxin (2,3,7,8,-tetrachlorodibenzo-p-dioxin) is present in the sludge at 0.023 parts per billion. The Environmental Protection Agency (EPA) action level for dioxin in residential soil is 20 parts per billion, and the State of California Soluble Threshold Limit Concentration for dioxin is 1.0 parts per billion. As dioxin is immobile in soils in the absence of solvents and the sludge will be disposed of in monofill cells, the Regional Water Quality Control board has determined that the small quantities of dioxin contained in the sludge will remain immobile.

The remaining two percent of the waste to be deposited at the landfill consists of dewatered dredgings from the mill's wastewater treatment lagoons, and dregs and grits from the mill's chemical recovery process. A chemical analysis of these wastes was not available as of this writing.

This facility has been designed to meet Title 23, Subchapter 15 requirements for a Class II landfill. The landfill cells will have composite liners consisting of a natural soil liner at least twelve inches thick and not greater than 1×10^{-6} cm/sec permeability, overlain with a 60 mil high density polyethylene (HDPE) liner. The leachate holding pond is designed to comply with the Subchapter 15 Requirements for a Class II surface impoundment. The leachate holding pond will have a composite liner consisting of a 24 inch thick natural soil liner with a permeability of not greater than 1×10^{-6} cm/sec, overlaid with a 100 mil HDPE liner, a "geonet" leak detection layer, and a final 100 mil HDPE liner.

Leachate from the landfill and the leachate collection system will be discharged into the site's leachate collection pond. The leachate will be removed from the pond by tanker trucks and transported to the Simpson Paper Company wastewater treatment facility for treatment and disposal. As the leachate from the sludge is high in inorganic salts and soluble organic matter and has the potential to degrade ground and surface water, the leachate has been classified as a "Designated Waste" per Subchapter 15 criteria.

Board Action:

Because a new Solid Waste Facilities Permit is being proposed, the Board must review this proposal for conformance with the Shasta County Solid Waste Management Plan (CoSWMP) and must either object to or concur with the proposed permit as submitted by the LEA.

Pursuant to Title 7.3 Government Code (GC) Section 66796.32(e), the Board has 40 calendar days to concur in or object to the issuance or revision of a Solid Waste Facilities Permit. Since the proposed permit for this facility was received on November 27, 1989, the last day the Board could act is January 5, 1990.

California Environmental Quality Act (CEQA):

CEQA requires that the environmental impacts of any project be considered by any public agency which has discretionary authority over that project. The Determination of Conformance and concurrence in the Solid Waste Facilities Permit are both

discretionary acts under CEQA. Therefore, the Board must review the potential environmental impacts of the actions which are now under consideration.

The Shasta County Department of Planning has prepared and circulated an Environmental Impact Report in compliance with CEQA. In the document, the County found the project would not have a significant impact on the environment. The County certified the environmental document and filed a Notice of Determination for the project with the County Clerk and State Clearinghouse (Attachment No. 2).

A Summary of Potential Impacts and Mitigation Measures
Conditioning the project are as follows:

<u>Environmental Factor</u>	<u>Potential Impact</u>	<u>Mitigation Measures</u>
Air Quality	All State and Federal emissions standards met. Particulate (dust) generated during construction and operation.	None necessary Applicant at all times to see that generation of airborne particulates is prevented through surface wetting, chemical applications, and soil covering.
Odor	Malodor could develop if site is improperly operated; under proper operation, odors would be minor or nil.	If odor noticeable, Applicant to maintain cover over waste, remove leachate more often, and if necessary, cover leachate pond and scrub odors from exhaust air.
Noise	Project truck traffic would not cause a perceptible noise increase, or exceed County standards along travel route.	None necessary

Twin Bridges Landfill
5 of 12

Noise (Continued)	Noise levels in "residentially" designated lands abutting access road would increase perceptibly but County standard not exceeded.	None necessary
Cultural Resources	Project would be 400' to west of archaeological site having little value.	Site has been recorded at Northeast California Information Center.
Vegetation (Plants)	No habitats of high value or special plants should be impacted.	None necessary
Land Use	Project conforms with County General Plan and Zoning Plan provisions for landfills.	None necessary
	Potential constraint to nearby residential development when combined with major transmission lines.	None necessary
Growth	None	---
Groundwater Quality	Total Dissolved Solids could reach groundwater in 50 years and local wells in 80 years; the groundwater beneath the landfill should maintain its excellent quality; no toxics problems.	None necessary assuming synthetic liner does not fail
	Integrity of synthetic membrane liner questionable over life of project	Applicant to design and install lysimeter monitoring system under cells to provide timely water quality data to RWQCB for life of project; design and reporting schedule to be approved by RWQCB.

Groundwater Quality (Continued)	Leachate collection system could breakdown over long term.	System to be designed, operated, and maintained to prevent failure over long term.
Wastewater Treatment	Small incremental increase in wastewater treatment volume at Shasta Mill.	None necessary
Traffic and Roads	Up to 20 trips per day could be added to local roads during winter rainfall conditions; up to 45 trips per day during heavy "100-year" storm periods.	None necessary
	Project traffic would not change future Levels and Service on local roads.	None necessary
	Heavy trucks could damage pavement on Nobles Trail and Millville Plains Roads.	County to specify where and how improvements are to be made; Applicant to make improvements.
	Long-term integrity of paved access road not assured; risk of future dust, erosion, and uncontrolled runoff.	Applicant to submit design and long-term maintenance plan for prevention of pavement and drainage failure to County for approval.

Project alternatives such as No Project, Public Landfilling, Composting and Incineration were considered, however the present project was deemed to be the most feasible.

Staff reviewed the environmental document and found it to be adequate and appropriate for the Board's consideration of this project.

Requirements for Determination of Conformance:

7.3 GC, 66784 requires that the Board make a Determination of Conformance prior to the establishment of any solid waste facility. In accordance with procedures for obtaining a Determination of Conformance, specified in Title 14, California Code of Regulations, Chapter 4, the project proponent has submitted a Notice of Proposed Facility with the Board (Attachment No. 3).

Also, in accordance with those procedures, the Shasta County Department of Public Works, as the agency responsible for the CoSWMP, found the facility in conformance with the County Solid Waste Management Plan (CoSWMP) (Attachment No. 4).

As required by 7.3 GC 66784.2, the County Division of Environmental Health has also found the project to be a satisfactory distance from the closest habitation (Attachment No. 5).

Staff has reviewed the CoSWMP and the Notice of Proposed Facility and makes the following findings based on the four Board established criteria for a Determination of Conformance:

1. Consistency with State Policy

The establishment of the facility is consistent with the Board's State Policy of providing for an environmentally safe and efficient method of waste handling.

2. Consistency with the Policies and Objectives of the CoSWMP

The proposed facility is consistent with a specified CoSWMP policy of reducing and eliminating environmental degradation caused by solid waste.

3. Consistency with Short, Medium, and Long Term Facilities Element of the CoSWMP

This facility is specifically identified in the Shasta CoSWMP.

4. Local Issues and Planning

The project proponent has obtained all local approvals for this project.

CONCLUSION:

In conclusion, staff finds the proposed project meets all four Board established criteria for a Determination of Conformance.

Requirements for Closure and Postclosure Maintenance:

Approval of Operator Certification

The operator is required to certify: 1) preparation of an initial cost estimate for closure and postclosure maintenance; 2) establishment of an acceptable financial assurance mechanism; and 3) funding of the mechanism that will ensure adequate resources for closure and postclosure maintenance. The operator certification received was rejected as incomplete, because it did not include acceptable initial cost estimates for closure and postclosure maintenance.

Financial Mechanism

Staff has evaluated Trust Fund established with Bank of America for \$3,193,704 submitted as a financial assurance mechanism for the costs of Closure and Postclosure Maintenance for Twin Bridges Landfill.

Based on the information contained in the certification, this mechanism does meet the requirements of the Emergency regulations for providing adequate financial assurance.

Initial Cost Estimates

The operator must submit initial cost estimates or an exemption reflecting the minimum requirements of emergency regulations adopted August 18, 1989. The initial cost estimates for the proposed Twin Bridges Landfill are deficient in the postclosure maintenance gas monitoring section. The operator intends to utilize the passive gas collection system designed into the final cover as the landfill gas monitoring and control system during closure. The operator states that interior gas monitoring is not required and that the bottom liner, constructed of 60 mil

HDPE/soil liner, and top collection system will preclude off-site migration of gases. The proposed vadose zone monitoring procedures and equipment are not sufficient to monitor possible lateral migration or satisfy the requirements set forth in Title 14, California Code of Regulations (CCR) Section 17783. Gas monitoring and control during closure and postclosure requires monitoring at the perimeter of the site, on-site structure monitoring, and control requirements based on concentrations of monitored gas emissions. The operator must include the costs for routine landfill gas monitoring, unless an exemption is granted pursuant to 14 CCR 17783.17.

The costs for final cover are acceptable. However, they are based on an unapproved engineered alternative for final cover. The costs of constructing this final cover would be considerably more than the minimum final cover requirements of 14 CCR 17773. The Board is not approving the proposed final cover design at this time. The approval of the engineered alternative must be in conjunction with the closure and postclosure maintenance plan.

The operator certification received does not satisfy the requirements of GC 66796.22 (b)(1).

Submission of Closure and Postclosure Maintenance Plans

The Solid Waste Facilities Permit contains a condition that requires the operator to submit a closure and postclosure maintenance plan to the local enforcement agency and the Board by October 1, 1990, for consideration of approval. The cost estimates and the financial mechanism must be revised to reflect the development of the plans.

Requirements for Concurrence with the Solid Waste Facilities Permit:

Government Code (GC) 66796.30 et.30 requires an operator of a solid waste facility to file an application with the LEA for a Solid Waste Facilities Permit. Included with the application to operate a landfill is a Report of Disposal Site Information (RDSI), an acceptable operator certification for closure and postclosure maintenance, and all necessary approvals from other regulatory agencies. When the application is deemed complete by the LEA, a copy of the application and other required documents are transmitted to the Board. Staff have reviewed the

application and the required documents and find the following deficiencies:

1. GC 66796.22(b) requires financial assurance of the closure and postclosure maintenance of solid waste landfills. The operator certification that was submitted for the Twin Bridges Landfill is not acceptable.
2. In reviewing the Twin Bridges RDSI, staff determined the following items should be addressed prior to issuance of a solid waste facilities permit:

a. Landfill Gas

Mitigation measures protecting against offsite migration of landfill gas have not been provided. This is an immediate concern, since the migration of landfill gas from the existing Simpson Paper Company Landfill is suspected of destroying surrounding native-vegetation.

b. Possible Hazardous Constituents

An analysis of the chemical composition of the dregs, grits, and dredgings has not been provided. These materials will account for two percent of the total waste stream.

c. Liner Installation

The RDSI does not include the quality assurance/quality control methods that will be employed during the installation of the landfill liner. The design and construction of the site must be under the direction of a Registered Civil Engineer in the State of California.

Within 75 days of accepting an application, an LEA is to submit a proposed Solid Waste Facilities Permit to the Board. The applicant has waived this requirement.

When submitting the proposed permit , the LEA is required to make the following three findings required by GC 66796.32(c):

1. Consistency with CoSWMP

The proposed Solid Waste Facilities Permit has been determined to be consistent with the Shasta County Solid Waste Management Plan. Staff agrees with this determination.

2. Consistency with Board Standards

The LEA has determined that the permit is consistent with Board standards. Staff finds the deficiencies of the RDSI are inconsistent with Board standards.

3. Consistency with General Plan

The facility has been determined to be consistent with the Shasta County General Plan by the LEA. Staff agrees with this determination.

Staff have reviewed the proposed Solid Waste Facilities Permit and find its content to be unacceptable.

14 CCR 17682 provides that "the Board shall consider any application for different cover and compaction requirements for special operating practices...". The LEA has determined that daily cover is not necessary to maintain compliance with the State Minimum Standards. The LEA has not provided substantiation for the determination that daily cover is not necessary. Staff recommends the Board deny this consideration of no daily cover.

Board Options:

1. Take no action. If the Board does not act on a permit within 40 days of receipt, concurrence would be by default, and the permit would be issued by the LEA.
2. Find conformance and object to issuance of the permit. This action would be appropriate if the proponent had complied with all Board and local requirements for a Determination of conformance but the LEA and proponent had not met permitting requirements.

3. Find conformance and concur in the issuance of the permit.

This would be appropriate if the proponent and LEA have met all State and Local requirements for these two actions.

Recommendation:

Staff recommends Option No. 2 that the Board adopt Solid Waste Facility Determination of Conformance No. 89-17 granting a Determination of Conformance to the Twin Bridges Landfill and Solid Waste Facilities Permit Decision No. 89-78, objecting to the issuance of Solid Waste Facilities Permit No. 45-AA-0058 for the following reasons:

1. The LEA has not demonstrated that the application of daily cover material is unnecessary at this facility.
2. Lack of an acceptable operator certification for closure and postclosure maintenance.
3. Deficiencies in the RDSI, including
 - a. Quality assurance program for liner installation.
 - b. Landfill gas mitigation measures.
 - c. Lack of chemical analysis for dregs, grits and dredgings.

Attachments:

1. Notice of Determination
2. Notice of Proposed Facility
3. Local Conformance Finding
4. Distance Finding per GC 66784.2
5. Proposed permit cover letter
6. Proposed Permit No. 45-AA-0058
7. Determination of Conformance No. 89-17 and Permit Decision No. 89-78

NOTICE OF DETERMINATION

ATTACHMENT 1

MAY 17 1989

Office of Planning & Research
1400 Tenth Street
Sacramento, CA 95814

From: County of Shasta
Planning Department
1855 Placer Street
Redding, CA 96001

CLERK OF THE BOARD

Clerk of the Board
County of Shasta
Room 206, Courthouse
Redding, CA 96001

A copy of the environmental document and the record of the project approval may be examined at the above address.

act: Filing of Notice of Determination in compliance with Section 21152 of the Public Resources Code.

ECT TITLE: Use Permit 31-89

STATE CLEARINGHOUSE NUMBER (if any):

ICANT: Simpson Paper Co.

85082021

ECT LOCATION: Millville area - Generally located one-half mile east of the junction of Millville Plains Road and Sprig Way, approximately one mile northeast of the junction of Millville Plains Road and Dersch Road.

ECT DESCRIPTION: Approval of a new mill for waste pulp and paper mill residues
160 acres.

DATE APPROVED: 1/26/89

PHONE NUMBER: (916) 225-5532

is to advise that the County of Shasta has approved the above-described project and made the following determinations regarding the project:

The project in its approved form will will not have a significant effect on the environment.

An Environmental Impact Report was prepared and certified for this project pursuant to the provisions of CEQA.

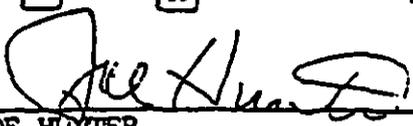
A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

Mitigation measures were made a condition of the approval of the project.

Findings were made pursuant to Section 15091 of the State CEQA Guidelines.

A statement of overriding considerations was was not adopted for this project.

RECEIVED FOR FILING:


JOE HUNTER
Environmental Review Officer
Planning Director

000237

RECEIVED

JUL 26 1989

ENVIRONMENTAL
HEALTH DIVISION

Simpson

ATTACHMENT 2

Simpson Paper Company
Shasta Mill POST OFFICE BOX 637
ANDERSON, CALIFORNIA 96007 (916) 365-2711

July 21, 1989

Mr. Cy Armstrong
California Waste Management Board
1020 9th Street, Suite 300
Sacramento, CA 95814

Subject: Notice of Proposed Facility

Dear Mr. Armstrong:

Simpson Paper Company proposes to construct and operate its Twin Bridges Landfill for the purpose of disposing of residues from its waste water treatment plant and pulping operations.

The site will be located off Millville Plains Road and Sprig Road, Shasta County, located in the Southeast quarter section of Section 34, Township 31, North, Range 3 West, Mount Diablo Basin and Meridian, Shasta County. The landfill will be contained in approximately 21 acres of the 160 acre parcel. The average annual site loading will be 11,000 tons per year with a peak daily loading of 100 tons of residue. The expected closure year is 2040.

Additional information can be obtained from the Report of Disposal Site Information submitted to the Shasta County Environmental Health Department, or by contacting this writer at the above address.

Sincerely,



Ross Bell
Environmental Services Superintendent

RB:BLM

cc: Mr. Jim Smith, SCEHD ✓
Mr. David Lutrick, Simpson

000238

ATTACHMENT 3

COUNTY
OF
SHASTA

JUN 01 1989

ENVIRONMENTAL
HEALTH DIVISION

INTERDEPARTMENTAL MEMORANDUM

DATE May 31, 1989
TO Environmental Health Division, Jim Smith
FROM R. W. CURRY BY Tom Hayward, Sr. Trans. Planner
SUBJECT Simpson Landfill

In response to your inquiry of May 23, we have reviewed the County Solid Waste Management Plan and the Plan Review Report and can assure you that the new Simpson Paper Co. landfill Twin Bridges site is consistent with both documents. If there is anything else you need for your file, please let me know.

/mlc



000239

RECEIVED

JUL 27 1989

ENVIRONMENTAL
HEALTH DIVISION

PHONE 225-5532

COUNTY OF SHASTA
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION

1855 PLACER ST., REDDING, CA 96001

JOE HUNTER, DIRECTOR

MEMORANDUM

DATE: July 26, 1989
TO: Jim Smith
FROM: Paul Bolton, Senior Planner P.J.R.
SUBJECT: U.P. 31-89, Simpson Paper Company

You have requested written confirmation from our Department that the proposed new landfill project for Simpson Paper Company is consistent with the Shasta County General Plan. Also, you want to confirm that the following finding and Notice of Determination have been satisfied:

- 1) The local governing body has made a written finding that surrounding land use is compatible with the facility operation, as required in GC 66796.41(b) and
- 2) An environmental determination (i.e. Notice of Determination) has been filed with the State Clearinghouse for all facilities which are not exempt from CEQA (See GC 66796.45 and 66796.46).

The Planning Staff, in conjunction with the County Counsel's office, has determined the project, as approved by the Planning Commission and Board of Supervisors, is consistent with the Rural Residential B (RB) General Plan designation which applies to the 160 acre site.

The following findings were made by the Planning Commission when it approved Use Permit 31-89 via Resolution No. 7693:

- 1) That the establishment, maintenance, or operation of the use, building or facilities applied for will not, under the circumstances, of the particular case be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the proposed use or be detrimental or injurious to property or improvements in the neighborhood or to the general welfare of the county.
- 2) That the proposed use is consistent with the General Plan policies for that area.
- 3) That changes or alterations have been required as conditions of the use permit, or incorporated into, the project which avoid or substantially lessen the environmental impacts as identified in the final EIR.

Please find attached a copy of the Notice of Determination filed with the State Clearinghouse.

I hope the above information responds to the issues you have described. Please contact me if I can be of any further assistance.

000240

DEPARTMENT OF PUBLIC HEALTH
ENVIRONMENTAL HEALTH DIVISION

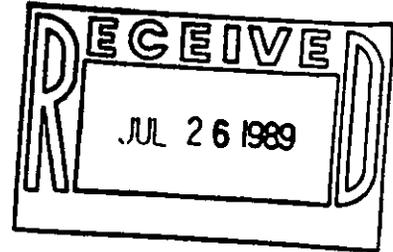
ATTACHMENT 4

COUNTY OF SHASTA
1855 Placer Street
Redding, California 96001
Telephone (916) 225-5787

Stephen J. Plank, M.D., Dr. P.H.
Public Health Officer

Russ Muir, R.S.
Environmental Health Director

July 25, 1989



California Waste Management Board
Cy Armstrong
1020 Ninth Street, Suite 300
Sacramento, CA 95814

Re: Distance Letter--Simpson Paper Company/
Twin Bridges Landfill

Dear Mr. Armstrong:

This letter shall serve as notice that there are no dwellings or structures (except high voltage transmission towers) within 1000 feet of the landfill area proposed by Simpson Paper Company.

Sincerely,

James Smith, R.E.H.S.
Hazardous Materials Specialist

JS/cv

000241



SHASTA COUNTY

DEPARTMENT OF PUBLIC HEALTH ENVIRONMENTAL HEALTH DIVISION

1855 Placer Street
Redding, California 96001
Telephone (916) 225-5787

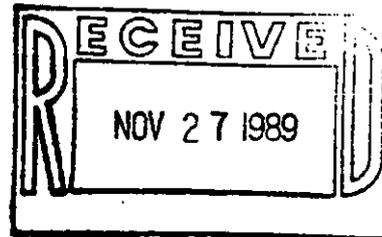
Stephen J. Plank, M.D., Dr. P.H.
Public Health Officer

Russ Mull, R.E.H.S.
Environmental Health Director

Fax (916) 225-5189

November 20, 1989

Don Dier
California Waste
Management Board
1020 - 9th Street, Suite 300
Sacramento, CA 95814



Re: Twin Bridges Landfill (45-AA-0058)

Dear Mr. Dier:

Enclosed you will find a copy of the proposed Operating Permit for the Twin Bridges Landfill. This landfill is owned by Simpson Paper Company. We ask that this permit be placed on the agenda of the December, 1989, California Waste Management Board meeting.

It is my understanding that Board staff have no further objections to the lack of a daily cover requirement in the permit. We have requested that Simpson Paper Company amend the Report of Disposal Site Information by supplying additional information on the landfill passive gas control system and construction quality assurance program.

I ask that your office notify me as soon as possible of any problems identified with this permit and related documents, or Simpson Paper Company's failure to supply the information mentioned above. This would allow sufficient time to correct any deficiencies prior to the Board's December meeting.

If the need arises Simpson Paper Company and/or I would be happy to meet with your staff to work out any problems or answer questions regarding this permit. If you have any questions, please feel free to contact me.

Very truly yours,

James Smith, R.E.H.S.
Hazardous Materials Specialist

JS/v

Enclosure

000242

AT THE TIME THIS ITEM WENT TO PRINT, THE
LATEST VERSION OF THE PERMIT HAD NOT BEEN
RECEIVED. A COPY OF THE PERMIT WILL BE
PROVIDED AT THE MEETING.

CALIFORNIA WASTE MANAGEMENT BOARD

Solid Waste Facility Determination of Conformance No. 89-17 Solid Waste Facilities Permit Decision No. 89-78

December 14 - 15, 1989

WHEREAS, the Board finds that Shasta County has filed a Notice of Proposed Facility to establish the Twin Bridges Landfill; and

WHEREAS, the Board finds that Shasta County has determined the project to be in conformance with the Shasta County Solid Waste Management Plan; and

WHEREAS, Shasta County has prepared and circulated an Environmental Impact Report for this project, in compliance with the California Environmental Quality Act; and

WHEREAS, mitigation measures identified in the Environmental Impact Report will reduce potential impacts to a level of insignificance; and

WHEREAS, the Board finds that the environmental document prepared for the project is adequate and appropriate for its use; and

WHEREAS, the Board has considered the issue of conformance for the Twin Bridges Landfill from the standpoint of local issues and planning, consistency with the Board's State Policy, consistency with the short, medium and long term facilities element, and the goals and objectives of the Shasta County Solid Waste Management Plan; and

WHEREAS, Shasta County, acting as Local Enforcement Agency, has submitted to the Board for its review and concurrence in, or objection to, the issuance of a Solid Waste Facilities Permit for the Twin Bridges Landfill; and

WHEREAS, Board staff has evaluated this new permit proposal for consistency with the Minimum Standards for Solid Waste Handling and Disposal Regulations under Division 7, Title 14 of the California Code of Regulations; and

WHEREAS, the Board finds the proposed permit is consistent with the Shasta CoSWMP and Shasta County General Plan; and

WHEREAS, the Board finds the proposed permit is not consistent with standards adopted by the Board; and

WHEREAS, the operator certification submitted by the proponent is not acceptable.

NOW, THEREFORE, BE IT RESOLVED that the California Waste Management Board finds the Twin Bridges Landfill in conformance with the Shasta County Solid Waste Management Plan; and

BE IT FURTHER RESOLVED that the California Waste Management Board objects to the issuance of Solid Waste Facilities Permit No. 45-AA-0058.

CERTIFICATION

The undersigned Chief Executive Officer of the California Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Waste Management Board held December 14 - 15, 1989.

Dated:

George T. Eowan
Chief Executive Officer

CALIFORNIA WASTE MANAGEMENT BOARD

Agenda Item No. 9

December 14 - 15, 1989

Item:

Consideration of Concurrence in the Issuance of a New Solid Waste Facilities Permit for the Rice Road Recyclery and Transfer Station, Fresno County.

Key Issues:

- o New permit to reflect new operator.
- o New operator accepts all terms and conditions of previous permit and has submitted updated Report of Facility Information to fulfill 5 year permit review requirements.

Facility Facts:

Name: Rice Road Recyclery and Transfer Station
Facility Number 10-AA-0145

Project: New permit

Location: 10463 N. Rice Road
Fresno

Owner: Allen J. Volpa, Sr.

Operator: Browning-Ferris Industries of
California, Inc.

Area: 14.25 acres.

Permitted Capacity: 400 tons per day maximum as limited by
local Conditional Use Permit. Actual
design capacity 600 tons per day.

Background:

The Rice Road Recyclery and Transfer Station received its current permit under the operation of Rice Road Land Reclamation Company, Inc. in December 1982. Structures and equipment and certain other assets of the Rice Road Land Reclamation Company, Inc. have been acquired by Browning Ferris Industries, Inc. (BFI). BFI as the new operator, and lessor of the real property, has applied for a new permit which reflects a change in operator only. The Rice Road Land Reclamation Company conducts recycling, salvaging, and transfer of primarily commercial loads of waste delivered in drop boxes. No household or wet garbage is accepted at the facility. Nonrecoverable materials remaining after recycling/salvaging activities are processed through a Saturn grinder and transported to final disposal. The grinding operation is done for economic reasons. The landfill offers a discount since the waste is more compactable and manageable. No other changes in the design or operation of the facility, or in types or amounts of wastes which may be received, are proposed at this time.

Board Action:

Because a new Solid Waste Facilities Permit is being proposed to change the operator the Board must either object to or concur with the proposed permit as submitted by the LEA.

Pursuant to GC 66796.32(e), the Board has 40 days to concur in or object to the issuance or revision of a Solid Waste Facilities Permit. Since the permit for this facility was received on November 9, 1989, the last day the Board could act is December 19, 1989.

California Environmental Quality Act (CEQA):

CEQA requires that the environmental impacts of any project be considered by any public agency which has discretionary authority over that project. The issuance of a Solid Waste Facilities Permit is a discretionary act under CEQA. Therefore, the Board must review the potential environmental impacts of the action which is now under consideration.

The Fresno County Department of Environmental Health, prepared a Notice of Exemption (NOE) for the project (CEQA Guidelines, Section 15061(b)(3)). In the NOE, the County stated that since the project only involved a change in the operator of the

transfer facility, and that since no changes in the physical design or operation of the facility were proposed, no significant adverse environmental impacts could result from implementing the project. The County based this conclusion on the fact that BFI has agreed to all terms and conditions of the previously existing permit, and that BFI has submitted an updated Report of Station Information (RSI). In addition, the transfer facility's potential adverse environmental impacts have been considered in a Negative Declaration prepared for the transfer facility in February 1981. Since there are no changes in the design or operation of the facility, no additional environmental review is necessary.

In conclusion, Board staff has carefully reviewed the proposed NOE for the project and has determined that it is appropriate and adequate for the Board's use in evaluating this project.

Requirements for Concurrence with the Solid Waste Facilities Permit:

Government Code (GC) Section 66796.30 et seq. requires an operator of a solid waste facility to file an application with the LEA for a solid waste facilities permit. Along with the requirement for an application is a requirement for an appropriate Report of Facility Information (RFI) which in this case exists as a 1989 Report of Station Information (RSI) submitted by BFI, the new operator, as requested by the LEA for conduct of the 5-year permit review.

When the application is deemed complete by the LEA, a copy of the application and supporting documents are transmitted to the Board. Staff have received these documents and find them to be satisfactory.

Within 75 days of accepting an application, an LEA is to submit a proposed solid waste facilities permit to the Board. The LEA has complied with this requirement.

When submitting the proposed permit, the LEA certified the following two findings as required by GC 66796.32(c):

1. Consistency with CoSWMP

The proposed solid waste facilities permit is consistent with the Fresno County Solid Waste Management Plan.

2. Consistency with Board Standards

As noted above, the facility is in compliance with the State Minimum Standards. The permit is, therefore, consistent with standards adopted by the Board.

Staff have reviewed the proposed Solid Waste Facilities Permit and supporting documentation and find the form and content of the permit to be acceptable.

Board Options:

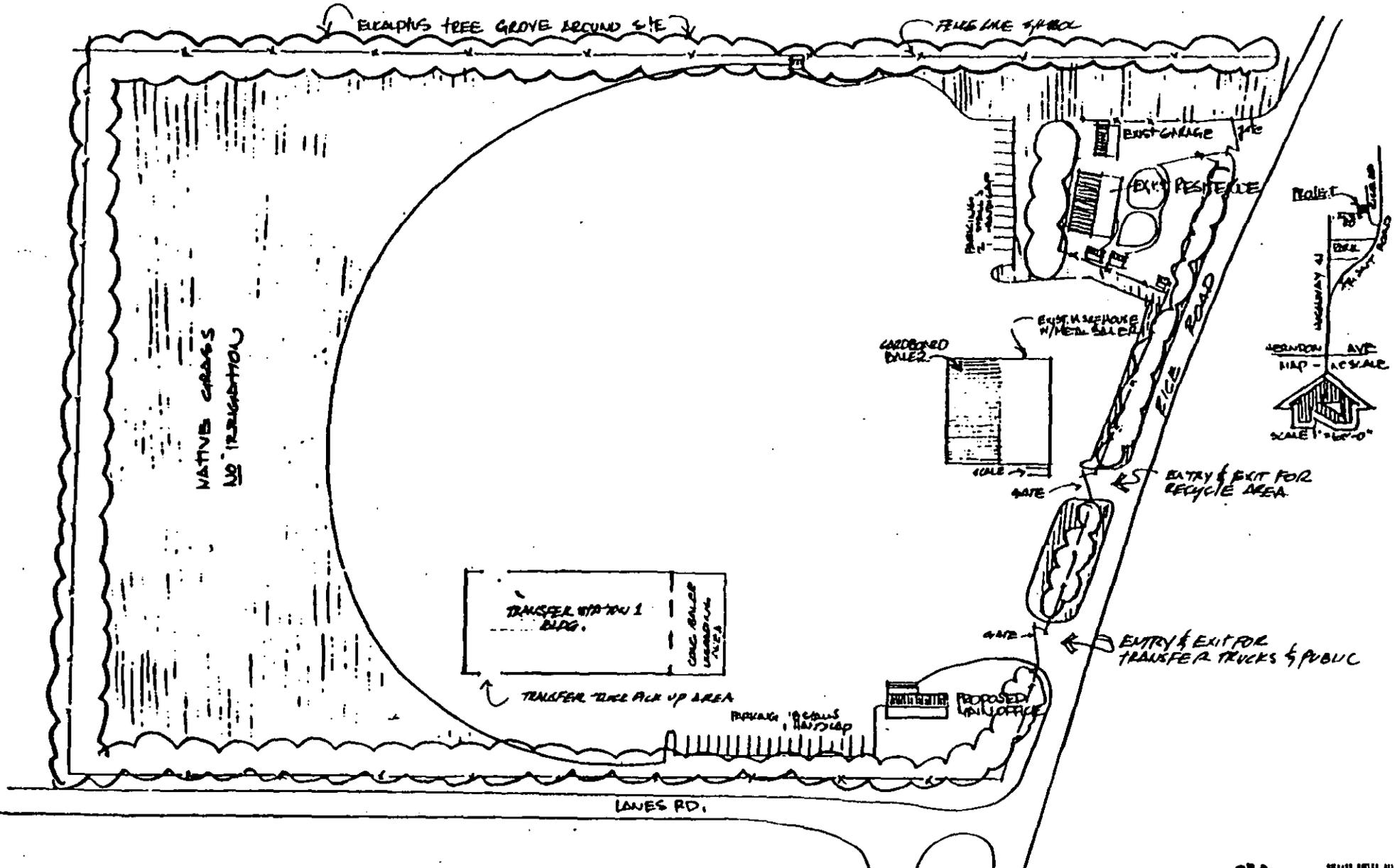
1. Take no action. If the Board does not act on a permit within 40 days of receipt, concurrence would be by default, and the permit could be issued by the LEA.
2. Object to issuance of the permit. This action would be appropriate if the proponent has not met all local and state requirements for this action.
3. Concur in issuance of the permit. This would be appropriate if the proponent had met all state and local requirements for this action.

Recommendation:

Staff recommends Option No. 3 and the Board adopt Decision No. 89-96 concurring in the issuance of Solid Waste Facilities Permit No. 10-AA-0145.

Attachments:

1. Location map.
2. Notice of Exemption
3. Proposed Facilities Permit No. 10-AA-0145.
4. Solid Waste Facilities Permit Decision No. 89-96.



RICE ROAD TRANSFER STATION & RECYCLE CENTER INC.



ORDER ONLY BY
 COMPANY NUMBER 000
 POST OFFICE BOX 200
 DEL. DEL. CALIF. 92014
 1200-001 FILE

000250

ATTACHMENT #1

NOTICE OF EXEMPTION*

TO:
Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM:
Fresno County Health Department
Environmental Health System
P.O. Box 11867
Fresno, CA 93775

County Clerk
County of Fresno
2281 Tulare Street
Fresno, CA 93721
(Filing pursuant to Government
Code Section 21152 b)

PROJECT TITLE: Proposed Permit - Rice Road Recyclery and Transfer Station.

PROJECT DESCRIPTION: Issue a Solid Waste Facility permit to the new operator of the transfer/processing station with no change in operation of the facility.

PROJECT LOCATION: 10463 N. Rice Road, Fresno, CA 93710

NAME OF PUBLIC AGENCY APPROVING PROJECT: County of Fresno, Department of Health, Environmental Health System, (Contact Wayne Clarke (209) 445-3350).

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Browning-Ferris Industries of California Inc., P.O. Box 9369, Fresno, CA 93792.

EXEMPT STATUS:

General Rule Exemption - Section 15061 (b)(3), State CEQA Guidelines;
" CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. A negative declaration for the operation of the transfer/processing station was approved on August 10, 1981. The new operator has certified that the project will operate as approved without any change. Issuing a permit to a new operator will have no possibility of causing a significant effect on the environment.

CONTACT PERSON: Wayne F. Clarke

TELEPHONE: (209) 445-3350

Wayne F. Clarke
Signature

Supervising Environmental Health Analyst
Title

11/2/89
Date

Date Mailed or Delivered

*To be filed when approved

OPERATING PERMIT FOR FACILITIES
RECEIVING SOLID WASTE

TYPE OF FACILITY Transfer/Processing Station	FACILITY/PERMIT NUMBER 10-AA-145
NAME AND STREET ADDRESS OF FACILITY Rice Road Recyclery and Transfer Station 10463 N. Rice Road Fresno, CA 93710	NAME AND MAILING ADDRESS OF OPERATOR Browning-Ferris Industries of California, Inc. P.O. Box 9369 Fresno, CA 93792
PERMITTING ENFORCEMENT AGENCY Fresno County Health Department Environmental Health System	CITY/COUNTY Fresno County

PROPOSED

PERMIT

This permit is granted solely to the operator named above, and is not transferrable.

Upon a change of operator, this permit is subject to revocation.

Upon a significant change in design or operation from that described by the Plan of Operation or the Report of Station or Disposal Site Information, this permit is subject to revocation, suspension, or modification.

This permit does not authorize the operation of any facility contrary to the State Minimum Standards for Solid Waste Handling and Disposal.

This permit cannot be considered as permission to violate existing laws, ordinances, regulations, or statutes of other government agencies.

The attached permit findings, conditions, prohibitions, and requirements are by this reference incorporated herein and made a part of this permit.

APPROVED:

Wayne F. Clarke
APPROVING OFFICER

Supervising Environmental Health Analyst
NAME/TITLE

AGENCY ADDRESS

Fresno County Department of Health
Environmental Health System
P.O. Box 11867
Fresno, CA 93775

AGENCY USE/COMMENTS

SEAL

PERMIT RECEIVED BY CWMB

NOV 09 1989

CWMB CONCURRENCE DATE

PERMIT REVIEW DUE DATE

PERMIT ISSUED DATE

000252

Browning-Ferris Industries of California, Inc.
Rice Road Recyclery and Transfer Station
10-AA-145

FINDINGS:

A. Description of the facility design and operation:

1. This facility is an existing large volume transfer/processing/recycling station located at 10463 N. Rice Road. The facility will be owned and operated by Browning-Ferris Industries of California, Inc.. It is sited on a portion of the Rice Road Landfill (Facility #10-AA-018) which was closed in 1984 and is owned by Allen J. Volpa, Sr..
2. The transfer/processing facility is a limited Class III operation which is permitted to transfer/process the following waste:
 - a. Landscape waste, wood, fiber and paper products.
 - b. Construction/demolition waste.
 - c. Tires.
 - d. White goods, metal - both ferrous and non-ferrous.
3. No garbage, highly putrecible waste, liquid waste, dead animals, paint sludge or hazardous waste is accepted at the facility.
4. The recycling operation will handle previously separated wood, newspaper, cardboard, aluminum, glass, metals, plastic, and other recycleable commodities.
5. The transfer/processing facility will transfer/process 200-400 tons per day. The maximum design capacity of the transfer/processing station is 600 tons per day, however, Conditional Use Permit #1725 limits the tonnage to 400 tons per day.
6. A steel building with concrete floor 120 X 200 feet is used as the tipping floor for all waste received. The same building is used to house the equipment in the

Findings - continued

transfer/processing station operation. The equipment consists of a 96-50 Saturn shredder, a magnetic separator, and conveyor belts. Material is deposited on the concrete floor of the building and all recyclable items are extracted from that material. The balance of unrecyclable waste is moved with a front end loader and on to a Mayframe steel conveyor belt which carries it to the 96-50 Saturn Shredder. After shredding the material is dropped onto a second conveyor belt carrying the shredded material through a magnetic separator which extracts all iron and deposits it in a bin and the balance of the shredded material is then moved directly into transfer trailers for disposal at an approved disposal site. A separate warehouse and storage area is used for receiving and storing recyclable commodities.

7. All employees are trained to identify and properly handle hazardous waste. Each load received at the facility is visually screened and any hazardous wastes are returned to the hauler for proper disposal. Incidents of unlawful disposal are reported to the LEA. Additional measures may be required upon request of the enforcement agency or the Board.
 8. Conditional Use Permit #2273 authorized the transfer of Class III municipal solid waste in a second transfer building which may be constructed at a future date. This proposed expansion cannot proceed until conformance with the COSWMP is obtained.
 9. Hours of operation: The facility will normally not open before 7:00 A.M. and close no later than 4:30 P.M., Monday thru Saturday.
- B. The following documents condition the design and operation of this facility:
1. Report of station information dated October 27, 1989.
 2. Conditional Use Permits 1725, 2007 and 2273 issued by the County of Fresno.

Conditions - continued

- C. This permit is consistent with the County Solid Waste Management Plan dated 1985.
- D. This permit is consistent with standards adopted by the California Waste Management Board.
- E. The design and operation of this facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the LEA on October 10, 1989.
- F. Mid Valley Fire District has determined that this facility is in conformance with applicable fire standards.
- G. The Fresno County Board of Supervisors has made a finding that the facility will have no adverse impact on the surrounding land use.
- H. This facility permit is being issued to facilitate a change in owner/operator with no other change in operation and is exempt from CEQA.

CONDITIONS:

A. Requirements:

- 1. This facility shall comply with all provisions mandated under Title 14, Chapter 3, State Minimum Standards for Solid Waste.
- 2. This facility shall comply with all Federal, State and local statutes, regulations and ordinances.
- 3. Additional information concerning the design and operation of this facility shall be furnished upon written request of the enforcement agency.
- 4. The operator/owner shall apply for amended local Conditional Use Permit and/or Solid Waste Facility Permit before the implementation of any significant change in the operation of the facility.

Prohibitions

B. Prohibitions: The following actions are prohibited at the facility:

1. Disposal of residential garbage - as defined in Title 14, Chapter 3, California Administrative Code.
2. Disposal of hazardous waste as defined in Title 22, Chapter 30, California Administrative Code.
3. Disposal of liquid wastes as defined.
4. Disposal of dead animals.
5. Open burning.
6. Scavenging.

C. Specifications:

1. No significant change in design or operation from that described "Findings" section is allowed, except for those changes which are required under the "Conditions" portion of this permit.
2. The transfer/processing facility has a permitted capacity of 400 tons per operating day and shall not receive more than this amount without first obtaining a permit revision.

D. Provisions:

1. The operator shall provide and maintain an adequate entry sign indicating the schedule of charges, hours of operation and a listing of the general types of wastes either accepted or prohibited.
2. During the hours of operation personnel shall be present to supervise site operations and maintenance with emphasis on safety, environmental controls and procedures to prevent the receipt and possible disposal of prohibited wastes.

Provisions - continued

3. This permit is subject to review by the Enforcement Agency, and may be suspended or modified at any time for sufficient cause.

E. Self-Monitoring Program:

The following items shall be monitored by the operator and monitoring reports shall be submitted to the Enforcement Agency within the times specified below:

1. The average number of vehicles per day of operation utilizing the facility, calculated monthly, shall be reported to the local Enforcement Agency at the end of each quarter.
2. The average tons per day of operation, calculated monthly, shall be reported to the local Enforcement Agency at the end of each quarter.
3. A log of special occurrences, i.e. fires, injury and property damage accidents, explosions, hazardous waste incidents etc. shall be maintained on site at all times and shall be available for inspection by the Local Enforcement Agency. Significant incidents shall be reported to the LEA within 24 hours of the occurrence.

CALIFORNIA WASTE MANAGEMENT BOARD

Solid Waste Facilities Permit Decision No. 89-96

December 14 - 15, 1989

WHEREAS, the County of Fresno, acting as Local Enforcement Agency, has submitted to the Board for its review and concurrence in or objection to issuance of a new Solid Waste Facilities Permit for the Rice Road Recyclery and Transfer Station; and

WHEREAS, Board staff has evaluated this permit proposal for consistency with the Minimum Standards for Solid Waste Handling and Disposal Regulations under Division 7, Title 14 of the California Code of Regulations; and

WHEREAS, the Board finds the proposed permit is consistent with the Fresno County Solid Waste Management Plan and State Minimum Standards for Solid Waste Handling and Disposal.

WHEREAS, the Board staff has found that appropriate environmental documentation has been prepared for this proposed project as required by California Environmental Quality Act (CEQA), Section 15061(b)(3).

NOW, THEREFORE, BE IT RESOLVED that the California Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 10-AA-0145.

CERTIFICATION

The undersigned Chief Executive Officer of the California Waste Management Board does hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly adopted at a meeting of the California Waste Management Board held December 14-15, 1989.

Dated:

George T. Eowan
Chief Executive Officer

California Waste Management Board
Agenda Item 10
December 14-15, 1989

Item:

Consideration of acceptability of financial mechanism for Scholl Canyon Landfill, County of Los Angeles.

Key Issues:

- The Board concurred in issuance of a permit at the September meeting.
- Approval was conditional on receiving acceptable documentation on financial mechanism by December 15.
- Documentation on establishing a financial mechanism has been unsatisfactory to date.
- Coordination has been maintained between Board staff and L.A. Sanitation Districts officials on financial mechanism.

Background:

Establishing financial assurance mechanisms for closure and postclosure maintenance for the Scholl Canyon Landfill are subject to the recently adopted Emergency Regulations (CCR, Title 14, Chapter 5, Article 3.5).

A letter from the L.A. Sanitation Districts submitted (December 30, 1988) to the Board states that it is the responsibility of the L.A. County Sanitation Districts to establish a financial assurance mechanism for closure, and the City of Glendale to provide a financial assurance mechanism for postclosure maintenance of the Scholl Canyon Landfill.

At its September meeting, the Board gave a conditional approval for the concurrence in issuance of a permit to the L.A. Sanitation Districts for Scholl Canyon Landfill. The conditions required establishing a financial assurance mechanism for closure of this site by October 16, 1989, in accordance with the Emergency Regulations, Section 18285.

The financial assurance mechanism for closure of Scholl Canyon Landfill was described in letters (October 20 & 27, 1989 and November 3, 1989) received by the Board from the L.A. Sanitation

Districts. This mechanism, as currently structured, did not fully satisfy the requirements of the Emergency Regulations cited above.

A meeting took place with L.A. Sanitation Districts officials and Board Staff during the Board's November 8-9 meeting.

A letter, with attachments, from the L.A. Sanitation Districts was received on November 27, 1989 (see attachment) that outlines previous correspondence with the Board and provides additional clarification regarding the financial mechanism. These documents, however, did not comply with regulatory requirements for financial assurance for closure of the Scholl Canyon Landfill.

A subsequent meeting took place with Mr. Maguin and Board staff on November 30, 1989 to further discuss the L.A. Sanitation Districts approach to establish a financial mechanism, acceptable to the Board, for closure of Scholl Canyon Landfill. Mr. Maguin was given the new "Operator Certification of Preparation of Initial Cost Estimate" form that must be completed and submitted to the Board. It was also suggested by the Board's legal counsel that official documentation regarding the Scholl Canyon mechanism be entitled: Statement of Financial Assurance for Scholl Canyon Landfill, rather than have it appear in letter form.

Board staff conveyed to Mr. Maguin that the following information should be included in documentation submitted in order to assure the Board that their existing enterprise fund and the proposed closure fund offer adequate financial assurance as required by regulations.

- A. Official documents that establish the existence of the enterprise fund, including:
 - (1) the fund's annual financial statement, and
 - (2) copies of resolutions by the Board of Directors, and
 - (3) an original letter from the administrator of the closure fund indicating that the fund has been actually established.

- B. Official documentation, such as a copy of a resolution by the Board of Directors, indicating that the revenue from this fund is exclusively dedicated to, or dedicated with first priority to the closure of the Scholl Canyon Landfill. The sources of funding and the availability of funds must be specified and must coincide with specific costs to be

incurred. A statement assuring that compliance with the regulations regarding use of the formula for buildup of the fund (§18282 (b) through (d)) is included.

C. Evidence that a subsidiary financial mechanism (i.e., the closure fund) has been set up to accept the monies generated by the enterprise fund. As stipulated in the Emergency Regulations (§18285 (b)), such subsidiary financial mechanisms shall:

- (1) provide equivalent protection to a trust fund ensuring that the assured amount of funds will be available in a timely manner for closure;
- (2) be constructed such that the funds deposited into it will be used exclusively for closure, and will remain inviolate against all other claims, including those by the operator, the governing body or their creditors;
- (3) give the California Waste Management Board the authority to direct payments from the mechanism to pay closure costs if the operator fails to perform closure activities;
- (4) be provided by an appropriate entity that is regulated by a federal or state agency, and shall exercise investment discretion similar to a trustee, and
- (5) meet other requirements that the Board determines are needed to ensure that the assured amounts of funds will be available in a timely manner for closure.

Some of these requirements have been partially met by the November 27 letter from the L.A. Sanitation Districts. Mr. Maguin indicated that additional information would be submitted, by December 15, in order to assure the Board that the L.A. Sanitation Districts has established a financial mechanism, acceptable to the Board, complying with regulations for closure of Scholl Canyon Landfill.

Board staff will continue working with the Sanitation Districts staff on finalizing their financial assurance mechanism for closure of the Scholl Canyon Landfill and will make a presentation to the Board on the results of these cooperative efforts.

Staff Recommendation:

If documentation received is not acceptable to the Board, then our legal counsel will provide options to the Board.

Attachment:



COUNTY SANITATION DISTRICTS OF LOS ANGELES COUNTY

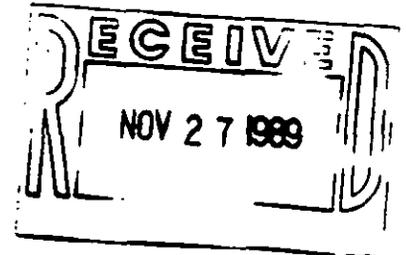
1955 Workman Mill Road / Whittier, California
Mailing Address: / P. O. Box 4998, Whittier, California 90607-4998
Telephone: (213) 699-7411 / From Los Angeles (213) 685-5217

CHARLES W. CARRY
Chief Engineer and General Manager

November 17, 1989
File No. 31R-104.10

California Waste Management Board
1020 Ninth Street, Suite 300
Sacramento, CA 95814

County of Los Angeles
Department of Health Services
2615 South Grand Avenue
Los Angeles, CA 90007



Gentlemen:

Operator Certifications for Closure of the Scholl Canyon Landfill

At the request of Waste Management Board staff, the Sanitation Districts are herein resubmitting all previously transmitted certifications, official documentation, and discussions related to financial assurances for closure of the Scholl Canyon Landfill pursuant to Assembly Bill 2448 (Eastin, 1987). The Sanitation Districts operate the Scholl Canyon Landfill (Solid Waste Facilities Permit No. 19-AA-0012) on lands owned by the City of Glendale and the County of Los Angeles, all in accordance with a Joint Powers Agreement between the City, County, and Sanitation Districts (see Attachment 1). Under this Agreement, the Sanitation Districts are responsible for closure of the site, while the City of Glendale is responsible for postclosure maintenance.

The Sanitation Districts have been coordinating with Board staff, and have been following previous Certification Guidelines and current Emergency Regulations regarding financial assurances for closure of the Scholl Canyon Landfill; the City of Glendale has similarly been developing financial assurances for site postclosure maintenance for which it is responsible. Since well before the adoption of relevant Certification Guidelines in August, 1988, the staff of the Sanitation Districts has been working closely with the Board and its staff to develop workable guidelines and regulations fulfilling the intent of recently adopted State law. Members of the Sanitation Districts' staff have worked with the Board subcommittee on this issue, participated in Board sponsored workshops, provided testimony before the Board, and have corresponded and conferred both formally and informally with Board staff concerning closure and postclosure maintenance requirements in general, and specifically how the Sanitation Districts' active landfills could meet these requirements. At the request of the Board and its staff, the Sanitation Districts have provided input concerning the use of enterprise funds and pledges of revenue as mechanisms to provide financial assurance for closure and postclosure maintenance.

In December, 1988, the Sanitation Districts submitted initial closure and postclosure cost estimates and certifications to the Waste Management Board for the Scholl Canyon Landfill, as well as for the Calabasas, Puente Hills, and

000263

Spadra Landfills also operated by the Sanitation Districts. However, at that time the Sanitation Districts were unable to submit certifications for the establishment of financial assurance mechanisms since the Certification Guidelines then in effect did not adequately address the mechanisms being contemplated by the Sanitation Districts, i.e. enterprise funds and pledges of revenue. In October, 1989, following issuance of applicable Emergency Regulations and to meet requirements of the Solid Waste Facilities Permit for Scholl Canyon, the Sanitation Districts certified to the Board the existence of an "enterprise fund" for the Scholl Canyon Landfill and provided official documentation of the establishment, on October 11, 1989, of the Scholl Canyon Landfill Closure Fund, a financial assurance mechanism to ensure proper closure of the site. The Sanitation Districts realize that the separate submittal of these certifications and documentation, complicated by some possible misinterpretation of the terminology used in these submittals, may have led to some confusion. To aid the Waste Management Board in its review process, copies of the following submittals are enclosed herein for your reference:

- Attachment 2. Professional Certification for Initial Closure and Postclosure Maintenance Cost Estimates (December 30, 1988).
- Attachment 3. Initial Cost Estimate Worksheet (December 30, 1988).
- Attachment 4. Operator Certification for the Establishment of a Financial Mechanism for the Closure of the Scholl Canyon Landfill (October 16, 1989).
- Attachment 5. Official Documentation - Establishment of the Scholl Canyon Landfill Closure Fund (October 27, 1989).

While the Sanitation Districts believe that their submittals are in full compliance with current regulations concerning financial assurances for closure, recent meetings and correspondence with the Board's staff indicate that there may be need for further clarification. At the request of Board staff, the Sanitation Districts would like to provide the following specific clarifications and assurances:

1. Existence of an Enterprise Fund. Since before operations began in 1961, general finances for the Scholl Canyon Landfill have been handled using an enterprise fund; refuse disposal fees, other landfill-related user fees, and miscellaneous revenues are deposited into this fund, and monies in the fund are expended for the various costs related to site operation, including eventual site closure. Refuse disposal fees for Scholl Canyon are calculated and set by the Sanitation Districts' Board to cover budgeted site expenses and include a specific component to accumulate funds for site closure.
2. Existence of a Financial Assurance Mechanism. Until recently, funds for closure of the Scholl Canyon Landfill were accumulated as a separate

reserve in the site enterprise fund. On October 11, 1989, to conform with recently adopted Emergency Regulations, the Sanitation Districts' Board established the Scholl Canyon Landfill Closure Fund, a financial assurance mechanism providing protection equivalent to a trust fund to be used to accumulate sufficient funds for site closure, and to be used exclusively for this purpose. (See Attachments 4 and 5).

3. Key Aspects of the Financial Assurance Mechanism

a. Scheduled Contributions. At the request of Board staff, the Sanitation Districts have estimated that given the current site closure cost estimate of \$9,997,806, and given that there are approximately 20 years remaining before the site's anticipated closure in January 2009, the Sanitation Districts are scheduling annual contributions of \$9,997,806/20 - \$500,000 (approx.) to the Scholl Canyon Landfill Closure Fund from the site enterprise fund, with the understanding that the Sanitation Districts may, in accordance with existing Board procedures, annually review the closure cost estimate, anticipated closure date and the balance in the Fund, present such information to the Waste Management Board, and adjust its contributions accordingly.

b. Authority of Board to Access Fund. The Sanitation Districts acknowledge the Boards' legislative authority to assure proper closure of landfill sites pursuant to Sections 66790(f) and 66796.22(d) of the Government Code, and that if the Board determines that the Sanitation Districts have failed to properly perform a closure activity or activities at the Scholl Canyon Landfill, the Board may order the Sanitation Districts to use previously identified monies from the Scholl Canyon Landfill Closure Fund to remedy such deficiency.

c. Protection of Fund from Other Claims. The Scholl Canyon Landfill Closure Fund was established by the Sanitation Districts' Board of Directors to be used solely for site closure.

(Note: Additions to this section are currently under discussion by Waste Management Board and Sanitation Districts Legal Counsel.)

d. Annual Fund Status Report. As part of its annual review of the closure cost estimate for the Scholl Canyon Landfill, the Sanitation Districts will include an annual status report for the Scholl Canyon Landfill Closure Fund to the Waste Management Board, including current balance, contributions to the Fund during the previous year, planned future contributions and expenditures from the Fund (if any).

e. Approval of all Expenditures from the Fund. The Sanitation Districts will solicit Waste Management Board approval prior to expenditure of monies from the Scholl Canyon Landfill Closure Fund for appropriate closure activities.

4. Submittal of Financial Assurances for Other Sanitation Districts Sites. Pending Board approval of the Scholl Canyon Landfill financial assurance submittals, the Sanitation Districts will implement similar financial assurances for the three remaining active sanitary landfills it operates (the Calabasas, Puente Hills, and Spadra Landfills). At the Puente Hills and Spadra sites, the Sanitation Districts are also responsible for postclosure maintenance, and separate financial assurance mechanisms may be implemented for this purpose at these two sites.

It is hoped that this additional information will clarify the Sanitation Districts' compliance with applicable regulatory requirements for closure of the Scholl Canyon Landfill. Please contact me if you have any additional questions concerning this matter.

Very truly yours,

Charles W. Carry

John H. Gullidge
for Stephen R. Maguin, Head
Solid Waste Management Department

SRM:DAN:ksd
Enclosures

California Waste Management Board
Agenda Item 11
December 14-15, 1989

Item:

Consideration of the Acceptability of Financial Assurance Mechanism for Calabasas and Puente Hills landfills, County of Los Angeles.

Key Issues:

- At November 20 meeting the Board concurred in the issuance of permits for both landfills.
- Permits were issued under the condition that L.A. Sanitation Districts establish satisfactory financial assurance mechanisms by December 15.
- The mechanisms to be established will be modeled after the one being developed for Scholl Canyon Landfill.

Background:

Section 66796.22(e) of AB 2448 requires that

"Any person operating a solid waste landfill on January 1, 1988, shall, . . . submit to the board evidence of financial ability to provide for the cost of closure and postclosure maintenance . . . The evidence of financial ability shall be in the form of a trust fund . . . or an equivalent financial arrangement acceptable to the Board"

In implementing this portion of AB 2448, the Board adopted Emergency Regulations on August 17, 1989, that allow the use of an enterprise fund. A qualifying enterprise fund, however, must utilize a subsidiary depository mechanism that provides protection equivalent to a trust fund.

At its September meeting, the Board concurred in the issuance of a permit for Scholl Canyon Landfill with the condition that L.A. Sanitation Districts establish a financial assurance mechanism that meets the requirements of the Emergency Regulations by October 16, 1989. Adequate documentation of a financial

mechanism covering Scholl Canyon landfill was not received by the Board staff before the Board's November 20 meeting. At that meeting, the Board concurred in the issuance of permits for Calabasas and Puente Hills landfills with the stipulation that by December 15, 1989 L.A. Sanitation Districts establish financial assurance mechanisms that meet the requirements of the Emergency Regulations.

L.A. Sanitation Districts officials indicated at the November 20 Board meeting that it would establish mechanisms similar to the one to be developed for the Scholl Canyon Landfill. These mechanisms are intended to provide financial assurance for the costs of closure for Calabasas and Puente Hills landfills. L.A. County is responsible for providing financial assurance for the postclosure maintenance of Calabasas Landfill.

In a meeting with the Board's Executive Staff on November 30, representatives from the L.A. Sanitation Districts and L.A. County indicated that they are interested in utilizing a Pledge of Revenue mechanism for the postclosure costs of Puente Hills Landfill. L.A. Sanitation Districts would be the first entity to utilize this mechanism of which many essential features are yet to be negotiated. L.A. Sanitation Districts have agreed that a formal contract or agreement will be entered into with the Board to provide the required assurances. This mechanism is to be funded by the sale of methane gas to the Southern California Edison Corp. The agreement will contain substantial technical information certifying the adequacy and security of this revenue.

A representative of L.A. Sanitation Districts indicated that a draft Pledge of Revenue agreement would be forwarded to Board staff prior to the December 15 deadline.

At the time of the preparation of this agenda item, December 1, no documentation concerning the establishment of financial mechanisms for either landfill has been received by staff.

Staff continues to work with L.A. Sanitation Districts in order to document the establishment of acceptable financial assurance mechanisms for Calabasas and Puente Hills landfills, modeled after the one developed for Scholl Canyon Landfill.

Staff Recommendation:

If documentation of financial assurance is not acceptable, then the Board's legal counsel will provide options to the Board.

CALIFORNIA WASTE MANAGEMENT BOARD

AGENDA ITEM #11-A

DECEMBER 14 - 15, 1989

Item:

Consideration of further enforcement action at the McCourtney Landfill, Nevada County for failure to comply with Notice and Order No. 89-01.

Key Issues:

- o On May 3, 1989, the Board issued Notice and Order No 89-01 to Nevada County to cleanup and abate problems at the McCourtney Landfill.
- o The order required Nevada County to implement certain corrective actions by October 1, 1989.
- o Although the county spent \$3 million in a good faith effort to implement the required corrective actions, several actions have not been completed as ordered.
- o In addition, the landfill experienced a leachate spill to French Ravine Creek on November 25, 1989.

Facility Facts:

Facility:	McCourtney Landfill	29-AA-0001
Location:	Near Grass Valley in Nevada County	
Owner:	County of Nevada	
Operator:	Nevada County Dept. of Sanitation	
LEA:	Nevada County Dept. of Environmental Health	
Acreage:	140 Acres	
Tonnage	90 tons per day (Permitted)	

CALIFORNIA WASTE MANAGEMENT BOARD

AGENDA ITEM NO. 11-B

DECEMBER 14 - 15, 1989

Item:

Consideration of Determination of Conformance and Concurrence in a Solid Waste Facilities Permit for Durham Road Landfill, Alameda County.

Key Issues:

- Proposed permit authorizes significant changes from 1983 permit
- Requirements for Determination of Conformance and CEQA have not been met
- Permit contains no permitted capacity for waste received
- Staff recommends denying conformance and objecting to the issuance of the permit

Background:

On November 14, 1989 the Board received a proposed permit for the Durham Road Landfill as a result of a five-year permit review. The Local Enforcement Agency submitted the document as a modified permit, that is, there were no significant changes proposed in the facility's design or operation. Staff's review of the permit was delayed until the week of November 27, 1989. Upon review staff concluded that significant changes were proposed and that requirements for a Determination of Conformance and environmental review had not been completed. Staff is continuing its review as the Board packet goes to print and will provide a complete presentation at the meeting. In view of the 40 day time limit for the Board to act on proposed permits, this matter was scheduled for consideration at today's meeting. It is staff's recommendation that the Board deny conformance and object to the issuance of Permit No. 01-AA-0008 for Durham Road Landfill.

CALIFORNIA WASTE MANAGEMENT BOARD

AGENDA ITEM #12

DECEMBER 14 & 15, 1989

ITEM:

Consideration of the Draft Used Oil Recycling Report, "A Status Report for the 1988 Calendar Year"

KEY ISSUES:

- Report required by Public Resources Code § 3470(c).
- More used oil recycled in 1988 than in any other previous year (62.7 million gallons).
- The Do-It-Yourself Oil Changer having increasing difficulty locating facilities to properly dispose of used oil.

BACKGROUND:

Public Resources Code §3470(c) requires the California Waste Management Board to prepare a report which examines activities of the Board's Used Oil Recycling Program. Senate Bill 86 transferred oil registration functions to the Department of Health Services, but kept the report requirement with the Board. The Board's other functions are a used oil hotline, developing guidelines for collection facilities, and sign posting requirements. Data for this current report were provided by the Department of Health Services.

DISCUSSION:

This report summarizes data for the 1988 calendar year provided by the Department of Health Services on used oil collection and recycling, provides statistics on registration of used oil collectors, haulers, and recyclers, analyzes the effectiveness of the Board's used oil recycling program, and makes recommendations on improving program effectiveness. A copy of the report was sent to Board members under separate cover.

RECOMMENDATION:

Advise staff of any required changes and approve document (subject to any noted changes).

CALIFORNIA WASTE MANAGEMENT BOARD

AGENDA ITEM #13

DECEMBER 14-15, 1989

ITEM:

Report by the Los Angeles County Local Enforcement Agency (LEA) on Lopez Canyon Landfill Monitoring and Enforcement Activities.

KEY ISSUE:

- The Los Angeles County LEA has been directed to present monthly status reports on the monitoring and enforcement activities at Lopez Canyon Landfill.

DISCUSSION:

In a letter to the Chairman, Assemblymen Katz requested designation of a "point person" at the California Waste Management Board (Board) to collect data about Lopez Canyon Landfill from all involved agencies and provide bi-weekly status reports to agency and public officials.

This request was generated as a result of local resident concerns over the operation of the Lopez Canyon Landfill by the City of Los Angeles, Bureau of Sanitation.

In order to appropriately recognize the responsibilities of the LEA, staff has directed the LEA to prepare and present monthly reports at the regularly scheduled Board meetings on monitoring and enforcement activities at the Lopez Canyon Landfill. This report will be forwarded to the agencies involved and public officials.

The Los Angeles County LEA Director, Charles Coffee, will present the status report.

RECOMMENDATION:

Information item.

CALIFORNIA WASTE MANAGEMENT BOARD

AGENDA ITEM NO. 14

DECEMBER 14-15, 1989

Item:

Report on Review of Tuolumne County Local Enforcement Agency.

Key Issues:

- Review Report to Board postponed from October to December
- Staff previously found County deficient in all six areas of review
- County has attempted to correct deficiencies by implementing recommendations issued by Board staff
- Progress Report indicates major improvement

LEA Information:

SWIS ID Number:	55-AA
Designated LEA:	Tuolumne County Health Department Division of Environmental Health
Area of Jurisdiction:	County of Tuolumne
Active Landfills:	3
Active Transfer Stations:	2
Co-LEAs:	None

Discussion:

The LEA review for Tuolumne County was originally slated to be heard before the Board during its October 11-12, 1989, meeting. The item was pulled from the agenda because the item could not be heard on the day that the County's representatives were present. The County's administrative officer assured Board staff that in the absence of the public hearing, the County would accomplish staff's recommendations by the deadline included in the October agenda item.

The following are key issues of the review which lead to staff's recommendations for improvement (Attachment #1, Board Agenda Item #14, October 11-12, 1989):

- o Local Enforcement Agency Designation:
 - conflict of interest
 - LEA acting as operator
- o Enforcement Program:
 - needs Staff Training Plan
 - needs clear distinction between duties as operator and LEA
- o Administration:
 - staffing adequate
 - staff is trained
 - needs funding specified
- o Facility Status:
 - four facilities operating without valid permits
 - one facility exceeding permitted tonnage
 - sporadic inspection program
 - compliance status not on par with State inspection results
- o Permitting:
 - five-year permit reviews are delinquent
- o Closure/Postclosure Status:
 - one facility slated to close by 1992
 - one facility to close by 1993
 - initial cost estimates submitted
 - certification of financial assurance delinquent

Staff made the following recommendations to the LEA based on information gathered during the review period:

Previous Recommendations to the LEA:

1. By November 30, 1989, submit to the Board the resolution of the conflict of interest caused by having both operations and enforcement handled by the Environmental Health Division of Tuolumne County.
2. Revise the Enforcement Program Plan to incorporate upcoming activities such as closure plan review, develop a written staff training plan, and determine the actual budget needed to perform as an LEA. Immediately implement the annual review of solid waste facilities permits, and adhere to the quarterly inspection frequency and submit SWIS inspection forms to the Board, as stated in the Enforcement Program Plan.
3. Immediately pursue obtaining solid waste facilities permit applications to reflect the correct operator for the four County facilities. Develop a plan of action to expedite completion of the three permits under review and submit plan to the Board by November 30, 1989. Initiate permit reviews at the Sierra Conservation Center Landfill and Groveland-Big Oak Flat Landfill by November 30, 1989.
4. Immediately initiate appropriate enforcement action to assure that the Jamestown Landfill complies with the terms and conditions of its solid waste facilities permit.
5. Develop an action plan detailing methods to comply with all Closure/Postclosure requirements including, but not limited to, prompting operators to submit certification of financial assurance, and methods for LEA review of closure plans.
6. Present a status report concerning progress made on the above recommendations to the California Waste Management Board at its November, 1989 meeting.

Response from Tuolumne County:

The County responded to the above recommendations by presenting an item (Attachment No. 2) to their County Board of Supervisors, which was approved on November 21, 1989 (Attachment No. 3). The item resulted in the following actions:

1. The Board of Supervisors approved following three recommendations which resolved the LEA's conflict of interest:

- (1) The responsibility for solid waste facility operations was transferred to the Department of Transportation and Engineering Services. The effective date of this transfer will be no later than July 1, 1990. Effective January 1, 1990, the Director of TES and the Human Services Director will have joint responsibility for facility operations to ensure a smooth transition.
 - (2) The Board of Supervisors approved a Solid Waste Management Classification.
 - (3) Board staff was informed in a timely fashion of the County's changes.
2. The Enforcement Program Plan will be updated to include staff's recommendations by November 30, 1989.
 3. The LEA has developed an Action Plan to expedite the permit process for all facilities within the County.
 4. The LEA (during a conference call/meeting, November 15, 1989) stated that the County had no alternatives for disposal of wastes which exceeded the permitted tonnage allowed in the current permit. Therefore, until the permit is revised, enforcement actions at this site are not considered a viable alternative.
 5. The LEA is pursuing methods to require operators to submit certification of financial assurance.

Board Staff Progress Report for Tuolumne County:

- Conflict of interest: Board staff is satisfied with the County's plan to resolve the conflict of interest. Board staff will continue to monitor the implementation of the new operator/LEA relationship to assure that the conflict of interest does not resurface.
- Enforcement Program Plan: Board staff is satisfied with the County's plan to revise the EPP and implement the program correctly.
- Permitting Program: The County has yet to completely fulfill the recommendations for the permit review process at all facilities as Board staff has yet to receive permit review applications for Groveland-Big Oak Flat Landfill and Sierra Conservation Center Landfill. However, the LEA has proposed an action plan for permitting which is acceptable to Board staff. Staff will monitor the County's progress with permit issues.

- **Enforcement Actions at Jamestown Landfill:** Board staff spoke (via telephone conference) with key staff from Tuolumne County. The County has exhausted all possibilities for disposal of wastes which cause the Jamestown Landfill to exceed its permitted daily capacity. The County is working expeditiously to revise the permit and will comply with CEQA requirements as well. However, Board staff recommends that the LEA issue a Notice and Order to the landfill operator and comply with Board policy for enforcement of permit conditions.

Board Options:

1. Approve staff's review of the Tuolumne County Division of Environmental Health (LEA) and direct the LEA to adhere to the Action Plan they proposed.
2. Give 30 days notice of Board's intent to withdraw the approval of the designation of the Tuolumne County Health Department, Environmental Health Division as the LEA for Tuolumne County.
3. Take no action.

Staff Recommendation:

1. Staff recommends Board Option No. 1.

Attachments

CALIFORNIA WASTE MANAGEMENT BOARD

AGENDA ITEM NO. 14

OCTOBER 11-12, 1989

Item:

Report on Review of Tuolumne County Local Enforcement Agency

Key Issues:

- o Local Enforcement Agency Designation:
 - conflict of interest
 - LEA acting as operator
- o Enforcement Program:
 - needs Staff Training Plan
 - needs clear distinction between duties as operator and LEA
- o Administration:
 - staffing adequate
 - staff is trained
 - needs funding specified
- o Facility Status:
 - four facilities operating without valid permits
 - one facility exceeding permitted tonnage
 - sporadic inspection program
 - compliance status not on par with State inspection results
- o Permitting:
 - five-year permit reviews are delinquent
- o Closure/Postclosure Status:
 - one facility slated to close by 1992
 - one facility to close by 1993
 - initial cost estimates submitted
 - certification of financial assurance delinquent

LEA Information:

SWIS ID Number: 55-AA

Designated LEA: Tuolumne County Health Department
Division of Environmental Health

Area of Jurisdiction: County of Tuolumne

Active Landfills: 3

Active Transfer Stations: 2

Co-LEAs: None

Discussion:

Designation:

During July 1977, the Board approved the designation of the Tuolumne County Health Department as the sole LEA for Tuolumne County. The Environmental Health Division was selected by the Tuolumne County Board of Supervisors to carry out the duties of the enforcement agency.

As of this review, the Health Department manages solid waste operations and performs enforcement duties for the county, without a conditional waiver from the Board. This is a direct conflict of interest per Government Code (GC) Section 66796 (e). This conflict has been in place prior to 1983 when the Tuolumne County Board of Supervisors appointed the Environmental Health Division as the county's operating unit. This responsibility was reviewed by Board staff in 1983. At that time, based on the material submitted by the LEA, Board staff wrote a letter to the County Administrative Officer stating there was no apparent conflict of interest (Attachment No. 1). Staff believes that now the situation has changed and that the LEA is acting as the facility operator.

During this review, the LEA informed Board staff that he has tried unsuccessfully to resolve this conflict with the County Administrative Officer and the Board of Supervisors.

Enforcement Program:

In 1984 the LEA submitted their Enforcement Program Plan (EPP) (Attachment No. 2) to the Board for approval. Board staff reviewed the EPP at that time and determined that it was acceptable with respect to the requirements of GC Section 66796.21. The EPP includes sections which specify the following:

1. State and Local Regulations
2. Program Goals and Objectives
3. Solid Waste Facility Permitting Procedures
4. Inspection Compliance Procedures
5. Staff Training
6. Workload Analysis
7. Organization

The main goal of the program, to assure that all residential, commercial, and industrial solid wastes are stored, transported, transferred, processed and disposed of in a safe, sanitary, and environmentally acceptable manner, is supported by the following goals and objectives:

- o To have all facilities operated by authority of a current Solid Waste Facilities Permit
- o To process permit applications within the specified timeframe
- o To annually review permits and revise them if needed
- o To inspect all facilities at least four times per year

The enforcement response program, implemented by the LEA, begins with issuing the operator verbal and written notices of violations documented in the field. Further enforcement actions consist of office hearings and, if those methods to achieve compliance fail, the LEA would issue a Notice and Order. The LEA also works with various local, state and federal agencies for compliance with their respective regulations.

Board staff reviewed the EPP during this evaluation, and found that implementation of the enforcement program falls short of the plan outlined in 1984. The following areas in the EPP should be updated or reviewed by the LEA to assure correct implementation of the program:

Permitting Procedure

Implementation Needed: The LEA should annually review permits as stated in the EPP.

Update Needed: The LEA should update the EPP sections pertaining to closure requirements since closure regulations have changed.

Inspection Procedure	Implementation Needed: The LEA should adhere to the quarterly inspection frequency and submit SWIS inspection forms to the Board, as stated in the EPP.
Staff Training	Update Needed: The EPP should include a written training plan.
General	Update Needed: The EPP should address methods for separating the roles of operator and LEA performed by the Environmental Health Division.

Administration:

Board staff reviewed the LEA's administration for funding, staffing, training and organization.

Funding: The Tuolumne County Health Department has an overall annual budget of 1.1 million dollars. There is no specific funding for any single program or division. However, as the operator of four solid waste facilities in the county, the LEA prepares an independent operating budget for each fiscal year to support that program. The budget is entirely supported by tipping fees and reserve funds. The budget for this program was approximately \$200,431 for fiscal year 1988/89.

Staffing: Two staff are assigned to the LEA, the Director of Environmental Health (who is also contract manager for solid waste operations) and one senior Registered Environmental Health Specialist (REHS). Their duties as stated in the EPP include:

- o knowledge of regulations for solid waste handling and disposal practices
- o permit processing
- o inspections
- o communicating with operators and collectors
- o knowledge of inspection techniques
- o field and office report preparation
- o ability to present information at hearings
- o knowledge of enforcement program administration

Training: All LEA staff are trained on-the-job; however, the EPP and the Director of Environmental Health pointed out that only senior REHS with previous enforcement experience are hired into the Solid Waste program. There is some mention of

training concepts in the EPP, but a formal, written, staff training plan which would detail everyday activities, was not available. The LEA staff has participated in the Enforcement Advisory Council and attends other solid waste related seminars when time permits.

Organization: An organization chart is attached (Attachment No. 3).

Facility Status:

Tuolumne County has three active landfills and two small volume transfer stations (Attachment No. 4). Four of the facilities are owned or leased by the county and one landfill is owned and operated by the State of California. The Environmental Health Division (also the LEA) operates three of the facilities through a contractor. The other county-owned facility is operated by the Road Department.

No facilities in the county are on the Federal RCRA Open Dump Inventory at this time. The four county-managed facilities are visited frequently on an informal basis by the LEA while acting in the role of operator. However, SWIS documentation of LEA inspections at these sites is sporadic and results are not transmitted on a quarterly basis. There is no documentation that the state facility has been inspected by the county. From 1988 to present, Board staff conducted 6 inspections at 4 facilities in Tuolumne County. 33% of those inspections documented no violation of the State Minimum Standards. During those same two years, the LEA conducted 19 inspections at the same facilities, and 64% of those inspections documented no violation of the Standards. The discrepancies between the Board's and LEA's inspection results are significant.

It should be noted that the county's facilities have improved their compliance record with respect to the Standards. However, Board staff has found that the Jamestown (Tuolumne Central Landfill) is not in compliance with terms/conditions of its permit. The Findings section of the permit states that the site receives 92 tons of waste per day. A recent state inspection found that the site actually receives 135 tons of waste per day. Also, the site has been receiving a designated waste, ash, which is not described or included in the governing permit. In addition, none of the county's facilities permits list the correct responsible operator of the four sites. The two landfill permits incorrectly list the contractor, and the transfer station permits list the Road Department as operators. Essentially, all four facilities are being operated without valid solid waste facilities permits.

No enforcement action has been initiated by the LEA to obtain solid waste facilities permit applications to reflect the correct operator of the four county facilities, or keep the Jamestown Landfill from accepting tonnage that exceeds what is stated in the existing permit. This site's permit is under review.

Despite the discrepancies listed above, it should be noted that the LEA has pursued a recent enforcement action at the Groveland-Big Oak Flat Landfill. In 1988, a state inspection documented 22 violations of the Standards at this site. The LEA initiated proceedings to remove the contract operator, secure funds and a contractor to implement site clean-up, and establish continued site maintenance with the county's Road Department. A state inspection in 1989 verified that nearly all the violations had been corrected.

Permitting:

The LEA has a permitting program; however, the four county facilities are incorrectly permitted.

During 1988, Board staff conducted a statewide survey of facilities and LEAs with overdue five year permit reviews. The survey identified that all five permits in Tuolumne County were delinquent or incorrectly issued. The three landfills had permit anniversary dates of 1988. The transfer station permits were incorrectly issued in 1979. Since the Board's notice, the LEA/operator has submitted applications for three permit reviews: the Jamestown Landfill and the transfer stations.

The state-operated facility has received little attention from the LEA regarding permit review. The LEA claims that the operator has not been responsive to requests for permit review; therefore, permit actions are delayed at this site.

The Groveland-Big Oak Flat Landfill has been slated to close by order of the County Board of Supervisors; therefore, the LEA has determined not to pursue this site's permit review immediately. It should still be reviewed as required.

Closure/Postclosure Status:

The two county-managed landfills within the LEA's jurisdiction will be closing before or shortly after 1992; it is rumored that the state-operated facility will close soon. Closure/postclosure plans will be due for review for these facilities before 1992. The LEA has allowed for contracted review of these plans since engineering expertise is not readily available within that agency. In addition, the operators of landfills have submitted initial cost

estimates, but the required certification for financial mechanism for closure/postclosure maintenance has yet to be completed.

Conclusion:

Board staff review of the current enforcement program implemented by the Tuolumne County Division of Environmental Health, reveals some conflict with the Government Code with respect to designation, and facility investigation. Currently, the Environmental Health Division is both the LEA and responsible operator for the county's facilities.

The LEA is in substantial compliance with respect to staffing and training (except for a written training plan) for an enforcement program. However, there are deficiencies with respect to funding, and organization. There is no clear budget for the Environmental Health Division as the LEA nor is there a clear distinction between the LEA's duties as operator and enforcement agency.

The Enforcement Program Plan, written in 1984, basically reflects the program as it exists today. Solid waste activities are coordinated with other regulatory agencies along with private parties. Enforcement activities commence with verbal and written notices to operators when violations are documented in the field. The only deficiencies with the EPP is the need for an update of closure practices, a lack of a written training plan, and clarification of the LEA's dual role as operator and LEA. The LEA needs to implement the statements made in the EPP regarding annually reviewing permits, and performing quarterly facility inspections and submittal of SWIS inspection forms to the Board.

One facility, the Jamestown Landfill, is operating outside the terms/conditions of its current permit. The site is receiving more than the permitted daily capacity of waste as well as unpermitted designated waste (ash). All the county-managed facilities do not list the correct responsible operator on the sites' permits.

One landfill and the two transfer stations are undergoing the permit review process at this time. However, the three facilities' permits under review, had missed the permit review due date by more than one year. The LEA has demonstrated good faith to finish these permit reviews as soon as possible. The LEA needs to take action to implement permit reviews at the other two sites as well.

Recommendations to the LEA:

1. By November 30, 1989, submit to the Board the resolution of the conflict of interest caused by having both operations and enforcement handled by the Environmental Health Division of Tuolumne County.
2. Revise the Enforcement Program Plan to incorporate upcoming activities such as closure plan review, develop a written staff training plan, and determine the actual budget needed to perform as an LEA. Immediately implement the annual review of solid waste facilities permits, and adhere to the quarterly inspection frequency and submit SWIS inspection forms to the Board, as stated in the Enforcement Program Plan.
3. Immediately pursue obtaining solid waste facilities permit applications to reflect the correct operator for the four county facilities. Develop a plan of action to expedite completion of the three permits under review and submit plan to the Board by November 30, 1989. Initiate permit reviews at the Sierra Conservation Center Landfill and Groveland-Big Oak Flat Landfill by November 30, 1989.
4. Immediately initiate appropriate enforcement action to assure that the Jamestown Landfill complies with the terms and conditions of its solid waste facilities permit.
5. Develop an action plan detailing methods to comply with all Closure/Postclosure requirements including, but not limited to, prompting operators to submit certification of financial assurance, and methods for LEA review of closure plans.
6. Present a status report concerning progress made on the above recommendations to the California Waste Management Board at its November, 1989 meeting.

Board Options:

1. Approve staff's review of the Tuolumne County Division of Environmental Health (LEA) including the above recommendations.
2. Rescind the designation of the Tuolumne County Health Department, Environmental Health Division as the LEA for Tuolumne County.
3. Take no action.

Agenda Item No. 14

Page 9

Staff Recommendation:

1. Staff recommends Board Option No. 1.

Attachments

000286

CALIFORNIA WASTE MANAGEMENT BOARD

1070 NORTH STREET, SUITE 100
SACRAMENTO, CALIFORNIA 95814

Handwritten notes: "Handwritten notes" and "7/11/83"

July 11, 1983

Aug 22 1983

Administrative Office RECEIVED
AUG 02 1983

Steven C. Sculley
Tuolumne County
Administrative Officer
Tuolumne County Administration Center
2 South Green Street
Sonora, CA 95370

Dear Mr. Sculley:

Periodically the California Waste Management Board informally reviews the designation of each of the states one hundred plus local solid waste enforcement agencies. Such a review was recently made of the Tuolumne County enforcement agency designation.

During the review process, it was determined that certain additional responsibilities had been assigned by the county to the Tuolumne County Health Department, which is the county's local enforcement agency (LEA).

By letter, Mr. Robert Tremewan was requested to provide information that would reveal if the county assigned duties were compatible with the responsibilities of the enforcement agency as outlined in 7.3 Government Code Section 66736.1, and 14 California Administrative Code Section 18011 and 18054.

Mr. Tremewan has, by letter, detailed those county assigned duties and has stated that they are not incompatible with his responsibilities as the administrator of the enforcement program. The letter has been accepted by the Board as assurance that the state and local responsibilities are compatible. Mr. Tremewan's letter will be included in the Tuolumne County enforcement agency designation file. The Board will continue to consult with Bob and provide him technical and administrative assistance and support.

The Board appreciates the enthusiasm and dedication of Mr. Tremewan to the county's solid waste management program and especially his willingness to serve as a member of the state's twelve member solid waste Enforcement Advisory Council.

Sincerely,

Douglas L. Strauch
Douglas L. Strauch, Chief
Waste Management Division

cc: Robert Tremewan

BCortner:cr

~~Handwritten signature and scribbles~~



TUOLUMNE COUNTY HEALTH DEPARTMENT

100 EAST MAIN STREET
SACRAMENTO, CALIFORNIA 95814
(916) 533-3754

January 4, 1984

State of California
Waste Management Board
1020 Ninth Street - Suite 300
Sacramento, CA 95814

ATTN: Cy Armstrong

RE: Solid Waste Enforcement Program Plan

Dear Cy:

I may definitely be directing the enclosed document to the wrong person but I would appreciate your acknowledgment of the enclosure as you originally produced the back-ground that I needed to complete the document. I hope your office may find the enclosure acceptable. If not, please see that those areas needing clarification are identified and appropriate comments are mailed out soon.

I will now proceed into the revision of our Solid Waste Master Plan.

Best personal regards.

Sincerely,

ROBERT L. TREMEWAN
Sanitarian III

RLT:jml

Encls.

000288

TUOLUMNE COUNTY
SOLID WASTE ENFORCEMENT PROGRAM

INTRODUCTION

Tuolumne County is a formerly rural county that is rapidly becoming a unit of exurbia. It's population, which held steady from the turn of the century to the beginning of the 1950's at approximately 12,000 persons has risen for several years at a pace beyond any responsible forecast. At present, approximately 38,000 people are year round occupants of the County and it's only incorporated city, Sonora. This population is always amplified by large numbers of tourists utilizing the forests and lakes of the Stanislaus National Forest and the Yosemite National Park portions of the county, the Emigration wilderness area, and the facilities of the Lake Don Pedro Recreation area and the new Melones Reservoir among others. In addition, thousands of second homes exist in the county, with many rented out for vacation and ski season use. The county is situated in the approximate center of California and is bordered on the west by Stanislaus County, on the south by Mariposa County, on the north by Calaveras County and on the east by Mono County.

When the Tuolumne County Solid Waste Master Plan was adopted by the Tuolumne County Board of Supervisors in February, 1977, solid waste generated by residence and tourists approximated 23,000 tons per year. Currently, all solid waste generated by the public is being handled by the Class II - disposal site locate adjacent Campo Seco Road between Sonora and Jamestown, at the Class II disposal site off Merrell Road between Groveland and Big Oak Flat, and at transfer stations located at Pinecrest and north of Tuolumne City. A permitted Class II

Disposal site is operated by the State of California Department of Corrections at the Sierra Conservation Center westerly of Jamestown.

As part of the Master Plan, the Tuolumne County Health Department was designated as the local Solid Waste Enforcement Agency (LEA), and the department is responsible for permitting and enforcing all aspects of the solid waste program in Tuolumne County. To expedite the establishment of LEAs in 1977, the State Solid Waste Management Board (SSWMB) did not insist that Enforcement Program Plans accompany the submission of the respective proposed enforcement agency designations as otherwise required in Government Code Section 66796.21.

The Elberg-Kapiloff Solid Waste Control Act of 1976 requires in Section 66780.5 (a) that an "Enforcement Program" shall be delineated in each County Solid Waste Management Plan". This Enforcement Program Plan is intended to serve as a working document for ongoing guidance to the Enforcement Agency staff of the County of Tuolumne.

The following local Solid Waste Enforcement Plan for Tuolumne County addresses the administrative, legal, technical, and staff development components necessary in the comprehensive Solid Waste Program. Included are reviews of State and local regulations, goals and objectives of the program, inspection and enforcement procedures, a workload analysis, a table of organization, and a program budget. The Enforcement Program Plan was developed in compliance with the Guidance Manual for Preparation of Local Solid Waste Agency Program Plans, 1981, prepared by the Enforcement Analysis Section of the State Waste Management

(SAMP)

I. State and Local Regulation

A. State Regulations:

In Tuolumne County, the Solid Waste Enforcement Program operates under the following State laws and regulations:

1. Disposal of Solid Waste and Infectious Wastes:
California Administrative Code (CAC); Title 17, Section 488 (d), CAC, Title 22, Sections 70845-70847; 71649-71651; 72641-72643; 73643-73645.
2. Solid Waste Management Standards:
CAC, Title 14, Section 1500 et. seq.
3. Solid Waste Management and Resources Recovery Act:
Government Code Section 65700 et. seq.
4. Disposal of Fetal and Human Remains:
Health and Safety Code, Section 7054.3 et. seq.
5. Pollution of Waters and Public Places:
Health and Safety Code, Section 4400 et. seq.,
Penal Code, Section 374, Dumping on Public or Private Property.

B. Local Regulations:

In Tuolumne County, Solid Waste Standards are found

in the Tuolumne County Ordinance Code. The following ordinances apply:

1. Ordinance 994:

Regulates collection, transportation and removal of garbage and rubbish. Creates garbage and rubbish collection permit areas.

2. Ordinance 1048:

Expands variety of authorized collection services and amends collection fees.

3. Ordinance 1088:

Regulates tampering, modifying, removal, or deposition of solid waste in any container without permission of container owner.

The above ordinances are applicable to all portions of the County other than within the City limits of Sonora. Sonora has created its own refuse collection and permit format.

Residents of Tuolumne County may dispose of their refuse at either of the two above named landfills or at the two above named transfer stations. A great majority of the permanent population lives within one of the four garbage and rubbish collection permit areas defined by ordinance. These residents may elect garbage collection service from the permit holder in their community or may alternatively refuse such service and transport their own waste. At present, collection

permits are held by Cal-Sierra Disposal, Inc., Moore Brothers Scavenger Company, Columbia-Jamestown Refuse Service, Inc., and Burns Refuse Service. As our Ordinance framework allows a business to collect and transport its own refuse, agencies such as the U.S. Forest Service, Sonora Union High School District, Lake Don Pedro Recreation Agency and a few mobile home park operators maintain collection and transportation services. The County of Tuolumne owns or leases all of the waste disposal sites and transfer stations open to the public, and has negotiated contracts to operate same with private companies.

II. Program Goals and Objectives

A. Goal:

To assure that all residential, commercial, and industrial solid wastes are stored, transported, transferred, processed and disposed of in a safe, sanitary, and environmentally acceptable manner.

B. Objectives:

To administer a Solid Waste Enforcement Program that results in the following:

1. All existing disposal sites and transfer stations are operating by authority of a current Solid Waste Disposal permit issued by the Tuolumne County Health Department.
2. All permit applications for new Solid Waste Facilities or revisions or modifications of existing, will be processed within the time specified in Title 7.3

Government Code Section 66796.32.

3. All permits will be reviewed annually and revised as necessary.
4. Inspection of all disposal sites and transfer stations at least four (4) times per year for compliance with then - existing standards. The inspections will be conducted on the provisions of the Solid Waste Information System (SWIS) Inspection Form categories.

III. Solid Waste Facility Permitting Procedure

At present, each of the public and private waste acceptance facilities in Tuolumne County is operating under permit. Although, fortunately, no facility in the County is near end of it's useful life, the Tuolumne County Board of Supervisors has purchased a site abutting and adjacent to the current main disposal site off Campo Seco Road and plans to request a permit allowing creation and operation of the site in the foreseeable future. At inception of this activity, the following procedures would be followed:

- A. Permits for solid waste facilities in Tuolumne County are based on information provided in the application for a Solid Waste Facilities Permit. A portion of the application is the Report of Disposal Site or Transfer / Processing Station Information and is submitted by the applicant to the Tuolumne County Health Department. Additional information requiring study includes a determination that the facility

is in the County Solid Waste Management Plan and the County General Plan and that surrounding lands are properly zoned. An Application for Waste Discharge Requirements will be made to the Regional Water Quality Control Board. A notice of determination of compliance with CEQA will also be solicited and evaluated. Any local conditional use permits necessary will be obtained, and any other then - existing federal, state or local requirements will be determined and cooperation with the requirements solicited. All information provided will be reviewed by the LEA staff and verified during one or more facility inspections. A permit is then prepared using the State Waste Management Board (SWMB) format.

- B. After preparation, a copy of the proposed permit is furnished the applicant for review and comment. The proposed permit is submitted to the SWMB for concurrence. If not contested, the permit will be issued by the LEA within the time required by law.

- C. If the Tuolumne County Health Department or the SWMB determines a violation of the State Statutes or Standards exists, the permit shall be denied. The applicant may file an appeal to the denial with the LEA who shall then submit the appeal to the Tuolumne County Board of Supervisors, the SWMB designated Hearing Panel. After a hearing, the decision of the Hearing

Panel is the basis for an action by the LEA. All appeal procedures shall be carried out in strict compliance Title 7.3 Government Code and the Administrative Procedures Act.

- D. Permits are revised whenever a significant change in facility design or operation is proposed by the operator. Significant changes are considered, but not limited to, adjustment in boundaries, tonnages, elevations, and types of waste that may be received.
- E. The permits may be modified when it has been determined that an existing permit no longer provides pertinent data in the findings, in the conditions, or the monitoring data that is necessary for the protection of the public health of the environment.
- F. When the LEA becomes aware of a proposed solid waste facility closure, written notification of the closure procedure and requirements is delivered to the disposal site operator and site owner.

Closure requirements include notification to the LEA a minimum of ten (10) days prior to completion or suspension of work at the disposal site. The Regional Water Quality Control Board must also be notified at least ninety (90) days prior to actual closure. A detailed description of the site must be filed with the County Recorder, the County Solid Waste Plan custodian

and the LEA.

Periodic monitoring by the LEA will be made to identify violations that may develop at the landfill site following it's closure.

- G. Facility records and documents will be maintained at the Polk County Health Department. Facility numbers are those assigned by the SWMB. General correspondence and inspection records are also maintained at the Health Department offices.

IV. Inspection and Compliance Procedures

- A. All solid waste collection and/or transportation vehicles are inspected at least once annually while en-route and also while at their corporation yard. The results of these inspections are furnished the owner, and records are filed at the Health Department.
- B. Solid Waste Disposal and Transfer facilities receive routine inspections of at least four (4) times per year using the SWMB recommended SWIS Inspection Form applicable. Inspections are performed when it is known that the operator or a representative will be present at the disposal site or transfer station. After inspection, a verbal report will be made to the operator or his representative, and the completed SWIS form is left with the operator. If necessary, a supplementary written report is prepared and provided

to the operator. The inspection report and/or written report is maintained in the facility file at the Health Department for five (5) years. Copies of each SWIS Inspection Form are forwarded to the SWMB.

C. Local Enforcement Agency Compliance Program Actions are:

1. Verbal Notice:

To storage, collection, or facility operators at the time the violation is identified. A verbal order is confirmed on the SWIS form which is left with the operator. If the operator was not present the SWIS form will be mailed to him.

2. Written Notice:

In addition to the SWIS form a written notice may be transmitted by mail to the operator.

3. Office Hearing:

With the exception of the afford-mentioned private disposal site, all sites are operated under terms and conditions of a contract with the Tuolumne County Board of Supervisors. Accordingly, the County through the County Administrative Officer and the Board Solid Waste Committee can convene hearings providing a violator an opportunity to present evidence of compliance to avoid further enforcement procedures.

4. Notice and Order:

Prepared and served as provided for in Title 14,

California Administrative Code, Chapter 5, (within five (5) days of the date of issuance, a copy of the Notice and Order document is transmitted to the State Waste Management Board). Compliance or non-compliance with a Notice and Order is determined by:

- a. Inspections
- b. Letters of compliance or non-compliance issued by other participating agencies

D. Written or verbal complaints that solid waste services or facilities are the source of health or environmental hazards or a public nuisance are accepted and investigated by the LEA if the complaintant's identity can be established. Anonymous complaints are investigated only when the probability of immediate health or safety hazard is apparent.

Complaint and investigation results are recorded on LEA forms. Verified complaints may result in the issuance of an official notice and/or abatement order. The results of the investigation are provided the complaintant by mail or telephone, with a copy of the report form being maintained in the premises file. Failure to comply with an official notice and/or abatement order is referred to County Counsel for enforcement action.

E. The following State and local agencies are closely coordinated in enforcement responsibilities and activities:

1. State Waste Management Board:

Sets State policy, establishes statewide standards, concurs with or objects to Solid Waste Facility Permits, and aides, assists, and oversees local enforcement programs.

2. State Department of Health Services, Hazardous Waste Management Section:

Regulates and permits hazardous and infectious waste transportation and disposal.

3. Tuolumne County Planning Department:

Establishes land zoning and processes land-use permits.

4. Tuolumne County Transportation and Engineering Services Department:

Provides assistance in engineering matters and assists in control of expenditures for improvements at County owned or leased sites when necessary.

5. Tuolumne County Building Department:

Issues permits for structures of solid waste facilities.

6. State Department of Forestry and Tuolumne County Fire Department:

Responsible for fire control at solid waste facilities.

7. Regional Water Quality Control Board:

Issues waste discharge requirements for solid waste disposal sites, and establishes disposal site classifications.

V. Staff Training

The staff conducted by the LEA representative in the Health Department includes specific enforcement techniques for the solid waste management program and also technical training in the procedures for operation of safe waste disposal sites. The sanitarian in charge of the LEA is

expected to possess the following competencies:

- A. Knowledge of codes, minimum standards, and local ordinances.
- B. Knowledge of individual permit processing, permit content and requirements.
- C. Scheduling of routine inspections.
- D. Establishment of communications with operators and refuse collectors.
- E. Inspection techniques.
- F. Field and office report preparation.
- G. Post-inspection conferences with solid waste facility operators.
- H. Techniques of written communication of inspection findings.
- I. Preparation for Board of Supervisors meetings and/or court hearings.
- J. Administration practices within the solid waste enforcement program.

VI. Workload Analysis

It is estimated that the present average annual work expenditure by the combined LEA designee and the County solid waste contract administrator exceeds thirty-five (35) man days. Both administrative and inspection time have been heavy in calendar year 1983 due to the need to

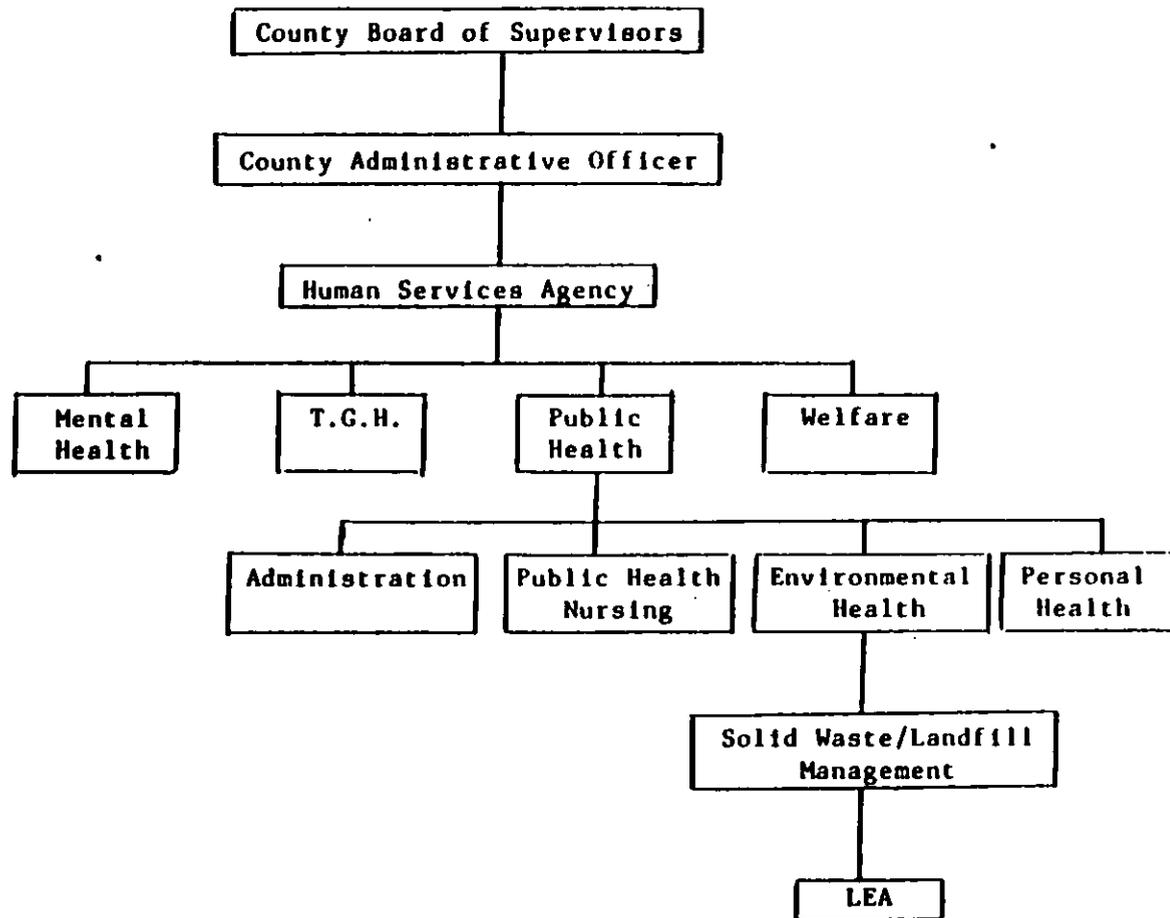
complete certain Permit preparation obligations and to solve many operational problems at one of the disposal sites. It is anticipated that 1984 will bring no reduction in time and expenditure, due to the need to revise the County's Solid Waste Management Plan and to take all the steps necessary to gain a permit for the proposed future main disposal site for the County.

VII. Table of Organization

For the past several years and at the present time, the Board of Supervisors and it's Solid Waste Committee have designated Robert Tremewan as LEA and also as contract administrator between the County and the operators of the disposal sites owned or leased by same. Periodically other staff members of the Health Department assist in such tasks as evaluation of the safety of commercial refuse containers and similiar. The person named above held the title of Director of Environmental Health but was recently demoted to Sanitarian III.

VIII. Budget

I am not able to extract a figure from the Tuolumne County Budget or the Health Department budgets specifically that can establish the cost to the County of the funding for the LEA.



000303

TUOLUMNE COUNTY FACILITY STATUS

SWIS NO. (55-AA-)	FACILITY NAME	TYPE	ACTIVE	CLOSED INACTIVE	PUBLIC AGENCY	PRIVATE	5 YR REVIEW STATUS	DUE
0001	Groveland-Big Oak	LF	X		X		Delinq.	1988
0002	Jamestown LF	LF	X		X		Ongoing	1988
0003	Pinecrest TS	TS	X		X		Ongoing	1984
0004	Tuolumne TS	TS	X		X		Ongoing	1984
0005	Sierra Cons. Ctr	LF	X ?		X		Delinq.	1988
0006	Sonora Mining	LF	EXEMPT			X		

000304



Tuolumne County

David L. Baker
County Administrative Officer

Tuolumne County Administration Center
2 South Green Street
Sonora, CA 95370
Phone (209) 533-5511

FAX INFORMATION

FROM:

Human Services Agency
(Department)

TO:

Sharon Anderson

FAX NO:

916-323-3725

VOICE NO:

NO. OF PAGES:

6

(including this page)

COMMENTS:

Should you have any questions or difficulties with this fax, please call (209) 533-5511 and ask for the fax operator.

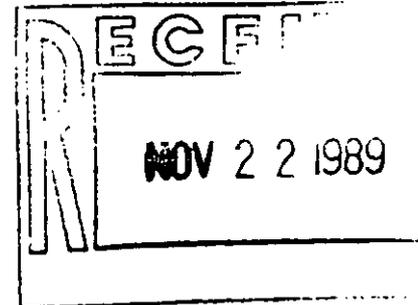
County of Tuolumne Fax Number: (209) 533-5510



Colusa County
Human Services Agency

Clifton T. White
Director

20075 Cedar Road N.
Sonoma, CA 95770
Phone (709) 711-7111



November 16, 1989

TO: Board of Supervisors
David Baker, CAO

FROM: Clifton T. White, HSA Director

RE: WASTE MANAGEMENT BOARD REPORT

Background:

In August of 1989, a representative from the California Waste Management Board (CWMB) conducted a review of the Environmental Health Division's Local Enforcement Agency (LEA) program. The CWMB periodically reviews the designation status of each of the one hundred and twenty (120) solid waste enforcement agencies currently in existence in California. The purpose of these reviews is to determine if an agency is being operated in accordance with standards as outlined in 7.3 Government Code Section 66796.10 and 14 California Administrative Code Section 18051 and 18054.

On September 29, 1989 a report was received from the CWMB citing several issues which needed to be resolved. This report, dated September 28, 1989, recommended a status report be made to the California Waste Management Board at their November, 1989 meeting.

The Assistant Human Services Agency Director and the Director of Environmental Health met with Waste Management Board staff on October 3rd to discuss the report and receive additional clarification of the issues.

000306

As this report was placed on the October 11th and 12th Solid Waste Management Board agency, Kent Skellenger and Ken Perkins attended the October 11th meeting. The issue was not heard on the 11th due to the length of other agenda items. It was discussed briefly on the 12th without county staff present and continued to the December 11th agenda.

Issues and Response's:

The Draft Report dated September 28, 1989 and the letter to Greg Burt dated November 7, 1989 state the issues needing to be addressed by the county. The following is a response to these issues:

1. "A resolution of the conflict of interest caused by having both operations and enforcement for solid waste management handled by the Environmental Health Division of Tuolumne County."

AB-2439 (1976) provided for the creation of Local Enforcement Agencies (LEA) to regulate solid waste activities in the counties. At that time, Tuolumne County was a contract county affiliated with the State Department of Health Services. An application was made on behalf of the Health Department to be designated as the LEA as it was not the operating agency for any solid waste handling or disposal operations.

In 1979, the responsibility for solid waste administration was informally transferred from the Road Department to the Environmental Health Division. On May 1, 1979, the Timberline Disposal Company contracted with the county to operate the Jamestown Landfill and the two transfer stations, leaving the Road Department with only operation of the Groveland Landfill, which they operated until 1981 when the task was contracted out.

A July 11, 1983 letter from the CWMP indicated that they were satisfied with the dual designation being performed by the Tuolumne County Health Department. There has been no written communication from the Waste Management Board regarding this dual designation since 1983 until the 9/29/89 report.

Suddenly, the state-approved dual designation is no longer acceptable. Tuolumne County is now being given a choice by the Waste Management Board to either resolve the dual designation or lose its designation as LEA. All enforcement activities in Tuolumne county would then be performed by the Waste Management Board. The county would be billed for all staff time plus "maximum administrative costs" (costs plus 120% overhead). In addition, until this conflict has been

received, any pending landfill operation permits will be denied. Enforcement activities could result in the delaying of the operating permits and closing down our landfills as current tonnage is in excess of that allowed by the current permit.

2. "Revision of the Enforcement Program Plan incorporate upcoming activities such as closure plan review, development of a written staff training plan and determination of the actual budget needed to perform as an LEA. Also, review of solid waste facilities permits and quarterly facility inspections using forms approved by the Board."

The Enforcement Program Plan is being updated to include the recently adopted practices and written training plan. A determination of the actual budget needed to perform as an LEA will be made from time studies completed over the next four months and placed in the county's Solid Waste Compliance Fund for fiscal year 1990/91. Quarterly facility inspections have been completed and will continue to be completed and reported on Board approved forms.

3. "Completion of permit review for all solid waste facilities in the county."

"Revised permits have been completed and mailed to the CWMB. They, however, do not feel it is appropriate for members of the same department to sign as LEA and operator. They will be returning these permits as they have recommended that the CAO sign as the operator for the county.

4. "Initiation of appropriate enforcement action to assure that the Jamestown Landfill complies with the terms and conditions of its Solid Waste Facilities permit."

Approval from the Waste Management Board of the county plan of action to resolve dual agency designation will resolve this issue. In the meantime it will be the responsibility of the LEA to notify the county of these violations and issue an order to correct these violations within a reasonable time.

5. "Development of an action plan detailing methods for enforcement of closure/postclosure requirements including submission of certification of financial assurance, and methods for LEA review of closure plans."

Focusing on LEA responsibilities to review the closure and postclosure plans by the LEA; what action will LEA take if closure and postclosure requirements and certification of financial assurance are not made?

A public hearing has been set for November 28, 1989 to request the Board to take action to increase the surcharge effective January 1, 1990. This surcharge increase would meet all costs associated with closure and postclosure requirements. These costs have been calculated by Conder Minerals Management. A certification of financial assurance could be completed following the increase in surcharge. It will then be the responsibility of the LEA to develop an action plan to ensure that closure/postclosure requirements are met.

Summary:

Board action is requested to resolve the dual designation issue which the Waste Management Board will no longer allow. This matter, which was earlier explained, must be resolved quickly so that the necessary revised landfill facility permits can be obtained.

County Health and Human Services staff have met with the County Administrative Officer, Deputy Personnel Officer, and Director of Transportation and Engineering Services to discuss placement of the Solid Waste operations of the county. For the past year and one-half, the need for a Solid Waste Manager has been discussed. Regardless of the dual designation issue, the staff time needed in meeting all requirements to close the landfill and open the new one is not currently available. The Environmental Health Division while continuing to be responsible for increased LEA activities, must also provide for ongoing enforcement activities in the other Environmental Health programs.

As the CAO does not desire to create another department, it appears the most appropriate placement of the Solid Waste operations in the county would be with the Department of Transportation and Engineering Services. As a great deal of the work of a Solid Waste Manager involves public works projects, their expertise and engineering background would greatly streamline the many upcoming projects involved in the opening of a new landfill. This placement would result to a complete separation of LEA and landfill operator responsibilities, thus ending any possibility of conflict of interest.

The qualifications needed to be an effective Solid Waste Manager have been discussed with the Deputy Personnel Officer. A degree in civil engineering is being considered as a possible requirement for this position. A person with this background could perform most of the work which has been contracted out in the past. A conservative estimate of the savings in contracts over the next few years is \$250,000.

000309

Recommendations:

It is therefore, requested that the Board:

- (1) Transfer the responsibility for solid waste facility operations in Tuolumne County to the Department of Transportation and Engineering Services. The effective date of this transfer should be no later than July 1, 1990. Effective January 1, 1990 the Director of PES and the Human Services Director will have joint responsibility for facility operations to ensure a smooth transition. During this period, the final issues identified by the California Waste Management Board can be resolved.
- (2) Authorize the Deputy Personnel Officer to present a Solid Waste Management classification to the Board for approval. This recommendation, with the concurrence of the Director of TES, would include salary and organizational placement.
- (3) Instruct the Human Services Director to communicate to the California Waste Management Board of the above action.

Clwhite

CTW:jrp

c.c. Don Norris
Cy Hoblitt
California Waste Management Board

000310



Excerpt from the official minutes of November 21, 1989

Waste
Management
Board Report

Mr. Skellinger presented the Waste Management Board Report and requested Board consideration of transferring responsibility for solid waste facility operations in Tuolumne County to the Department of Transportation and Engineering Services, authorizing the Deputy Personnel Officer to prepare Solid Waste Manager classification information, and directing the Human Services Agency Director to transmit notice of the above actions to the California Waste Management Board.

Supervisor Tergeson moved to approve the three recommended actions. The motion, seconded by Supervisor Farr, carried by unanimous vote.

Distribution: _____

CERTIFICATION FOR EXCERPT ONLY

The foregoing instrument is a correct copy of the original on file in this office.

ATTEST: _____
Clerk of the Board of Supervisors
of the County of Tuolumne

000311

CALIFORNIA WASTE MANAGEMENT BOARD

AGENDA ITEM NO. 15

DECEMBER 14-15, 1989

Item:

Report on Review of El Dorado County Local Enforcement Agency

Key Issues:

- Local Enforcement Agency Designation:
 - conflict of interest
 - LEA acting as operator
- Enforcement Program:
 - needs Staff Training Plan
 - needs clear distinction between duties as operator and LEA
- Administration:
 - staffing adequate
 - staff is trained
 - needs funding specified
- Facility Status:
 - one facility exceeding permitted tonnage
 - no records of inspections
 - compliance status not available for comparison, no SWIS inspections on file
- Permitting:
 - one five-year permit review is delinquent
- Closure/Postclosure Status:
 - one facility reaching capacity on or near 1992
 - initial cost estimate submitted
 - certification of financial assurance delinquent

LEA Information:

SWIS ID Number:	09-AA
Designated LEA:	El Dorado County Environmental Health Division
Area of Jurisdiction:	County of El Dorado
Active Landfills:	1
Active Transfer Stations:	1
Co-LEAs:	None

Discussion:

Designation:

During August 1977, the Board approved the designation of the El Dorado County Environmental Health Division as the sole LEA for El Dorado County.

As of this review, the Environmental Health Division manages solid waste operations at the landfill and performs enforcement duties for the County, without a conditional waiver from the Board. This is a direct conflict of interest per Government Code (GC) Section 66796 (e). This conflict has been in place for several years since the El Dorado County Board of Supervisors removed the responsibility of operator from the County's Department of Transportation and appointed the Environmental Health Division as the County's operating unit.

During this review, the Director of Environmental Health informed Board staff that he has tried unsuccessfully to resolve this conflict through discussions with the County Administrative Officer. The County is currently pursuing authorization to create a new Department which would oversee four separate divisions. Two of the divisions would be reserved for operations and enforcement.

Enforcement Program:

In 1981 the LEA submitted their Enforcement Program Plan (EPP) (Attachment No. 1) to the Board for approval. Board staff reviewed the EPP at that time and determined that it was acceptable with respect to the requirements of GC Section 66796.21. The EPP includes sections which specify the following:

1. State and Local Regulations
2. Program Goals and Objectives
3. Solid Waste Facility Permitting Procedures
4. Inspection and Compliance Procedures
5. Staff Training
6. Budget

The main goal of the program, to assure that all residential, commercial, and industrial solid wastes are stored, transported, transferred, processed and disposed of in a safe, sanitary, and environmentally acceptable manner, is supported by the following objectives for administration of a solid waste program:

- o All permits will be reviewed and, if necessary, revised at least every five years.
- o All solid waste facilities will be in compliance with the Solid Waste Information System (SWIS) inspection form categories at all times.
- o Process and act on solid waste complaints within 48 hrs. and resolve problem within 3 months after receiving complaint.

The enforcement compliance program, implemented by the LEA, begins with issuing the operator verbal and written notices of violations documented in the field. Further enforcement actions consist of office hearings and, if those methods to achieve compliance fail, the LEA would issue a Notice and Order.

Board staff reviewed the EPP during this evaluation, and found that implementation of the enforcement program falls short of the plan outlined in 1981. In addition, the EPP should be revised and updated to reflect current policies and practice. The following areas need correction or implementation:

Permitting Procedure

Implementation Needed: The LEA should review permits in the manner stated in the EPP.

Update Needed: The LEA should update the EPP sections pertaining to closure requirements since closure regulations have changed.

Inspection Procedure **Implementation Needed:** The LEA should adhere to the bi-monthly inspection frequency and submit SWIS inspection forms to the Board, as stated in the EPP.

Staff Training **Update Needed:** The EPP should include a written training plan.

General **Update Needed:** The EPP should address methods for separating the roles of operator and LEA currently performed by the Environmental Health Division.

Administration:

Board staff reviewed the LEA's administration for funding, staffing, training and organization.

Funding: The El Dorado County Environmental Health Division has no specific annual budget. There is no specific funding for any single program, yet the LEA claims that approved resources are diverted from normal activities to provide the services of the LEA. However, as the operator of one landfill in the County, the LEA manages an independent operating budget for each fiscal year to support that program. The budget is entirely supported by County Service Area fees. The budget for this program was approximately \$180,000 for fiscal year 1988/89.

Staffing: One staff is assigned to the LEA, the Director of Environmental Health (who is also contract manager for solid waste operations).

Training: LEA staff are trained on-the-job. There is some mention of training concepts in the EPP, but a formal, written, staff training plan which would detail everyday activities, was not available. The LEA staff attends solid waste related seminars when time permits.

Organization: An organization chart is attached (Attachment No. 2).

Facility Status:

El Dorado County has one active landfill and one large volume transfer station (Attachment No. 3). The landfill is owned by the County, and the transfer station is privately owned and operated. The County's landfill is managed by the Environmental Health Division (also the LEA), but the actual operations are conducted by a contract operator.

No facilities in the County are on the Federal RCRA Open Dump Inventory at this time; however, the landfill is on the State Water Resources Control Board list of Toxic Pits. The County-managed landfill is visited frequently on an informal basis by the LEA while acting in the role of operator. However, there is no SWIS documentation of LEA inspections at either the landfill or the transfer station. A field office in South Lake Tahoe is responsible for inspecting the transfer station, yet there is no evidence that the site has been inspected by the LEA. Since there is no information to compare state and local inspections, the section regarding substantial compliance has been omitted from this report. Board staff has inspected the landfill and has found that the site is not in compliance with State Minimum Standards. The transfer station achieved substantial compliance during a state inspection cycle which was completed in 1987.

Board staff has found that the Union Mine Landfill is not in compliance with terms/conditions of its permit. The Findings section of the permit states that the site receives an average of 85 tons of waste per day. A recent state inspection found that the site actually receives an average of 113 tons of waste per day.

No enforcement action has been initiated by the LEA to obtain a solid waste facilities permit application to reflect the 5-year permit review needed at the Union Mine Landfill, or to keep the Union Mine Landfill from accepting tonnage that exceeds what is stated in the existing permit.

Permitting:

During 1988, Board staff conducted a statewide survey of facilities and LEAs with overdue five year permit reviews. The survey identified that the permit for Union Mine Landfill in El Dorado County was delinquent. The permit anniversary date was 1983. To date, the permit review has not been completed.

Closure/Postclosure Status:

The County-managed landfill within the LEA's jurisdiction will be closing before or shortly after 1992. Closure/postclosure plans will be due for review for this facility before 1992. The LEA has allowed for review of this plan by the head engineer under the CAO, since engineering expertise is not readily available from the LEA. In addition, the operator of the landfill has submitted an initial cost estimate, but the required certification for financial mechanism for closure/postclosure maintenance has yet to be completed.

Conclusion:

Board staff review of the current enforcement program implemented by the El Dorado County Division of Environmental Health, reveals some conflict with the Government Code with respect to designation, and facility investigation. Currently, the Environmental Health Division is both the LEA and responsible operator for the County's landfill.

The LEA is in substantial compliance with respect to staffing and training (except for a written training plan) for an enforcement program. However, there are deficiencies with respect to funding, and organization. There is no clear budget for the Environmental Health Division as the LEA nor is there a clear distinction between the LEA's duties as operator and enforcement agency.

The Enforcement Program Plan, written in 1981, is deficient or lacks implementation. Some deficiencies with the EPP include the need for an update of closure practices, a lack of a written training plan, and clarification of the LEA's dual role as operator and LEA. The LEA needs to implement the statements made in the EPP regarding permit review, and performing bimonthly facility inspections and submittal of SWIS inspection forms to the Board.

One facility, the Union Mine Landfill, is operating outside the terms/conditions of its current permit. It has also missed its permit due date by more than 5 years. The LEA needs to implement the permit review immediately.

Recommendations to the LEA:

1. By January 31, 1990, submit to the Board the resolution of the conflict of interest caused by having both operations and enforcement handled by the Environmental Health Division of El Dorado County.
2. By January 31, 1990, revise the Enforcement Program Plan to incorporate upcoming activities such as closure plan review, develop a written staff training plan, and determine the actual budget needed to perform as an LEA. Immediately implement the review of solid waste facilities permits, and adhere to the bimonthly inspection frequency and submit SWIS inspection forms to the Board, as stated in the Enforcement Program Plan.

3. Immediately pursue obtaining a solid waste facilities permit application to initiate the permit review process at the Union Mine Landfill. Develop a plan of action to expedite completion of the permit review and submit plan to the Board by January 31, 1990.
4. Immediately issue a Notice and Order to the Union Mine Landfill Operator and comply with Board policy for enforcement of permit conditions.
5. Present a status report concerning progress made on the above recommendations to the California Waste Management Board at its January, 1990 meeting.

Board Options:

1. Approve staff's review of the El Dorado County Division of Environmental Health (LEA).
2. Give 30 days notice of Board's intent to withdraw the approval of the designation of the El Dorado County Environmental Health Division as the LEA for El Dorado County.
3. Take no action.

Staff Recommendation:

1. Staff recommends Board Option No. 1.

Attachments

TABLE OF CONTENTS

I. State and Local Regulations.....	1
II. Program Goals and Objectives.....	1
III. Solid Waste Facility Permitting Procedures.....	1
IV. Inspection and Compliance Procedures.....	2
V. Staff Training.....	4
VI. Budget.....	5

SOLID WASTE ENFORCEMENT PLAN

I. STATE AND LOCAL REGULATIONS

- A. In the County the Solid Waste Enforcement Program operates by authority of Title 7.3, Government Code, and Title 14, California Administrative Code, The U.S. Resources Conservation and Recovery Act of 1976 as amended, etc.
- B. In El Dorado County solid waste standards and litter control ordinances are found in Chapter 2 and Chapter 6 of the County Codes.

All solid waste pickup in the County is by franchised areas. Five franchise areas exist.

The Union Mine Landfill is managed under contract by El Dorado Landfill, Inc. and the County. All State statutes are adhered to in the good control of solid waste.

II. PROGRAM GOALS AND OBJECTIVES

A. Goal

To assure that all residential, commercial and industrial solid wastes are stored, transported, transferred/processed and disposed of in a safe, sanitary and environmentally acceptable manner.

B. Objectives

Administer a solid waste enforcement program that results in the following:

1. All permits will be reviewed and, if necessary, revised at least every five years.
2. All solid waste facilities will be in compliance with the Solid Waste Information System (SWIS) inspection form categories at all times.
3. Process and act on solid waste complaints within 48 hrs. and resolve problem within 3 months after receiving complaint.

III. SOLID WASTE FACILITY PERMITTING PROCEDURES

- A. Obtain Special Use Permit for proposed use of property as a Solid Waste Facility. See Attachment 1.

- B. Permits for solid waste facilities in the county are based upon information provided in the application for a solid waste facility permit. A portion of the application is the Report of Disposal Site or Transfer/Processing Station Information and is submitted by the applicant. Information provided is reviewed by staff and verified during a facility inspection. A permit is then prepared using the State Solid Waste Management Board format. (See attachments 2, 3, and 4 which present requirements of facility permit applications, reports of information and facility permits.)
- C. After preparation, a copy of the proposed permit is furnished the applicant for review and comment. The proposed permit is submitted to the State Solid Waste Management Board for concurrence. Uncontested permits are issued within the time required by law.
- D. If a violation of the State statutes or standard exists as determined by the State Solid Waste Management Board or the Director of Environmental Health, the permit shall be denied.
- E. Appeals from rulings of the Director of Environmental Health shall be filed with the El Dorado County Board of Building Appeals and conducted in strict compliance with Title 7.3, Government Code and the Administrative Procedures Act.
- F. Permits are revised whenever a significant change in facility design or operation is proposed by the operator or when it has been determined that an existing permit no longer provides pertinent data in the findings in the condition or in the monitoring data that is necessary for the protection of the public health or the environment.
- G. Solid Waste Facility closure requires notification 10 days prior to completion or suspension of work at the disposal site. The California Regional Water Quality Control Board must be notified at least 90 days prior to actual closure. Periodic monitoring will be made to identify violations that may develop at the closed landfill site.

IV. INSPECTION AND COMPLIANCE PROCEDURES

- A. Solid waste collection and/or transportation vehicles are inspected at least once annually while at the corporation yard. Inspections are for leakage or loss of wastes which may create a public health hazard.
- B. Solid waste disposal and transfer facilities are inspected on an average of six times per year using the State Solid Waste Management Board's recommended SWIS information form.

The operator of the facility is usually advised of the time of the proposed inspection to permit him to be present at the disposal site or transfer station. After the inspection, a verbal report is made to the operator or to his representative, detailing the results of the inspection. A written report is prepared and provided to the operator and other persons who are identified in the permit. Copies of each inspection are forwarded to the State Solid Waste Management Board.

C. Enforcement Compliance Program actions are:

1. Verbal Notice: To storage, collection or facility operators at the time that a violation is identified. A verbal order is confirmed in writing and mailed or hand delivered to the violator or his representative.
2. Written Notice: Usually transmitted by mail; may be issued by the field investigator at scene of violation.
3. Office "Show Cause" Hearing: Administrative hearings providing the violator an opportunity to present evidence of compliance to avoid further enforcement procedures.
4. Notice and Order: Prepared and served as provided for in Title 14, California Administrative Code, Chapter 5. (Within 5 days of the date of issuance, a copy of the Notice and Order document is transmitted to the State Solid Waste Management Board.)

Compliance or non-compliance within a Notice and Order is determined by:

- a. inspections
 - b. letters of compliance or non-compliance issued by other participating agencies
 - c. certification of compliance by the company's engineer or other appropriate persons
- D. Written or verbal complaints that solid waste services or facilities are the source of health or environmental hazards or a public nuisance are accepted and investigated if the complainant's identity can be established. Anonymous complaints are investigated only when the probability of immediate health or safety hazard is apparent.

Complaint and investigation results are recorded. Verified complaints may result in the issuance of an official notice and/or

abatement order. Inspection or search warrants are obtained when entry onto the property is refused. The results of the investigation are provided by the complainant by mail or telephone. Failure to comply with an official notice and/or abatement order is referred to Legal Counsel for enforcement action.

E. The following state and local agencies are closely coordinated in enforcement responsibilities and activities:

1. State Solid Waste Management Board: Sets State policy, establishes statewide standards, concurs with or objects to solid waste facility permits and aids, assists and oversees local enforcement program.
2. State Department of Health Services, Hazardous Waste Management Section: Regulates and permits hazardous and infectious transportation and disposal.
3. County and City Planning Departments: Establish land zoning and process land use permits.
4. County and City Public Works Departments: May operate solid waste facilities, control the use of City or County streets and determine off-site drainage courses and structures.
5. County and City Building Departments: Issue permits for structures at solid waste facility sites.
6. State, County, City or Special Districts: Responsible for fire control at solid waste facilities.
7. State Department of Forestry: Issues "Rubbish Dump Permits" in the unincorporated areas of the State.
8. California Regional Water Quality Control Boards: Issue waste discharge requirements for solid waste disposal sites and establish disposal site classifications.

V. STAFF TRAINING

The staff training conducted includes the general enforcement procedures provided to all staff and specific enforcement techniques for the solid waste management programs.

The staff training program is closely coordinated with state and local agencies and includes general enforcement and surveillance practices.

A. Examples of staff training include the following:

1. Knowledge of codes, minimum standards and local ordinances.
2. Knowledge of individual permit content and requirements.
3. Schedule of inspections.
4. Establish communication with the operator.
5. Inspection techniques.
6. Field and office report preparation.
7. Post-inspection conference with solid waste facility operator.
8. Techniques of written communication of inspection findings.
9. Preparation for court hearing.

B. Specific training in solid waste standards enforcement.

C. Administration practices within a solid waste enforcement program.

VI. BUDGET

A. All staff members have a responsibility in the enforcement procedure. (See Organization Chart for classification and specific numbers.)

B. The Hearing Panel is financed under our Professional & Specialized Services. (See Budget.)

C. Additional technical equipment is included in our proposed budget 1981-81.

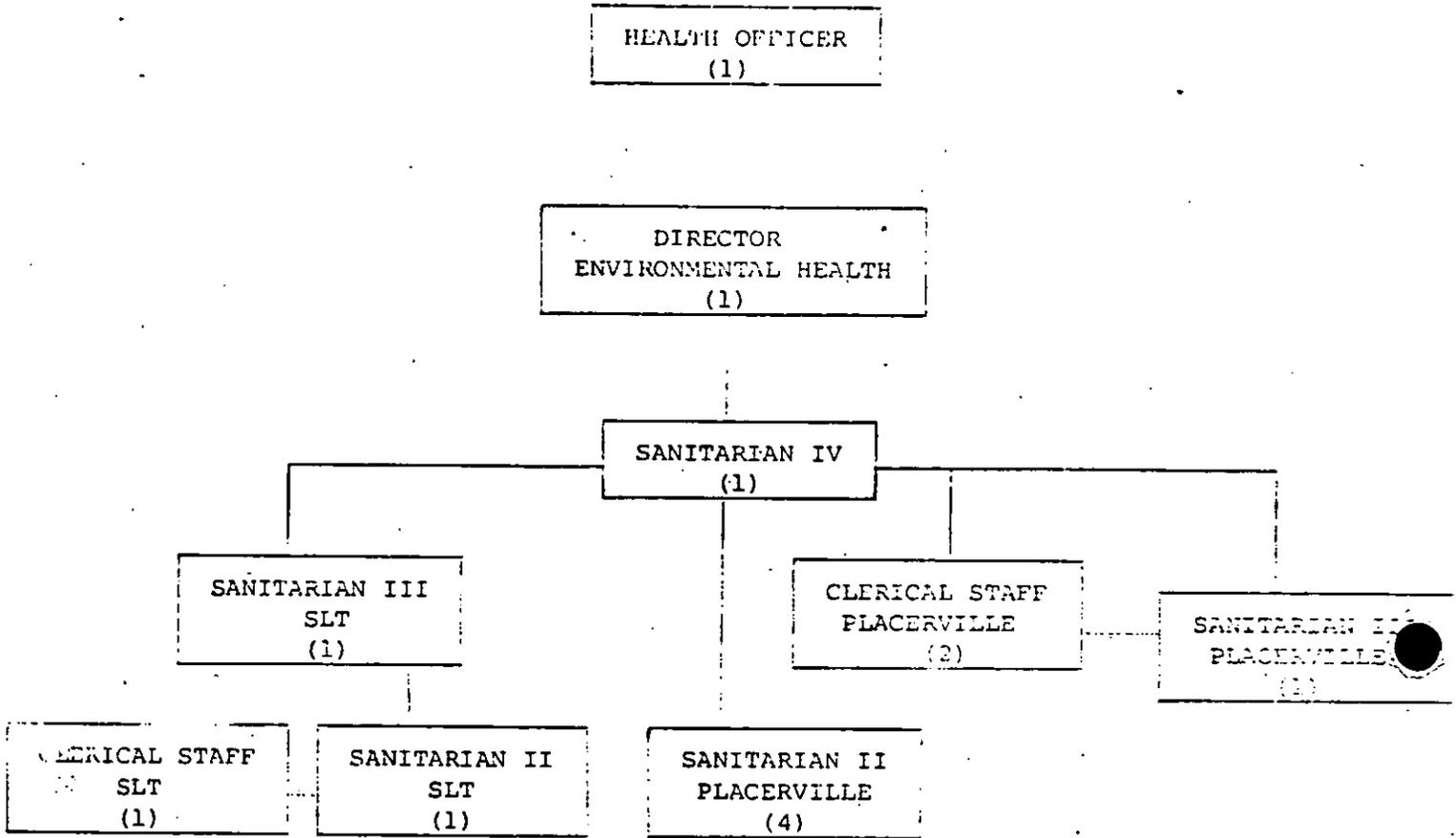
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TIME TASK ANALYSIS

Program Service	Number of Units	Planned Insp. per Unit	Average Time per Insp. (hours)	Field Manpower Necessary (Man Hours)
WASTES MANAGEMENT				
Solid Waste Sites	1	6	5.0	30
Solid Waste Transfer Sites	1	6	5.0	30
Recycling Centers	1	1	1.0	1
Complaints	150	2	0.75	225
Office	314	1	0.25	80
WASTES MANAGEMENT MANPOWER TOTALS				467
				366

DIVISION OF ENVIRONMENTAL HEALTH

ORGANIZATION CHART



COUNTY OF FLORIDA
 HEALTH DEPARTMENT
 UNIT EXPENDITURE DETAIL
 FISCAL YEAR 1980-81

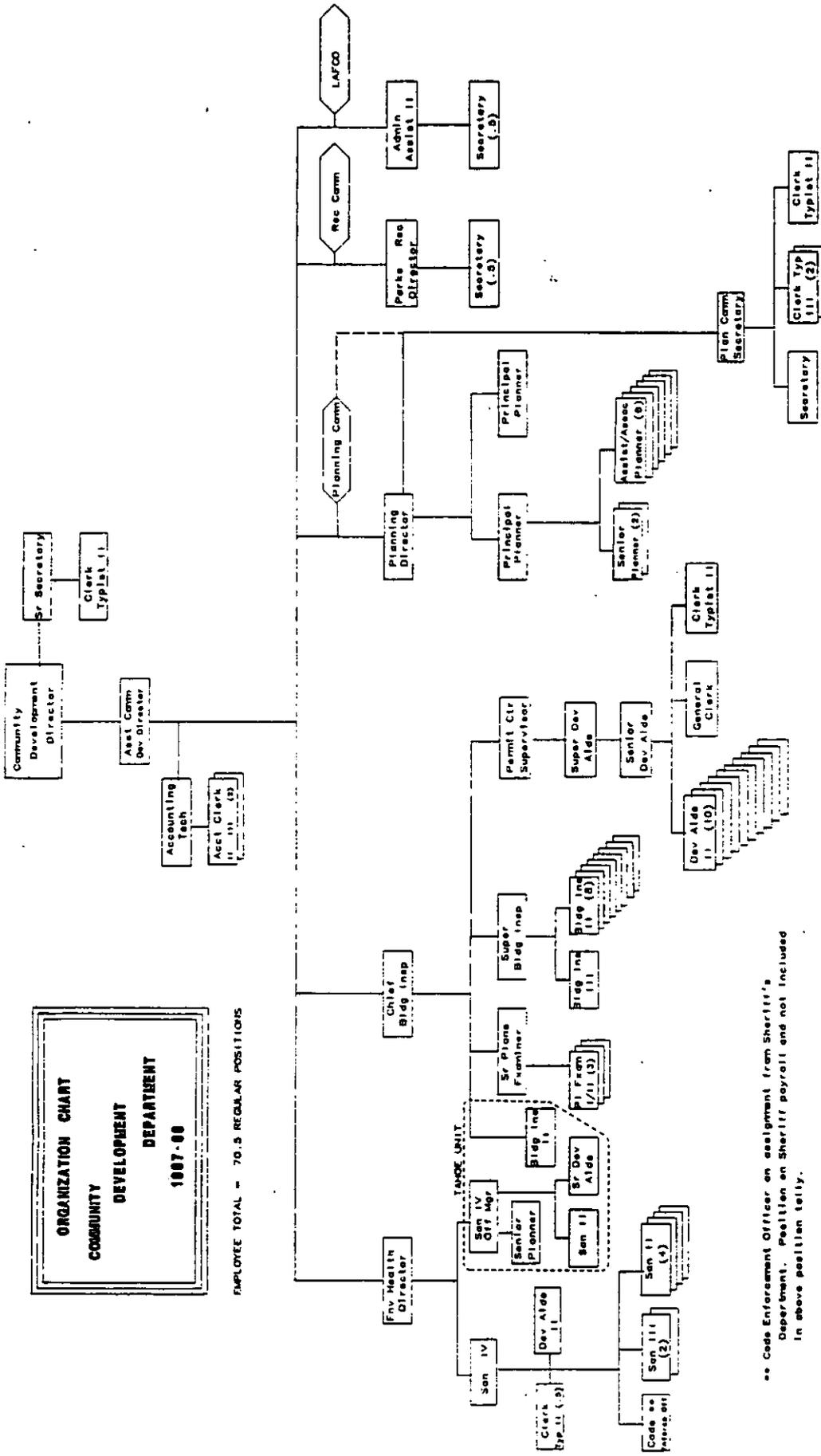
DEPARTMENT: 4-105
 UNIT TITLE: ENVIRONMENTAL HEALTH
 CLASSIFICATION:
 FUNCTION: 04 HEALTH AND SANITATION
 ACTIVITY: 01 HEALTH

FUND NO. 001
 BUDGET APPROPRIATIONS 1979-80
 ACTUAL EXPENDITURES 1979-80
 REQUESTED 1980-81

ACCT NR	EXPENDITURES CLASSIFICATION	ALT FUND	ACTUAL EXPENDITURES 1978-79	BUDGET APPROPRIATIONS 1979-80	ACTUAL EXPENDITURES 1979-80	REQUESTED 1980-81	BY SUPERVISOR
CLASS I SALARIES							
1-010	REGULAR EMPLOYEES	000	159,505	204,186	200,654	241,792	251,000
1-030	OVERTIME	000	1,606		169		
1-100	CO CONTRIB OASDI	000	9,519	12,517	12,204	14,920	15,000
1-110	CO CONTRIB RETIREMENT	000	16,684	25,985	25,543	32,718	34,000
1-120	CO CONTRIB HEALTH INSURANCE	000	8,024	14,688	12,635	13,390	13,000
1-130	FEDERAL UNEMPLOYMENT	000			1,607	1,614	2,000
1-150	INSURANCE - WORKMENS COMP	000	2,692	4,335	4,469	1,510	1,000
	CLASS I TOTALS		198,030	261,711	257,241	305,974	321,000
CLASS II SERVICES							
2-050	COMMUNICATIONS	000	2,809	3,500	3,331	3,500	3,500
2-120	MAINT - EQUIPMENT	000	4,437	5,000	5,942	5,000	5,000
2-140	MEDICAL DENTAL AND LAB SUPPLIES	000	144	150	158	150	150
2-150	MEMBERSHIPS	000	10	50	48	50	50
2-170	OFFICE EXPENSE	000	1,244	2,000	2,334	2,000	2,000
2-171	CENTRAL DUPLICATING	000	1,393	1,500	957	1,500	1,500
2-180	PROF AND SPECIALIZED SERVICES	000	307	800	336	600	600
2-200	RENTS & LEASES - EQUIPMENT	000	2,651	3,000	2,613	3,000	3,000
2-220	SMALL TOOLS AND INSTRUMENTS	000	151	200	104	200	200
2-230	SPECIAL DEPARTMENTAL EXPENSE	000	180	100	205	100	100
2-250	TRANSPORTATION AND TRAVEL	000	5,829	8,000	7,582	10,000	10,000
	CLASS II TOTALS		19,155	24,300	23,610	27,100	27,100
CLASS III FIXED ASSETS							
3-370	EQUIPMENT	000		6,935	6,572		
	CLASS III TOTALS			6,935	6,572		
DEPARTMENT TOTALS GROSS							
7-500	DEPARTMENT ESTIMATED REVENUE	000	217,185	292,946	287,863	333,074	377,000
	NET COUNTY COST		217,185	292,946	286,946	95,030	123,000

ORGANIZATION CHART
COMMUNITY DEVELOPMENT DEPARTMENT
1007-00

EMPLOYEE TOTAL = 70.5 REGULAR POSITIONS



** Code Enforcement Officer on assignment from Sheriff's Department. Position on Sheriff payroll and not included in above position tally.

EL DORADO COUNTY FACILITY STATUS

SWIS NO. (09-AA-)	FACILITY NAME	TYPE	ACTIVE	CLOSED INACTIVE	PUBLIC AGENCY	PRIVATE	5 YR REVIEW STATUS	DUE
0002	So. Tahoe TS	TS	X			X	Delinquent	1983
0003	Union Mine DS	LF	X		X		Current	1991

000330

CALIFORNIA WASTE MANAGEMENT BOARD

AGENDA ITEM #16

DECEMBER 14-15, 1989

Item:

Report to the Board from the Enforcement Advisory Council

Discussion:

During the Enforcement Advisory Council (EAC) meeting held on November 2, 1989, at the California Waste Management Board hearing room in Sacramento, California, the following recommendations were made:

- The EAC recommended that LEAs be allowed input for upcoming LEA certification regulations.
- The EAC recommended that Board staff inform all LEAs about the LEA review program and include a description of consistent discrepancies found during the reviews.
- The EAC recommended that the Board guidance document "Procedural Guidance for the Use of Alternative Daily Covers" be sent to all LEAs.
- The EAC requested that the Permit Desk Manual include all changes in permitting affected by AB 939. This request should be considered prior to the first LEA training seminar to be held November 20-21, 1989.
- The EAC recommended that LEAs be reinserted into legislation requiring them to approve closure/postclosure plans based on whether the LEA is certified. Also, create additional certification requirement to handle closure review.
- The EAC recommended that Board staff review and comment on their issue paper, CEQA Lead Agency Issue, prior to considering a hearing of the item before the Board.
- The EAC recommended minor changes to Agenda Item #15, June 7-9, 1989, regarding the function and organization of the EAC. The members would like CCDEH, CEHA, and the Health Officers associations to nominate their own representative to the EAC. Mission/Purpose would be changed to Goals and Objectives. The members requested that the vacant, Health Officer appointment be filled immediately.

OLD BUSINESS:

The EAC made the recommendations listed below at their August, 1989, EAC meeting. The status of these items is given.

- o The EAC recommended that an EAC committee submit a proposal for a Board agenda item regarding the following:
 1. Local determination of CEQA vs. Board's authority to deny the issuance of a permit based on conformance with CEQA requirements
 2. Is Board concurrence with a permit a discretionary act under CEQA?

The EAC requested that the proposal be circulated before the members one month prior to their next meeting.

Status: EAC issue papers completed, under Board staff review and comment

- o The EAC recommended that an EAC committee (or the Solid Waste Specialists of Southern California) survey LEAs to find out what resources will be available or needed by LEAs in order to review Closure/Postclosure plans.

Status: Research yet to be completed by EAC committee

- o The EAC recommended that the Board formally inform LEAs of policy changes, such as, the changes in the Presley inspection program or changes in methods to complete the SWIS inspection forms.

Status: Item considered

- o The EAC recommended that Board staff formally inform all LEAs that Title 14, California Code of Regulations (CCR), Chapter 5 is being revised and comments are being accepted.

Status: Completed

- o The EAC recommended that input from EAC members and LEAs be considered before changes to the EAC (Board Agenda Item #15, June 7-9, 1989) are implemented; however, vacancies on the EAC should be filled as soon as possible.

Status: EAC suggestions will be transmitted to the Chairman

The recommendation listed below was adopted at the April, 1989, EAC meeting. The status of the item is given.

- o The EAC recommended that EAC members receive a copy of the draft version of the LEA training manual which covers the topics of landfill gas and onsite safety. The EAC would like to submit comments prior to the final printing of the manual. In addition, the EAC recommended that all LEAs receive a copy of the training manual prior to the training seminars.

Status: Training manuals not developed in time to circulate for EAC comment

The resolution listed below was adopted at the January, 1989, EAC meeting. The status of this item is given.

- o The EAC adopted a resolution for the Board to develop regulations called for in GC Section 66723 (c) which defines the operations of a transfer/processing station. The EAC would like to see regulations which would allow an LEA to enforce this code at waste collection yards as necessary. GC Section 66723 (c) states:

The operations premises of a duly licensed solid waste handling operator who receives, stores, transfers, or otherwise processes wastes as an activity incidental to the conduct of a refuse collection and disposal business. The board may adopt regulations specifying those operation subject to this subdivision. These regulations shall prohibit the storing of more than 90 cubic yards of waste in covered containers during any 72-hour period and the transfer of containerized refuse from smaller refuse hauling motor vehicles to larger refuse transfer motor vehicles for transport to the point of ultimate disposal.

Status: Under review

Board Action:

This item is for information only.

CALIFORNIA WASTE MANAGEMENT BOARD

AGENDA ITEM #17

DECEMBER 14-15, 1989

ITEM:

Presentation by Harvey Holden, Executive Director of San Gabriel Valley Association of Cities, on a Joint Power Authority for Establishment of a Regional Solid Waste Rail Haul System.

KEY ISSUES:

- Focus on Regional system for hauling waste by rail from San Gabriel Valley and adjoining interested communities.
- SGVAC as lead agency needs initial support until financing available from participating communities.

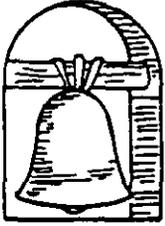
BACKGROUND:

The Executive Director of the San Gabriel Valley Association of Cities has submitted a draft document for review by the Board (see Attachment) and has requested to address the Board on the proposed Joint Powers Agreement.

RECOMMENDATION:

Information item.

Attachment

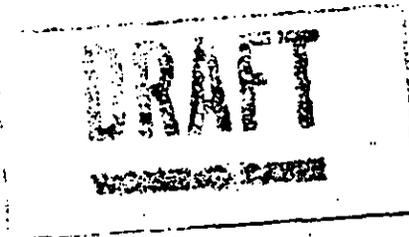


SAN GABRIEL VALLEY ASSOCIATION OF CITIES

P. O. BOX 576 WEST COVINA, CALIFORNIA 91793
(714) 598-2020



JOINT POWERS AGREEMENT.



Alhambra - Arcadia - Azusa - Baldwin Park - Bradbury -
Claremont - Covina - Diamond Bar - Duarte - El Monte
Glendora - Industry - Irwindale - La Canada Flintridge
La Puente - La Verne - Monrovia - Monterey Park -
Pasadena - Pomona - Rosemead - San Dimas - San Gabriel -
San Marino - Sierra Madre - South El Monte - South Pasadena -
Temple City - Walnut - West Covina -

JOINT POWERS AGREEMENT -
LOS ANGELES COUNTY METROPOLITAN AREA WASTE-BY-RAIL
AND DISPOSAL SYSTEM

10/26/89

DRAFT
FOR REVIEW

This Joint Powers Agreement, effective _____, 1990, is made and entered into by and between County Sanitation District No. 2 of Los Angeles County, hereinafter referred to as "District", the San Gabriel Valley Association of Cities, hereinafter referred to as "Association", and those municipal corporations or county governments which subsequently become party to this Agreement through execution of an amendment as specified herein, hereinafter referred to individually as "City" and collectively as "Cities", except, Association shall be party to this Agreement only during the six month period commencing with the effective date hereof. *Unless ext. by mutual agreement of Dist. & Assoc.*

WHEREAS, as a consequence of the closure of landfills, and constraints on the expansion of existing landfill sites and the implementation of new landfill sites in Los Angeles County, the County is facing a projected potential shortage of authorized landfill disposal capacity in the metropolitan area.

WHEREAS, District, a special district organized and existing pursuant to the County Sanitation District Act, Health and Safety Code, Sections 4700 et. seq., is empowered to acquire, own, control, manage, and dispose of property necessary for the construction, operation, or maintenance of a refuse transfer and disposal system, including entering into contracts with others to perform some or all of these functions related to implementing a waste-by-rail and disposal system, and including setting of fees and charges for the disposal of solid waste, and to sell or otherwise dispose of any by-product therefrom. Pursuant to the Los Angeles County Sanitation District Joint Refuse Transfer and Disposal System Agreement dated April 8, 1970, as amended,

District is empowered to perform said functions as agent for the other County Sanitation Districts of Los Angeles County signatory thereto and in executing this Agreement is acting in such capacity.

WHEREAS, Association, an organization formed to represent the common interests of its member cities, desires to facilitate the continuing evaluation and potential implementation of waste-by-rail and disposal systems as an element of a balanced approach for the management of solid waste from the Los Angeles County metropolitan area in general, and the Association's member cities in particular.

WHEREAS, Cities are individually empowered to acquire, own, control, manage, and dispose of property necessary for the construction, operation, or maintenance of a refuse transfer and disposal system, including entering into contracts with others to perform some or all of these functions related to implementing a waste-by-rail and disposal system and including setting of fees and charges for the disposal of solid waste, and to sell or otherwise dispose of any by-products therefrom.

WHEREAS, Cities through State law and local ordinances are each responsible for the disposal of all or a portion of the municipal solid waste generated within its municipal boundaries, and are empowered to enter into contracts to collect and dispose of this waste, and may commit such waste to be generated in the future to a waste-by-rail and disposal system or other solid waste management system.

WHEREAS, District, Association, and various cities have individually or jointly evaluated the implementation of waste-by-rail and disposal systems as an alternative method for the

management of municipal solid waste from the Los Angeles County metropolitan area, and have concluded that such systems, designed to collect and transport solid waste by rail to remote disposal sites, can be a technically and economically viable means of solid waste management. Such systems, incorporating or in combination with waste reduction, materials recovery, transfer stations and metropolitan landfills, would be consistent with a balanced approach to solid waste management in Los Angeles County.

WHEREAS, District acting as the lead agency on behalf of its member cities has previously utilized and is continuing to utilize staff and significant other resources to prepare and administer a request for proposals for the design, permitting, construction, financing, and operation of a complete waste-by-rail and disposal system to manage a portion of the Los Angeles County metropolitan area's municipal solid waste after collection, and is proceeding with the evaluation of those proposals received as a result of this request.

WHEREAS, the Solid Waste Management Committee of Association has independently evaluated the implementation of a waste-by-rail and disposal system to serve a portion of the solid waste management needs of its member cities.

WHEREAS, the Los Angeles County Solid Waste Management Plan ^{is being} ~~shall be~~ revised in ~~1990~~ to include the implementation of waste-by-rail and disposal systems as an option to manage a portion of the solid waste from the County, and envisions a coordinated transition from reliance on landfills in Los Angeles County to a coordinated solid waste management system including materials recovery, local landfills, and potentially transport of solid waste by rail to remote disposal sites.

WHEREAS, the Southern California Association of Governments has completed a feasibility study, dated April 21, 1988, which found that hauling solid waste by railroad from the San Gabriel Valley was technically feasible, and the City of Los Angeles commissioned a study, dated May 1988, which found that long-haul of solid waste from the City of Los Angeles to disposal sites beyond the City's boundaries was technically feasible.

WHEREAS, District and Association desire to continue with the evaluation and potential implementation of a waste-by-rail and disposal system for the Los Angeles County metropolitan area, and that such activity be carried out in an organized, timely, manner. If it is decided to proceed with a system, the parties hereto desire that it be technically sound, environmentally acceptable, and financially feasible, and serve Cities through the mechanism of the joint powers authority provided for hereby.

NOW THEREFORE, District, Association, and Cities do agree as follows:

Section 1. Purpose.

This Agreement is made pursuant to the provisions of Chapter 5, Division 7, Title 1 of the Government Code of the State of California ("the Act") relating to the joint exercise of powers common to public agencies. District and Cities each possess the powers referred to in the recitals set forth above.

The purpose of this Agreement is to exercise such powers jointly through the creation of

a separate legal entity known as the Los Angeles County Metropolitan Area Waste-by-Rail Authority, hereinafter referred to as "Authority", to evaluate the potential implementation of a waste-by-rail and disposal system or systems to accept a minimum twenty-four thousand (24,000) total tons per week of municipal solid waste generated in Los Angeles or adjacent counties, and following materials recovery, to transport remaining materials to a remote disposal site or sites, and if appropriate to implement and operate such a project. This Agreement is also intended as an instrument to secure commitments from Members as defined herein which shall become party to this Agreement by amendment hereto for the future supply of a quantity of municipal solid waste generated within their respective boundaries and under their control for management by the project, and to specify the rights and obligations of Authority and Members with regard to the providing of these services.

Section 2. Members and Charter Members.

Those municipal corporations or county governments previously identified as "Cities" shall also be known as "Members" of the Authority. Members may only be Los Angeles County government, a government of a county adjacent to Los Angeles County, or a municipal corporation located within one of these counties. Members become party to this Agreement subsequent to the original effective date through execution of an amendment following the form contained in Exhibit A, hereto. Such amendment includes a commitment by City for a specified period of time for the future supply of a quantity of municipal solid waste generated within its respective boundaries and under its control for management by the project, and upon execution and attachment hereto, shall be considered party to the Agreement, and shall henceforth be subject to all rights and obligations of Members as specified herein. Such action shall not require the approval of any existing parties

to this Agreement.

Charter Members shall be those Members which become party to this Agreement during the six month period commencing with the original effective date. The Board as herein defined is directed and empowered to provide favored status to Charter Members as incentive for early commitment of waste to the project. Such incentives shall include but not necessarily be limited to a lower contracted charge to be paid by a Charter member for disposal of its waste, and priority in the allocation of limited project waste handling capacity; Charter Members shall be accommodated up to their committed waste amounts before all other Members are accommodated.

Section 3. Term.

This Agreement is effective as of the date hereof and shall continue in full force and effect for a period of twenty-five (25) years or for a longer initial period or subsequent additional periods if mutually agreed to by District and a majority of Members.

The Agreement shall terminate six (6) months from the date hereof if at such time no solid waste has been committed to the proposed project.

The Agreement shall terminate five (5) years from the date hereof in the event that the total solid waste committed to the proposed project by Members is less than twenty-four thousand (24,000) tons per week (as delivered to the system prior to any materials recovery), Authority has not entered into contracts for the substantial implementation of the proposed project, or unless otherwise mutually agreed to by the parties to this Agreement.

This Agreement may be terminated by Association, District or by a majority of Members at any time before contracts are entered into for the substantial implementation of the proposed project upon not less than 60 days advanced written notice provided that the terminating party has paid its share of costs incurred in accordance with this Agreement and provided further that such termination shall not relieve the terminating party from bearing its share of future costs that have been contracted for at the time of such termination.

Section 4. Authority.

A. Creation of Authority.

Pursuant to the Act there is hereby created a public entity, separate and apart from the parties hereto, to be known as the Los Angeles County Metropolitan Area Waste-by-Rail Authority ("Authority"). The debts, liabilities and obligations of Authority shall not constitute debts, liabilities or obligations of District, Association, or Members.

B. Interim Board of Directors.

For the six month period commencing with the effective date of the Agreement the Authority shall be governed by an Interim Board of Directors composed of the members of the existing Solid Waste Management Committee^{of} Association. The membership, officers, and meetings of the Interim Board of Directors shall be as specified by the existing bylaws and statutes governing the overall conduct of the identified Committee. As appropriate, the Interim Board of Directors

shall exercise the powers of the Board of Directors as specified in Subsection 4.E. hereof.

C. Board of Directors.

For the period commencing six months following the effective date of this Agreement, Authority shall be governed by a Board of Directors composed of five (5) members, each serving in his or her individual capacity as a Director of the Board. Prior to this period, initially four (4) Directors of the Board shall be elected by the governing bodies of Charter Members and shall be members of said governing bodies of Charter Members. Similarly, one (1) member of the Board shall initially be appointed by the Board of Directors of District and shall either be a Director or an employee of District. The governing bodies of Charter Members shall elect, and District Board of Directors shall appoint alternate directors to act as members of the Board during a director's absence, inability or refusal to act.

Vacancies on the Board of a director originally elected by Charter Members shall be filled through election by all Members. Vacancies on the Board of a director originally appointed by District shall be filled by District.

D. Officers.

The Board shall elect a Chairperson and Vice Chairperson from among its members at its first meeting. Thereafter at the first meeting held in each succeeding calendar year the Board shall elect or re-elect its Chairperson and Vice Chairperson. In the event that the Chairperson or Vice Chairperson ceases to be a member of the Board, the resulting vacancy shall be filled at the next

meeting of the Board held after such vacancy occurs. In the absence or inability of the Chairperson to act, the Vice Chairperson shall act as Chairperson. The Chairperson, or in his or her absence the Vice Chairperson, shall preside at and conduct all meetings of the Board.

The Secretary to the Board of Directors of District shall act as Secretary of the Board.

The Treasurer of the County of Los Angeles shall be the Treasurer of Authority and is designated as the Authority's depository to have custody of all funds of Authority from whatever source, subject to the provisions of any bond indenture or resolution. The Treasurer shall comply with the provisions of Government Code Section 6505.5 as that Section may be amended or as similar laws may from time to time provide.

The Auditor of the County of Los Angeles shall act as Authority's Controller. The Controller shall be strictly accountable for all funds and shall report all receipts and disbursements. The Controller shall establish and maintain such funds and accounts as may be required by good accounting practice. The books and records of Authority in the hands of the Controller shall be open to inspection at all reasonable times by representatives of Members and District. The Controller within one hundred eighty (180) days after the close of each fiscal year shall give a complete written report of all financial activities for such fiscal year to all Members and to District.

The Board may from time to time change the designated Secretary, Treasurer or Controller to any person who is qualified by law to occupy such office.

The City Attorney or other legal counsel of any Member (representing all Members) or

District Counsel (representing District) shall at the expense of the Authority on request attend the meetings of the Board and shall also on request advise the Board in connection with any business relating to the affairs of the Authority.

The Board shall appoint a Project Director and such other staff as is reasonably necessary to conduct the affairs of the Authority. The Project Director and members of the staff shall not be a member of the governing body of any Member nor a member of the District Board of Directors. During the initial ^{5 year} ~~six month~~ period of this Agreement the Project Director and staff shall be members of the staff of District, and following this period may be a member of the staff of either a Member or of District. The Project Director shall have overall managerial responsibility for overseeing the implementation of the project by the Authority's forces or under contract by others. The Project Director shall, within forty-five (45) days of the close of each calendar quarter, give a complete written report on all project activities including financial summaries to the Board.

E. Meetings of the Board.

1. Regular Meetings.

The Board shall provide for its regular meetings; provided that it shall hold at least two regular meetings in each year and such further meetings as either Members or District may reasonably request. The dates upon which, and the hour and place at which, any regular meeting shall be held, shall be fixed by resolution and a copy of such resolution shall be delivered to all Members and to District. The place of the regular meetings shall be within the County of Los Angeles or adjacent counties.

2. Ralph M. Brown Act.

All meetings of the Board, including without limitation, regular, adjourned regular, and special meetings, shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950 et seq.) as such act may be amended or as similar acts regulating the conduct of meetings of public agencies may from time to time provide.

3. Minutes.

The Secretary of the Board shall cause minutes of regular, adjourned regular, and special meetings to be kept, and shall, as soon as possible after each meeting, cause a copy of the minutes to be forwarded to each member of the Board and to Members and District.

4. Quorum.

Four (4) members present at a Board meeting shall constitute a quorum for the transaction of business, except that a lesser number may adjourn for lack of a quorum.

5. Tie Votes.

In the event that the Board is equally divided and cannot agree on any matter that is material to the management of the affairs of the Authority, the Project Manager shall become

a voting member of the Board for the resolution of said matter.

F. Powers.

Authority shall have the powers common to Cities and District set forth in the recitals of this Agreement, that is the power to acquire, own, control, manage, and dispose of property necessary for the construction, operation, or maintenance of a refuse transfer and disposal system, including implementing a waste-by-rail and disposal system, and including setting of fees and charges for the disposal of solid waste, and to sell or otherwise dispose of any by-product therefrom. Authority is hereby authorized to do all acts necessary to the exercise of said common powers, including but not limited to the following:

- a. To make and enter into contracts;
- b. To employ agents and employees, and contract for professional services;

To the extent that Member or District employees render services for Authority, the charges therefore shall not exceed the Direct and Indirect Costs. Indirect Costs shall be a direct percentage of Direct Costs and said percentage shall be identical for Members and District. Said percentage shall be as mutually agreed by Members and District.

- c. To acquire, construct, manage, maintain or operate any building, works, improvements or facilities necessary to the operation of the Project;

- d. To acquire by purchase, gift, lease or otherwise and to hold or dispose of property and

to receive grants; provided that any real property acquired by Authority shall be located within Los Angeles County or an adjacent county;

e. To lease all or any part of the project;

f. To incur debts, liabilities, or obligations of Members or District;

g. To issue bonds, notes, warrants or other evidences or indebtedness to finance project costs, including without limitation the authority to issue revenue bonds in accordance with Article 2, Chapter 5, Division 7, Title 1 of the Government Code of the State of California;

h. To sue and be sued in its own name;

i. To apply for and execute appropriate grants or contracts of financial assistance;

j. To establish by-laws by which the Board shall operate.

Said powers shall be subject only to such restrictions upon the manner of exercising such powers as are imposed upon District in the exercise of similar powers.

Section 5. Contributions.

During the six month period commencing with the effective date of this Agreement, Association agrees to contribute upon invoice from Authority an amount equal to expenses incurred

by District for Authority related to preparing this Agreement and establishing the Authority as specified herein, to a maximum amount of \$200,000.00, less any grant monies received by Authority as specified in Section 8 of this Agreement, and less any other revenues or contributions which may accrue to Authority during this period.

It is the intention of all parties hereto that Association be fully reimbursed for all contributions made to Authority during the initial six months of this Agreement. Within thirty (30) days following the specified six month period, Authority shall invoice all Charter Members in proportion to the amount of waste committed by each to the project and in a total amount equal to all contributions by Association to Authority, except no single Member with a population of less than 500,000 shall be invoiced for an amount greater than ¹⁰~~25~~% of the total amount. Charter Members shall make payment to Authority in the invoiced amount, and upon receipt, Authority shall promptly reimburse Association.

Similarly, it is the intention of all parties hereto that District be fully reimbursed on a continuing basis for all ^{approved} expenses incurred to perform services for Authority during the term of this Agreement as specified in Section 7, herein.

Following the six month period commencing with the effective date of this Agreement, henceforth Members shall contribute upon invoice from Authority such further sums as are necessary to defray expenses incurred by District for Authority in implementing and overseeing the project as specified in Section 7, herein, except no single Member with a population of less than 500,000 shall contribute an amount greater than ~~25~~¹⁰% of the total amount.

Those Members which become party to this Agreement by addendum following the initial six month period shall also contribute to Authority an amount equal to the proportionate share of costs incurred to date for implementing the project, and existing Members shall be proportionately reimbursed or a credit applied to future payments by such Members to Authority.

All invoices of Authority shall, unless challenged, be paid within forty-five (45) days of receipt. Members may potentially be reimbursed from any grants and net revenues accruing to the project from operation of the proposed system.

Section 6. Commitment of Solid Waste.

As specified herein, Cities become Members of the Authority and party to this Agreement through execution of an amendment hereto following the form contained in Exhibit A of this Agreement. Said amendments shall include but not necessarily be limited to the following general provisions:

- : City shall contractually commit for the management by the proposed project of a future quantity of municipal solid waste generated within its respective boundaries and under its control, for delivery to a specific facility or facilities, and for a specific period of time.

- : City shall pay to Authority on a continuing basis in advance a specified fee or range of fees, or specify a maximum fee, calculated on the basis of the weight and/or type of waste delivered, for the management of City's waste by the project. There shall

also be provisions for adjusting said fees on the basis of a generally accepted economic cost index.

- In the event that less than the committed quantity of waste is delivered by City to the project, City shall not be entitled to any reimbursement unless such shortfall was caused by Authority or by those under contract to Authority.

- Amendment provisions shall be consistent with provisions of any contract entered into by Authority providing for the implementation of the project.

Section 7. Project Implementation.

Authority shall be ultimately responsible for the implementation of the Project, involving the design, permitting, construction, financing, and operation of a complete waste-by-rail and disposal system to manage a portion of the Los Angeles County metropolitan area's municipal solid waste, and is empowered to retain staff and enter into contracts for this purpose. Authority is directed to arrange with District to utilize District personnel as staff to carry out its duties, and District hereby agrees to utilize such personnel and services as it deems appropriate for this purpose. Under the direction of the Board of Directors of Authority, staff responsibilities shall include but not necessarily be limited to preparing and maintaining this Agreement, establishing Authority, evaluating potential contractors, administering any contracts entered into by Authority, and administering payments between parties to this Agreement and contractors.

District shall on a regular basis invoice Authority for all staff utilized and services provided

for the Authority, and Authority shall pay such invoices within forty-five (45) days of receipt. During any calendar year such charges are estimated to initially be \$500,000, and shall not exceed \$____, adjusted from _____, 1990 price levels using the Consumer Price Index for All Urban Consumers.

Section 8. Insurance and Indemnification.

Authority shall secure and keep in effect during the term of this Agreement general liability insurance in such amounts as the Board determines appropriate provided that the limits thereof are at least \$_____. Certificates of insurance shall be furnished to Members and District within thirty (30) days of the effective date of this agreement. The policy or policies of insurance shall provide for a thirty (30) days of the effective date of this agreement. The policy or policies of insurance shall provide for a thirty (30) day advance written notice by the insurance carrier to Members and District in the event of cancellation, reduction of coverage or renewal.

Authority may also secure technical performance insurance in such amounts as the Board determines to be appropriate in order to protect against a potential loss of revenue because of a failure of the system to operate in accordance with performance criteria.

The Authority shall indemnify and hold harmless Association, District, and Members, their officers, agents and employees from all claims, demands or liability arising out of or encountered in connection with this Agreement and the activities conducted hereunder and shall defend them and each against any claim, cause of action or damage resulting therefrom.

Section 9. Grants.

The Board of Directors of Authority is directed to apply for grant monies which may be available to supplemental funds as specified in Section 5, herein, to be used to defray expenses related to preparing this Agreement, establishing the Authority as specified, and implementing the project. Any grant monies received by Authority shall not be considered net revenues of the project.

Section 10. Distribution of Net Revenues or Expenditures.

Subject to the provisions of Section 9 hereof, all net revenue derived from the operation of the project shall be distributed equally to Members in proportion to the amounts of solid waste committed to the project unless otherwise agreed to by Members and District.

Section 11. Administrative Procedures.

Authority shall adopt and be governed by District's administrative and purchasing procedures and may contract with District for such services as personnel, purchasing, accounting, and other administrative services as it may find necessary.

Section 12. Distribution of Assets on Termination.

Upon termination of this Agreement all assets shall be distributed to Members in proportion to each member's commitment of waste to the project or as otherwise mutually agreed by Members

and District.

Section 13. Reserve Fund.

From the initial net revenues received pursuant to this Agreement, Members agree to establish a reserve fund for the purpose of funding project contingencies. The fund shall be administered by the Board. The Board may modify the amount maintained in said fund for good cause.

Section 14. Voluntary Contributions.

Amounts in addition to those set forth in Section 5 above may be voluntarily contributed by members or District. Any such voluntary contributions shall be refunded from proceeds derived through net revenues of project. The refunding of such voluntary contributions shall represent the first demand on such funds and any requests for refund pursuant to this Section shall be honored by the Authority within forty-five days of receipt.

In witness whereof the parties have executed this agreement on the date and year as set forth above.

ATTEST:

COUNTY SANITATION DISTRICT NO. 2
OF LOS ANGELES COUNTY

By: _____

Secretary

Chairperson, Board of Directors

APPROVED AS TO FORM:

KNAPP, MARSH, JONES & DORAN

District Counsel

ATTEST:

SAN GABRIEL VALLEY ASSOCIATION OF CITIES

By: _____

APPROVED AS TO FORM:

Railroading Garbage to Desert

Trains Gain Favor as Trash Disposal Option

By MIKE WARD, *Times Staff Writer*

After a six-hour train trip that began at Pasadena's Amtrak station and ended on the Mojave Desert more than 200 miles away, Tom Harvey, a councilman from the San Gabriel Valley city of La Verne, gazed across the horizon and was delighted to find an unbroken stretch of empty space.

No houses. No businesses. No people. "Just an incredible expanse of nothing," he enthused. "Dead flat desert."

An Ideal Spot

The sort of place, he reasoned, where you could put a dump without spoiling the environment, depressing property values and upsetting neighbors. The sort of place, in other words, to send trash trains, a favored candidate among some of the experts who are trying to figure out what to do with Los Angeles County's garbage.

The Santa Fe Railway Co. and its partner in a trash-by-rail venture hooked up a special train to take Harvey and other San Gabriel Valley city officials to a potential dump site near Amboy, midway between Barstow and the Arizona border, in San Bernardino County.

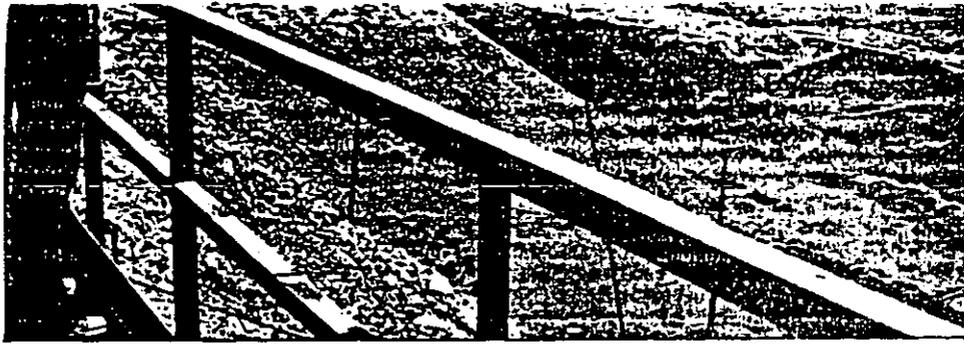
A week later, the Mine Reclamation Corp., another company that hopes to rail-haul one-third of Los Angeles County's garbage, flew the same group of city officials to remote Eagle Mountain in Riverside County to show off its dump site, an abandoned iron ore mine.

Plans for these competing proj-

ects are in their infancy, but rail-haul advocates envision a network of stations throughout Los Angeles County where thousands of tons of trash would be loaded onto rail cars daily, with trains moving to the desert far beyond present dumps, reached by truck, that are fast reaching capacity.

The trains would do their haul-

Please see TRASH, Page 3



LARRY GUS

La Verne city official Ron Clark at Eagle Mountain site that may be used as landfill.

TRASH: Sending It to the Desert

Continued from Page 1

ing at night, empty their loads, then return for more trash in an endless chain. The waste would be shipped in sealed, odorless containers. At the disposal site, the containers would be loaded onto trucks, driven short distances and emptied. The contents would either be burned or buried in a landfill.

On the East Coast, Conrail began hauling trash from New York and New Jersey to landfills in the Midwest last year and is shipping 700 tons a day. Conrail executives are forecasting \$100 million in annual revenue from trash trains in 5 to 10 years.

Ralph Tufenkian, vice president for corporate projects for Western Waste Industries Inc. of Carson, is certain that trash will be rolling out of Los Angeles County in rail cars before long. "There is no doubt," he said. "It's going to happen."

"We can no longer rely on landfills that are close in," he said. It costs so much to build a landfill with today's required environmental safeguards that a site must last for decades. "You don't want to get a spot where all of a sudden you're going to have someone build houses next to you," Tufenkian said.

About 48,000 tons of trash are generated daily in Los Angeles County. Nearly all of it is trucked to 10 public and private dumps, which are rapidly filling up.

At the request of an association of cities in the San Gabriel Valley, where more than half the county's trash winds up, the Sanitation Districts of Los Angeles County last fall invited private companies to submit rail-haul proposals. From 10 responses, the Sanitation Districts staff selected four for detailed evaluation. They are:

- A proposal by Western Waste, one of the nation's five largest trash companies, to ship 12,000 tons of trash a day to a remote, unspecified location.

- A joint-venture proposal by Santa Fe and the nation's largest waste company, Waste Management of North America Inc., to haul 6,000 tons of trash a day from pickup points at El Segundo and Commerce to Amboy. Phil Beattrow of Waste Management said his company would dig a hole 30 feet deep near Amboy and stack trash 50 feet above ground, replacing the flat terrain with a low hill. Capital cost is estimated at \$85 million, including \$25 million for the landfill. Santa Fe and Waste Management, in a separate proposal, also have offered to haul 6,000 tons of trash from loading stations in the San Gabriel Valley to Amboy.

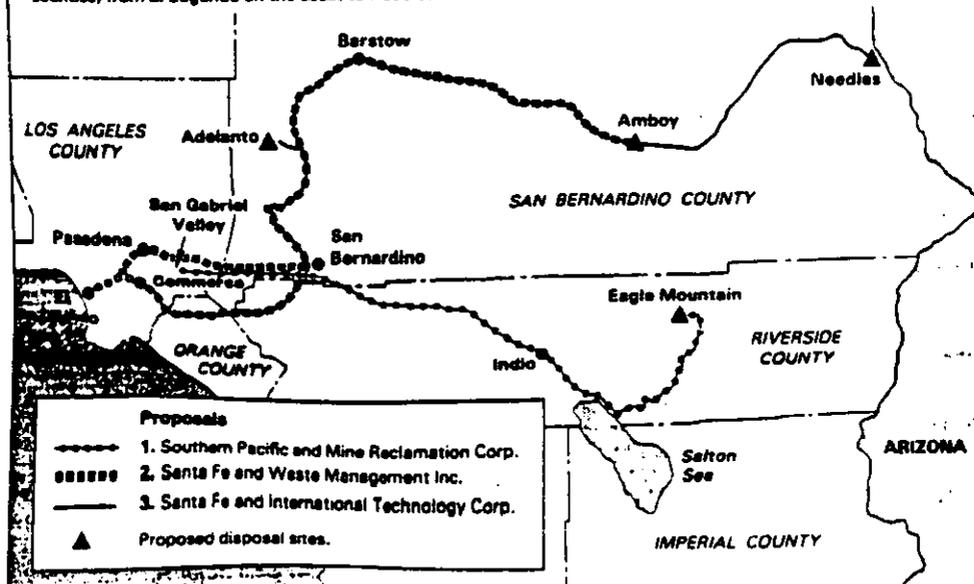
- A plan by Mine Reclamation Corp. to rail-ship 7,000 tons of trash daily from the San Gabriel Valley to Eagle Mountain, midway between Indio and Blythe. The company has also made a separate, unsolicited offer to the city of Los Angeles to rail-haul 5,000 tons of trash a day.

- A joint-venture proposal by Santa Fe and International Technology Corp. to take 6,000 tons of trash a day to a recycling and waste incineration plant to be built at Adelanto or Needles, both in San Bernardino County. Described as a high-tech solution, the plan would combine an aggressive curbside recycling program with further trash separation and recycling in the desert. Waste that could not be recycled would be processed into fuel

Please see TRASH, Page 23

PROPOSED TRASH TRAIN ROUTES

Of the four proposals to ship trash by train to desert locations, three have been tentatively mapped. Depending on the route or routes used, trash trains would travel through Los Angeles, Orange, Riverside and San Bernardino counties, from El Segundo on the coast to Needles in the desert near the Arizona border.



TRASH: Trains Gain Favor as Disposal Option

Continued from Page 3

for factories and a waste-to-energy plant. A landfill would be built to receive the plant's ash.

Roberto Frulla, senior vice president of International Technology, said the cost would be in the hundreds of millions of dollars, but the project could be financed with tax-exempt bonds and come under public ownership, guaranteeing future disposal availability at controlled costs.

Stephen R. Maguin, head of solid waste management for the Sanitation Districts, said, "There is no doubt that the technology is there to efficiently load trash on trains, haul it out and dump it someplace. There's no magic about that. [The question] has never been one of technical feasibility. It's been one of economic and political feasibility."

A study by the Southern California Assn. of Governments last year concluded that San Gabriel Valley homeowners who were paying \$9.35 a month to have their garbage picked up and trucked to local dumps would pay \$12.50 to \$14.50 if their trash was hauled to the desert by rail.

Maguin said the big question is whether close-in landfills will be able to expand and stay open or run out of room and be closed. As long as these dumps remain available, trucking trash there is the cheaper alternative, he said. But if officials wait until local dumps shut down before taking an interest in rail-haul, trash could be piling up in the streets before the trash trains start rolling, he said.

Maguin estimated that it will take three years for a company to get disposal facility permits and build a rail-haul system. Before making huge investments, rail haul companies want to be assured that they will receive the trash disposal business from Southland cities.

The staff of the Sanitation Districts will complete its analysis of the rail-haul proposals within a month and report on such aspects as financial feasibility.

Proceeding on Their Own

Meanwhile, San Gabriel Valley officials are proceeding on their own. City Councilman Harvey said his committee has examined the Amboy and Eagle Mountain projects in detail and will recommend one of them at a meeting of the San Gabriel Valley Assn. of Cities on Sept. 21.

Harvey said the strength of the proposals convinces him that rail-haul will work.

"It really is the answer," he said. "In the San Gabriel Valley, we can't burn the trash. Recycling? We can't do enough of it. The trash has got to go someplace."

But some desert residents do not want that "someplace" to be near them.

San Bernardino County Supervisor Marsha Turco, who lives in Hesperia and represents a large desert area, said that when she heard that Amboy was being offered as a potential dump site, she was outraged.

Turco said Los Angeles County should handle its own garbage, not send it to another county's desert. "We're not receptive to it at all," she said.

Jon Mikela, another San Bernardino County supervisor, said he would be willing to discuss trash disposal with Los Angeles officials only in context with other problems. "If San Bernardino County is going to assist in the solution to Los Angeles County's trash problems, then Los Angeles County should be prepared to help in the solution of some of our problems," he said.

Harvey said he is not discouraged by negative reaction in San Bernardino County.

"If the San Bernardino folks were saying from the get-go, 'We can't wait until you bring your trash out here,' I would worry about those folks," he said. "Now, I know they are sane."

Harvey said no one expects desert communities to accept trash unless they gain a benefit, perhaps jobs or revenue from a dumping fee.

At least two desert cities, Adelanto, near Victorville, and Needles, on the Colorado River, are interested in rail-haul projects.

Adelanto Mayor Edward Dondelinger said his city lost a bid for a state prison because the proposed site, next to George Air Force Base, was too noisy, but a trash processing plant might provide the jobs and economic boost that he is looking for. The Needles City Council has voted to pursue the concept of a trash plant because the project could create 350 jobs.

In Riverside County, the Board of Supervisors has approved a memorandum of understanding with Mine Reclamation Corp. that declares the county's intention to permit the disposal of Los Angeles County waste at Fagie Mountain if environmental studies show that the iron ore pit can handle the trash safely.

Kaiser Steel gouged three large pits in Eagle Mountain when it mined iron ore from the 1940s to 1982. Now it has leased 8,000 acres to Mine Reclamation Corp., which proposes to fill one pit, which is a mile and a half long and 1,500 feet deep, big enough to take 16,000 tons of trash a day for 100 years.

Gary Kovall, senior vice president and general counsel of Mine Reclamation Corp., said his company's plan would restore the mountain by filling it with trash. "It's a huge disturbed area that we are going to undisturb," he said.

Riverside Supervisor Patricia (Corky) Larson said the county would gain \$10 million to \$30 million a year in dumping fees from the Eagle Mountain project, but her support for it depends on the evidence that emerges from environmental studies.

Eagle Mountain is near Desert Center, where there are scattered farms of asparagus and jobo beans, a few trailer parks and gas stations, a cafe and some houses built around two man-made lakes and a golf course. There is a state prison about 20 miles away and a privately run prison for parole violators that occupies buildings in Eagle Mountain that were abandoned when the mine closed.

Ken Slatler, who owns McGoon, a bar and mini-mart on Rice Road, said closure of the mine, which employed 1,800 workers, cut the area's population to less than 1,000.

Slatler said he has tried to entice industry to Desert Center by writing letters to companies. "I've tried to lure a lot of people, but nobody wants to come out here to manufacture anything," he said. "So we're going to have to take just whatever we can get."

Slatler said the dump "could be a big asset to the community as long as it doesn't bother the water table."

But at the Chuckawalla Market and RV Storage up the street, owners Duane and Carol Johnson said putting millions of tons of trash into the mine is certain to contaminate the water supply, which is dependent on wells.

Landfill developers, however, say that they will install a clay liner as a safeguard, that the bottom of the pit is bedrock and that there is no danger to the nearby ground water.

The dump would employ 150 workers, but Trigg Rourke, a 75-year-old retiree, said local residents would not want most of the jobs. "I don't think anyone wants to go in and slop garbage in 120-degree heat," he said. Besides, he added, the area is not suffering economically. "This is not a depressed area," he insisted. "It's a low-population area."

Mine Reclamation Corp. is planning to spend \$10 million on environmental studies and other activities during the permit application process. The expenditures include a commitment of \$460,000 to help the

Desert Center area maintain the golf course and other public facilities. The company has also organized an advisory committee of local residents, offered funds for an independent environmental analysis of its project and begun sending a newsletter to residents.

In addition to persuading desert areas to accept garbage from Los Angeles, rail-haul promoters also must find areas in Los Angeles County where the trash can be loaded. Mine Reclamation Corp. has already run into opposition to its proposed loading stations in City of Industry, Irwindale and La Verne, but says it will keep looking for acceptable locations.

The loading stations, which could include facilities for recycling to reduce the volume of trash shipped to the desert, could be enclosed and hidden from view, but there would be no way to hide the hundreds of trash trucks that would come to unload every day.

One alternative would be to keep the trash trucks going to existing landfills and load rail containers there, and then truck the containers to rail yards, but that would add to the cost. Harvey said that on his train trip to Amboy, he saw a number of sites in Los Angeles County that could serve as loading stations. "There are good sites that work technically," he said. "That isn't the issue. The issue is politics."

Michael Martin, manager of public affairs for Santa Fe, said rail lines could easily handle the traffic of trash trains, and there are sites on the desert that are ideal for disposal. But, he said, dumps are about as popular as nuclear power plants. "Nobody wants one in his back yard," he said.

Revenue and jobs can be strong incentives to desert communities, Martin said, but "to say you have the world's biggest garbage dump in your jurisdiction" is not a boast that everyone will want to make.

2 garbage train shipment plans urged equally by task force

By STEVE SCAUZILLO and DONNA JOHNSON
Staff writers

POMONA — Saying there is enough garbage to go around, a San Gabriel Valley solid waste task force recommended Thursday night that two competing proposals to ship trash to the desert by train should be pursued in tandem.

The executive board of the San Gabriel Valley Association of Cities urged its 30 member cities to begin working on the formation of a consortium, known as a joint powers authority, to nail down garbage hauling contracts for either or both proposals.

City representatives attending the combined meeting with the East San Gabriel Valley Planners Association unanimously agreed to move ahead on the recommendation.

La Verne Councilman Thomas Harvey, chairman of the association's task force, said the cities will have to agree to sign over their residential waste to the authority, which would in turn negotiate contracts for hauling the waste away.

Harvey said his group will draft specific guidelines for the authority within a few months and then take the plan on a city-by-city tour.

"There's a lot of work yet to be done," Harvey cautioned, adding, "It's a matter of choice . . . We're looking for people to choose to do it because it has benefits for them."

However, the task force did not advocate one proposal over the other, as was originally expected.

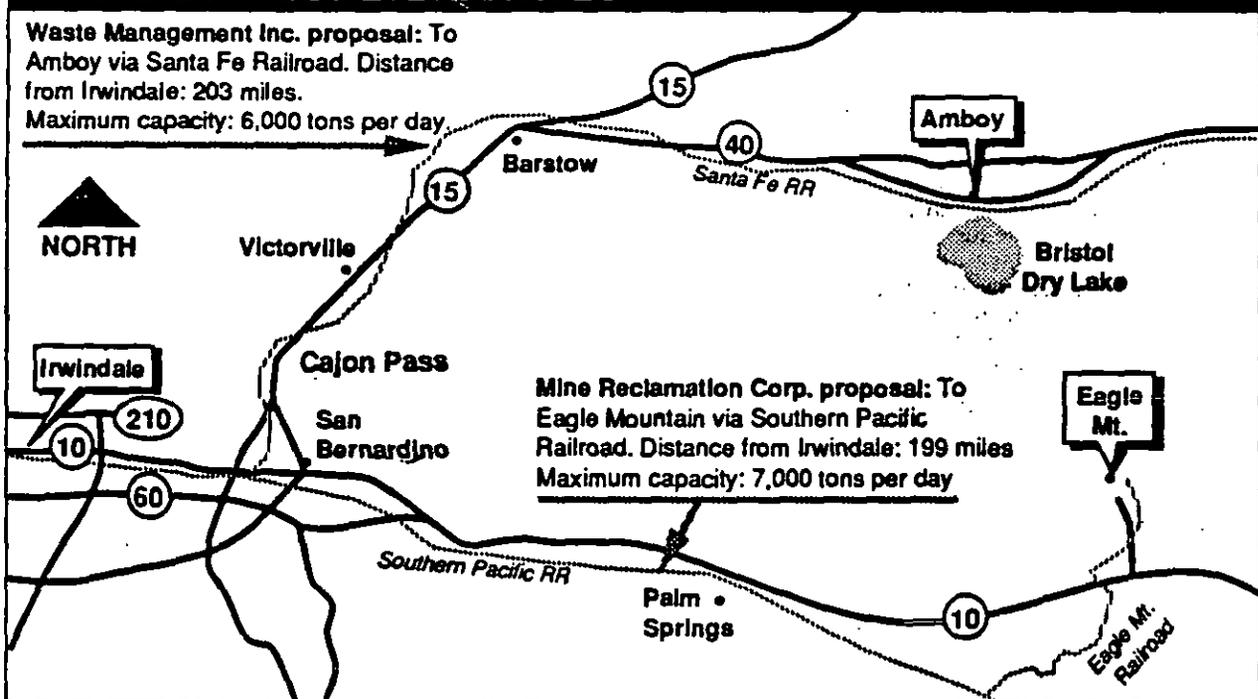
Harvey said the decision to endorse both was a smart business move that gives the cities' association a safety net — the most options in effectively establishing an alternative solution to the burgeoning trash crisis.

Valley landfills will run out of

Please see GARBAGE / A4

WASTE-BY-RAIL ALTERNATIVES

Waste Management Inc. proposal: To Amboy via Santa Fe Railroad. Distance from Irwindale: 203 miles. Maximum capacity: 6,000 tons per day



Mine Reclamation Corp. proposal: To Eagle Mountain via Southern Pacific Railroad. Distance from Irwindale: 199 miles. Maximum capacity: 7,000 tons per day

GARBAGE

From A1

space by 1994, according to county officials. The task force was formed three years ago to study options for dealing with that crisis.

Harvey Holden, association executive director and former Walnut mayor, said there were many naysayers who predicted the rail-haul concept would not prove viable.

"And now we have two very good proposals," Holden added.

La Verne Councilman Harvey agreed.

"By working with both, we can continue in case one falls apart. It gives us a backup," Harvey said during a phone interview Wednesday.

The two firms competing for the contracts are: Norwalk-based Mine Reclamation Corp., in conjunction with the Southern Pacific Railroad, and the nation's largest trash firm, Waste Management Inc., in concert with the Santa Fe Railway.

Mine Reclamation owns a series of spent iron ore mines in Eagle Mountain in Riverside County which it hopes to convert to a massive landfill. Waste Management wants to dig a landfill in Amboy, a tiny Mojave Desert town in San Bernardino County located 50 miles north of Twentynine Palms.

"The two firms are about equally competent to get the job done. They both deserve support," Harvey said.

In both proposals, garbage would be loaded onto trains from

transfer stations, most likely located in the Valley, then shipped east in special rail cars. Each location is about 200 miles away.

The task force recommendation avoids the growing political controversy over the Amboy site raised by San Bernardino County Supervisor Marsha Turoci, who spoke out against the Waste Management proposal and sparked a newspaper editorial against the acceptance of Los Angeles County trash.

San Bernardino County solid waste planner Douglas Forrest, who attended Thursday's meeting, said his county was "caught off guard. We're just trying to catch up."

Los Angeles Supervisor Pete Schabarum's support for waste rail haul hinges on it being one of many ways to dispose of trash.

said his senior deputy, Mark Volmert.

Lauding the committee's "yeoman effort," Volmert warned that the success of rail haul depends on three things: local cities must back the idea, must turn over their trash and acceptable loading facilities have to be approved.

Harvey said it is up to the two private firms to negotiate with host counties and cities.

"If the county decides it does not want it, they have that right. It can't be pushed on them," he said.

However, the task force estimates that receiving counties could earn \$30 million each year in trash fees. "That is not pocket change," Harvey said. In addition, the task force is recommending the Valley cities extend an invitation to cities in San Bernar-

dino County and even other parts of Los Angeles County to climb aboard their trash train.

Each firm needs a minimum of 3,500 tons of trash per day to make its proposal economically viable. The Valley produces about 8,000 tons of garbage a day.

The two proposals were pared down from 10 submitted to the county Sanitation District, which worked jointly with the association on the project.

Harvey's group also stepped around the issue of trash transfer stations, which were proposed by Mine Reclamation for Industry, La Verne and Irwindale.

The city of Walnut has opposed the Industry site.

"Walnut is very supportive of waste-by-rail and we supported the study," City Manager Linda Holmes said Thursday.

"But we don't think that (the Industry transfer station site) is appropriate so near Walnut's residential areas," she added, saying she understood that particular proposal is no longer a prime site.

La Verne has opted to reserve his stand on the preliminary site proposal until a final plan is in place.

Harvey said the authority "will not impose transfer stations on anybody. That (also) is the job of private enterprise."

The task force report also mentioned other aspects of the two rail haul projects. Both have the necessary capital to complete the project, estimated to cost between \$85 and \$100 million, Harvey said.

Neither proposal calls for a financial commitment from cities.

Cities to Form Agency to Plan for Disposal of Trash by Train

By MIKE WARD, *Times Staff Writer*

An association of San Gabriel Valley cities voted Thursday to create an agency to begin discussions with private companies on shipping the area's trash by train to desert landfills in Riverside and San Bernardino counties.

The action came at an evening meeting of the San Gabriel Valley Assn. of Cities in Pomona on a recommendation by a committee of valley-area municipal officials who had been studying the problem of what to do with trash if Los Angeles County dumps continue to run out of room.

La Verne City Councilman Thomas Harvey, head of the association's solid waste committee, said private companies are offering workable plans to dispose of trash in the desert, although "there are a lot of problems to be worked out."

The problems include obtaining environmental permits for landfills in the desert and finding sites suitable for loading trash onto trains.

Harvey said planning must begin now because experts have predicted that Los Angeles County will start running out of places to put garbage in 1992, unless existing dumps are expanded or new ones are opened.

The committee looked at 10

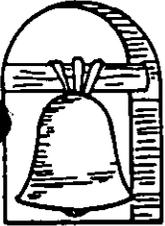
rail-haul proposals from private companies and recommended two. Harvey said the committee had planned to narrow its choice to a single system, but found roughly equal merit in a proposal made by Mine Reclamation Corp. and another made jointly by Waste Management of North America Inc. and the Santa Fe Railway. Both disposal sites would be about 200 miles from the San Gabriel Valley.

Mine Reclamation proposes to ship trash on a Southern Pacific rail line and a private railroad to an iron ore pit at Eagle Mountain, midway between Indio and Blythe.

Waste Management and Santa Fe propose to send trash by train to a landfill to be established on Santa Fe property near Amboy, midway between Barstow and the Arizona border.

Harvey said the companies behind both ventures have the financial resources to develop the projects themselves without public financing.

But before the companies can build the systems, Harvey said, they need commitments from cities willing to send their trash to the desert. Long-distance rail hauling would add \$5 to \$6 a month to trash disposal costs of homeowners, Harvey said.



SAN GABRIEL VALLEY ASSOCIATION OF CITIES

P. O. BOX 576 WEST COVINA, CALIFORNIA 91793
(714) 598-2020

October 18, 1989

San Bernadino County
Board of Supervisors
385 N. Arrowhead Ave.
San Bernadino, CA 92415

Riverside County
Board of Supervisors
4080 Lemon St. 14th Fl.
Riverside, CA 92501

Subject: San Gabriel Valley Association of Cities
Waste-by-Rail to remote areas project

Dear Supervisors:

As you know, the San Gabriel Valley Association of Cities has been evaluating the potential utilization of long distance rail haul to serve the regions' refuse disposal needs for future years. It has always been the position of our Association that the receiving agency must not be inconvenienced by such a project, and that the overall benefits must be advantageous to that community. The Los Angeles County Sanitation District solicited proposals for such a project, and recently selected four of the ten respondents for further study.

A committee of our Association further evaluated the proposals, visited the sites, and subsequently recommended the Waste Management/Santa Fe Rail-Cycle joint venture, and the Mine Reclamation Corporation proposals as being the most responsive toward meeting our needs. Further, it was decided that moving forward with two proposals provided a "safety net" in case of unforeseen obstacles. The committee recommendations were adopted by the general membership at our September 21, 1989 general meeting. It was also agreed that the first step would be to pursue the creation of a Joint Powers Authority (JPA) which could embody all the necessary legal and contractual commitments.

The key to each of these proposals is the successful siting of a disposal facility in your counties. We seek your input and participation as the process proceeds. Also, we would like to know of your interest in becoming a member of such a JPA.

We will be bringing more specifics to our association at the January meeting, and will keep you informed of our progress.

Harvey K. Holden
Harvey K. Holden
Executive Director

Alhambra - Arcadia - Azusa - Beldvia Park - Bradbury
Claremont - Covina - Diamond Bar - Duarte - El Monte
Glendale - Industry - Irwindale - La Canada Flintridge
La Puente - La Verne - Monrovia - Monterey Park
Pasadena - Pomona - Rosemead - San Dimas - San Gabriel
San Marino - Sierra Madre - South El Monte - South Pasadena
Temple City - Walnut - West Covina

Metrolinks Heights Improvement Association

000362

CALIFORNIA WASTE MANAGEMENT BOARD

AGENDA ITEM #18

DECEMBER 14 - 15, 1989

ITEM:

Status report on the Board's study of the Determination of Landfill Costs

KEY ISSUES:

- Board sponsored a study of the cost of landfilling statewide
- Project is nearing completion
- The contractor is expected to present a draft final report to the Board at the January 1990 meeting

BACKGROUND:

At the February 15, 1988 meeting of the Board, an item on the cost of landfills was discussed. The item was prompted by a letter to Senator Gary K. Hart from the Senate Office of Research dated December 1, 1987, concerning a request for a statewide survey of landfill costs. It was the Board's belief that if such an investigation were to be undertaken that the Board itself should take the lead. The staff was instructed to prepare a proposal for the study of landfill costs and present it to the Board for consideration. In April 1988, per the staff's recommendation, the Board convened the Landfill Disposal Cost Task Force (Task Force) to investigate the cost of landfilling statewide and the Board determined that the study should proceed in two phases.

In the first phase the Board directed the Task Force to investigate the need for determining the cost of landfilling statewide, identify the elements that comprise those costs, and evaluate various approaches to accurately ascertaining those costs. The Task Force reported its findings and recommendations in its Report To The CWMB (October 1988) in which a specific approach and the scope of work necessary for determining landfill costs were detailed.

At its November 1988 meeting, the Board accepted the Task Force's report and agreed to pursue a second phase of the study by directing the staff to prepare an invitation for bids to hire a contractor to determine the actual cost of landfilling in California. In March 1989, the Board authorized the Chief Executive Officer to enter into an agreement with the lowest qualified bidder. The bid prepared and submitted by Energy Systems Research Group (ESRG) was selected as the lowest qualified bid. The contract was executed on May 31, 1989 for an amount not to exceed \$44,851.

SCOPE OF CONTRACT:

The CWMB has three areas of concern which are specified in the contract with ESRG:

Solid Waste Management Planning

An important outcome of the contract will be to identify a standard method for evaluating landfill costs. In turn, this study method will offer local governments uniform guidance for determining land disposal costs and will provide a basis for the evaluation of waste management strategies in a community.

Provide Regional and Site Specific Information in the Cost of Landfilling

Disposal costs are generally considered to vary statewide between sites and regional settings. The study is seeking to obtain a representative range of comprehensive disposal cost for landfills throughout California.

Investigate Concerns that Tipping Fees are not Representative of Comprehensive Disposal Costs

The contract is intended, in part, to provide information that can be used to compare disposal rates charged at landfills and actual landfill costs.

The contractor is required to analyze the financial cost details and estimate the expected value of remedial action based on a system of environmental risk ranking for a representative cross section of landfills in California. The sites selected for study are to be evaluated using the contractor's WastePlan computer model. A final report will be prepared which details the scope of the study, the methods used, data gathering procedures, an analysis of results, and other information pertinent to the study. In addition to providing the Board with copies of software used in the analyses, the contractor must make the software readily available for use by local governments and others.

STATUS OF AGREEMENT:

The contract delineates seven specific tasks that the contractor must perform and submit to Board staff in draft by December 31, 1989. Three of the tasks have been completed, of which payment has been approved for two. Two other tasks are presently in progress and are expected to be completed by mid-December. The two remaining tasks must draw on work that is currently in progress, however, the contractor is confident that all tasks can be completed by the December 31 deadline. A brief task summary follows:

Task 1

Twenty-seven sites have been selected at random from stratified landfill categories. Staff and the contractor have also agreed to guidelines specifying criteria for gathering information. This task is completed and payment has been approved.

Task 2

Staff and the contractor have agreed to a methodology for the development of a risk ranking system which will measure the probability that remedial action will be necessary to eliminate or mitigate off-site migration of contaminants. The contractor is currently programming the risk ranking system into the WastePlan model.

Task 3

This task specifies that the contractor revise the WastePlan model for the full evaluation of both financial and environmental costs. This task is in progress.

Task 4

The contractor has gathered all site specific environmental data necessary for the environmental risk evaluation of the landfills selected for the study. Payment has been approved for this task.

Task 5

This task requires the contractor to gather a complete set of financial data for each site evaluated. The contractor has stated that this task has been completed, however, an invoice has not been submitted.

Task 6

This task requires to run, test and refine the revised WastePlan model which will be used in the study. This task cannot be undertaken until programming tasks are completed.

Task 7

This task requires the submission of a draft report and software to Board staff for review. Pending staff approval, the contractor must present the final draft report to the Board for consideration.

Board staff anticipates that the final draft will be presented to the Board at its January 24-26 meeting. Board comments shall be considered and reflected in the preparation of the final report. The term of the agreement will expire February 28, 1990.

BOARD ACTION:

Information only.

California Waste Management Board
Agenda Item 19
December 14-15, 1989

Item: Update on Public Awareness Activities

Key Issues:

- Household hazardous waste PSA and print materials completed and distributed.
- November 30 workshop on new statutes was attended by over 200 very interested people.
- Several other public presentations have been made concerning the new statutes; several more are pending.
- The December Update distributed with the Board meeting agenda notice focused on paper waste reduction and recycling.

Background:

The public service announcement (PSA) on household hazardous waste has been duplicated for distribution. All print materials — fact sheets, brochure and press folders — should be completed and distributed with the PSA prior to the Board meeting. Copies of these materials will be available for the members at the meeting.

As a first step towards building a cooperative effort to implement the new integrated waste management statutes, a public workshop was held in the Board's hearing room on Thursday, November 30. Over 200 people packed the Board room to hear from Board members and staff about progress towards the varied goals and programs set up by the new laws. Judging from the response, it is apparent that both interest and concern are high about the new laws, particularly those aspects which modify the local planning and facility siting processes.

Since the last meeting, staff has continued a busy schedule of appearances to discuss the new programs. Two workshop sessions were held at the County Supervisors Association of California (CSAC) annual meeting in San Jose, and a half-day session with the San Diego Area Association of Governments. An article on the

transition has also been prepared for the January-February issue of County Supervisor magazine.

Prior to the December meeting, presentations will be made at a special full-day Sacramento workshop on AB 939 sponsored jointly by the League of Cities and CSAC, another at a meeting of San Bernardino County officials. Staff will also participate in a panel discussion at the League of Cities annual meeting in San Francisco.

The CWMB Update continues to be mailed out with agenda notices for the Board's meetings. The December issue focused on opportunities to reduce paper waste and to recycle paper at home and in the office. The January issue will be devoted to draft regulations for city and county source reduction and recycling elements.

Staff will be available to answer any questions the Board members have about these activities.

Recommendation:

This is a discussion item only.

California Waste Management Board
Agenda Item 20
December 14-15, 1989

Item: Consideration of Invitation for Bids on
Public Information Program

Key Issues:

- The Board's existing contract with Ray McNally and Associates for press/media services expires on December 27, 1989.
- Production activities on the third phase of the **California Cleanin'** campaign have been completed.
- New statutes taking effect January 1, 1990 require a focused communications plan to inform the press, local government, the public and private industry of the new law's impacts.
- Staff recommends an open solicitation of proposals for information services during a six-month "transition" period beginning January 1, 1990.

Background:

For the past four years, Ray McNally and Associates has provided press/media consulting services to the Board. On the heels of a three-year contract which began in 1985, the firm was again selected by the Board in November 1988, following a competitive bid process. The current one-year contract expires on December 27, 1989.

During this period, the firm has been responsible for creation and production of the **California Cleanin'** campaign, including production of two award-winning television public service announcements — "Litter War" (litter) and "The Can" (recycling). Recent production of a third spot — "Toxic Stew" (household hazardous waste) — completes the trilogy of messages originally proposed by Ray McNally and Associates for the **California Cleanin'** campaign. Print materials for each message — litter, recycling and household hazardous waste — were also prepared and are still in use by the Board.

New statutes taking effect on January 1, 1990 dramatically change how State and local government will approach solid waste management issues in the future. In creating a new full-time State board to deal with this problem, the Legislature has placed renewed emphasis on the subject. Staff believes that the interests of the Board — both old and new — will be best met by following competitive bid procedures at this time to select a contractor for information services during a six-month "transition" period.

Proposal:

Staff proposes to issue an invitation for bids (IFB) for the purpose of selecting a contractor to provide information services for a six-month period. The primary function of the contractor will be to assist in preparing and disseminating information about the new integrated waste management statutes, the responsibilities of cities, counties and the new California Integrated Waste Management Board (CIWMB), and to conduct benchmark opinion research related to source reduction and recycling.

The selected contractor would be responsible for the following proposed scope of work:

1. Integrated Waste Management Resource Guide — Copy writing, editing, and coordinating print and mailhouse activities. Staff estimates that during the six-month campaign, mailings to 1,200 clients will occur every two weeks, averaging 10 pages each.
2. Free press program — Developing and placing feature-length articles and opinion pieces in client trade publications and general circulation print media; soliciting general print and electronic news reporting on integrated waste management law and issues; scheduling and managing radio and television talk show and free speech appearances by Board members and staff on various aspects of the new laws.
3. Opinion research — Coordinating benchmark opinion research to determine public knowledge and attitudes about source reduction and recycling programs and opportunities; recommending future public awareness strategies for consideration by the CIWMB.
4. Graphic services — Preparing artwork for presentation graphics and Board publications.

Staff proposes to issue the IFB for an amount not to exceed \$60,000 for the six-month period, including opinion research anticipated at approximately \$20,000.

Recommendation:

It is recommended that the Board: (1) approve the scope of work and budget; (2) authorize the Chief Executive Officer to prepare and issue an invitation for bids in the form approved by the Board; and (3) evaluate responses to the IFB and recommend qualified bidders to the Board for consideration at the earliest possible meeting.

CALIFORNIA WASTE MANAGEMENT BOARD

DECEMBER 14 -15, 1989

AGENDA ITEM # 21

ITEM:

World Health Organization (WHO) and U.S. Agency for International Development (USAID) Activities in Solid Waste Management

KEY ISSUES:

- WHO advises UN member countries in solid waste management
- WHO fields solid waste advisors in 6 geographic regions
- USAID offers loans and grants in solid waste management
- USAID solid waste projects integrated with other health activities

BACKGROUND:

In September 1989, Steven Ault, a staff member of the Board's Local Planning Division, presented a paper at the annual meeting of the United Nations WHO/FAO/UNEP Panel of Experts on Environmental Management for Vector Control (PEEM), in Geneva, Switzerland. He met with WHO officials to learn of their activities in solid waste management worldwide.

In November 1989 he met with officials in the Office of Health, U.S. Agency for International Development, in Washington, D.C. and discussed their bi-lateral aid activities and programs in solid waste management.

DISCUSSION:

Steven Ault will make a brief oral presentation summarizing the various WHO and USAID activities in solid waste management in other nations.

RECOMMENDATION:

Information item only.