CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, California 95826

*Robert C. Frazee, Chairman*
*Sam Egigian, Member*
*Paul Relis, Member*

**Wednesday, May 17, 1995**
**10:00 a.m.**
**meeting of the**

# PERMITTING AND ENFORCEMENT COMMITTEE

**of the**
**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

**8800 Cal Center Drive**
**Sacramento, CA 95826**

## AGENDA

Note: o Agenda items may be taken out of order.
o If written comments are submitted, please provide 15 two-sided copies.

**Important Notice:** The Board intends that Committee Meetings will constitute the time and place where the major discussion and deliberation of a listed matter will be initiated. After consideration by the Committee, matters requiring Board action will be placed on an upcoming Board Meeting Agenda. Discussion of matters on Board Meeting Agendas may be limited if the matters are placed on the Board's Consent Agenda by the Committee. Persons interested in commenting on an item being considered by a Board Committee or the full Board are advised to make comments at the Committee meeting where the matter is considered.
Some of the items listed below may be removed from the agenda prior to the Committee meeting. To verify whether an item will be heard, please call Elizabeth Parker, Committee Secretary, at (916) 255-2167.

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**Notice:** The Committee may hold a closed session to discuss the appointment or employment of public employees and litigation under authority of Government Code Sections 11126 (a) and (q), respectively.

For further information contact:
INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, CA 95826

Patti Bertram
(916) 255-2156

– Another Permit in L.A. County
– which one is it.

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

Permitting and Enforcement Committee
May 17, 1995

AGENDA ITEM 1

Wants an explanation of Reg.

Regulation for 48 hours or approved by LEA

**ITEM:** Consideration of Concurrence in the Issuance of a New Solid Waste Facilities Permit for the Mission Road Recycling and Transfer Station, Los Angeles County

**BACKGROUND:**

Facility Facts

| | |
|---|---|
| Name: | Mission Road Recycling and Transfer Station, Facility No. 19-AR-1183 |
| Facility Type: | Existing Large Volume Transfer Station |
| Location: | 840 South Mission Road<br>The site is located in the Boyle Heights area of the City of Los Angeles near the junction of the Santa Ana (Interstate 5) and the Santa Monica (Interstate 10) Freeways, about one mile southeast of downtown Los Angeles |
| Area/ Setting: | 3.5 acres; The surrounding area is zoned Heavy Industrial. |
| Permitted Daily Capacity: | A maximum of 1,500 tons per operating day |
| Owner/ Operator: | Waste Management Collection and Recycling, Inc., Greg Loughnane, General Manager |
| LEA: | City of Los Angeles<br>Environmental Affairs Department<br>Wayne Tsuda, Director |

Proposed Project

The proposed permit will allow operations under a new operator. This project involves a change in operator, only. The 1989 SWFP was issued to Arthur Kazarian, Waste Transfer and Recycling, Inc. Under the proposed project, operations will be conducted by Waste

Management Collection and Recycling, Inc. Nothing else from the 1989 SWFP is changing with the proposed project.

**SUMMARY:**

Site History

Operations commenced in 1989 upon the issuance of a Solid Waste Facilities Permit which was concurred in by the Board at their April 26, 1989 meeting. The permit was then issued to Arthur Kazarian/Waste Transfer and Recycling, Inc.. The facility was purchased in 1994 by the proponent, Waste Management Collection and Recycling, Inc..

Project Description Only non-hazardous solid wastes will be accepted at the facility. This will consist of predominantly commercial and residential waste from the downtown Los Angeles area. The facility is an enclosed transfer/recycling station with two tipping floors: one for recyclables and one for non-hazardous solid wastes. Incoming refuse trucks are weighed on a 70 foot electronic scale and directed to the tipping floors for processing and deposition. Residual waste will be hauled away to any the following landfills: Bradley (20 miles); BKK (22 miles), and Chiquita Canyon (45 miles).

The facility is operated 24 hours per day, seven days a week. Refuse is accepted between the hours of 12:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 12:00 a.m., the facility is cleaned and all refuse is loaded into transfer vehicles. Material processing and refuse transfer is conducted 24 hours per day. The facility is not open to the public.

Environmental Controls The facility is completely enclosed by 10' chain link fence and steel walls which prohibit unauthorized entry to the site. All vehicles and personnel must enter/exit the site through the single access gate off Mission Road. All users and visitors to the facility are required to check in at the scalehouse. The operator has implemented a hazardous waste load check program. The program includes random load checking, and training in the recognition and proper handling of suspected hazardous waste that may be inadvertently contained in refuse loads.

Dust is controlled at the facility by: enclosing all waste tipping and processing areas within buildings; cleaning all tipping and processing areas daily, and washing down the tipping areas at least once per day.

All water which comes into contact with waste drains into the

sanitary sewer system after being processed through a clarifier. This discharge is permitted through an industrial waste permit.

Insects, rodents and birds are controlled by the timely removal of wastes. All non-salvageable waste is directed into transfer trailers and hauled to landfills within 24 hours after receipt. Tipping and processing areas are swept and washed down on a daily basis. In addition, pest control is managed by processing materials inside the building. A pest control company has been hired to inspect and maintain an effective pest control program.

Litter is controlled by ensuring that all loads entering the facility are tarped, unless the load is fully enclosed within trailers or vehicles. Daily cleaning of the facility will further eliminate the possibility of litter.

Problems associated with odor will be minimal since all incoming loads are deposited within the partially enclosed tipping area. Residual waste is not allowed to remain on-site more than 24 hours. Stockpiled bales of recyclables do represent a minimal problem with odor, however, this is mitigated by storing the materials under the roof. If any odor complaints are received, they will be investigated and appropriate steps will be taken to alleviate the problem.

Fire extinguishers are located on or near all pieces of stationary equipment (i.e. balers, compactors). All mobile equipment such as loaders and forklifts is maintained with fire extinguishers. The facility is equipped with five fire hoses located primarily around the compactor and balers. Hoses are also located in the parking/maneuvering area and at the loading dock adjacent to the administration office. A fire hydrant is located at the south west corner of the scale. Fire sprinklers mounted on the ceilings throughout the entire building provide further protection against fires.

Resource Recovery Salvageable/recyclable materials comprise between 1-5% of wastes received. Examples of this type of materials are metals, plastic, glass and wood. Tipping and processing facilities for salvaging and recycling are separate from waste transfer operations.

**ANALYSIS:**

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facilities Permit. Since the proposed permit

for this facility was received on April 19, 1995, the last day the Board may act is June 19, 1995.

The LEA has submitted a proposed permit to the Board. Staff have reviewed the proposed permit and supporting documentation and have found that the permit is acceptable for the Board's consideration of concurrence. In making this determination, the following items were considered:

1. Conformance with County Plan

   Because this project is not new or expanding, a determination by the LEA of conformance with County Plan is not required. However, the LEA has certified that the facility is in conformance with the 1988 Los Angeles County Waste Management Plan.

2. Consistency with General Plan

   Because this project is not new or expanding, a determination by the LEA of consistency with the General Plan is not required. However, the LEA has certified that the facility is consistent with the City of Los Angeles General Plan.

3. Consistency with Waste Diversion Requirements

   Staff of the Board's Diversion, Planning and Local Assistance Division make an assessment, pursuant to PRC 44009, to determine if the record contains substantial evidence that the proposed project would impair the achievement of waste diversion goals. Based on available information, staff have determined that the issuance of the proposed permit should neither prevent nor substantially impair the City of Los Angeles from achieving its waste diversion goals. The analysis used in making this determination is included as Attachment 4.

4. California Environmental Quality Act (CEQA)

   On April 18, 1995, the City of Los Angeles, Environmental Affairs Department acting as the Lead Agency, filed a Class 1 Categorical Exemption with the County Clerk. The exemption was filed for the issuance of a Solid Waste Facility Permit to a new owner and operator of an existing solid waste transfer station. Such action satisfies the requirements of the California Environmental Quality Act.

*Note:*

Authority cited: Sections 21083 and 21087, Public Resources Code; Reference: Section 21084, Public Resources Code; *Wildlife Alive v. Chickering*, (1976) 18 Cal.3d 190.

*Discussion*

*In* McQueen v. Mid-Peninsula Regional Open Space *(1988) 202 Cal. App. 3d 1136, the court reiterated that categorical exemptions are construed strictly, shall not be unreasonably expanded beyond their terms, and may not be used where there is substantial evidence that there are unusual circumstances (including future activities) resulting in [or which might reasonably result in] significant impacts which threaten the environment.*

**15300.3.**

**Revisions to List of Categorical Exemptions**

Any public agency may, at any time, request that a new class of categorical exemptions be added, or an existing one amended or deleted. This request must be made in writing to the Office of Planning and Research and shall contain detailed information to support the request. The granting of such request shall be by amendment to these Guidelines.

*Note:*

Authority cited: Sections 21083 and 21087, Public Resources Code; Reference: Section 21084, Public Resources Code.

**15300.4.**

**Application By Public Agencies**

Each public agency shall, in the course of establishing its own procedures, list those specific activities which fall within each of the exempt classes, subject to the qualification that these lists must be consistent with both the letter and the intent expressed in the classes. Public agencies may omit from their implementing procedures classes and examples that do not apply to their activities, but they may not require EIRs for projects described in the classes and examples in this article except under the provisions of Section 15300.2.

*Note:*

Authority cited: Sections 21083 and 21087, Public Resources Code; Reference: Section 21084, Public Resources Code.

**15301.**

**Existing Facilities**

Class 1 consists of the operation, repair, maintenance, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing, including but not limited to:

(a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;

(b) Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services;

(c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities except where the activity will involve removal of a scenic resource including a stand of trees, a rock outcropping, or an historic building;

(d) Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood;

(e) Additions to existing structures provided that the addition will not result in an increase of more than:

(1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or

Board staff reviewed the Notice of Exemption and has determined that such action satisfied the requirements under CEQA.

5. Compliance with State Minimum Standards

The LEA and Board staff have determined that the facility's design and operation are in compliance with the State Minimum Standards for Solid Waste Handling and Disposal based on a review of the submitted Report of Station Information and based on monthly inspections. The most recent LEA and Board staff joint inspection was conducted on March 29 and 30, 1995. The facility was in compliance with all applicable State Minimum Standards at the time of the inspection.

Note: The facility was found in violation of the Public Resources Codes 44002 operating without being authorized by a permit. With the issuance of this permit, the facility will come into compliance.

**STAFF RECOMMENDATION:**

Because a new Solid Waste Facilities Permit is proposed, the Board must either concur or object to the proposed permit as submitted by the LEA.

Staff recommend that the Board adopt Permit Decision No. 95-594 concurring in the issuance of Solid Waste Facilities Permit No. 19-AR-1183.

**ATTACHMENTS:**

1. Location Map
2. Site Plan
3. Proposed Permit No. 19-AR-1183
4. AB2296 Findings
5. Permit Decision No. 95-594

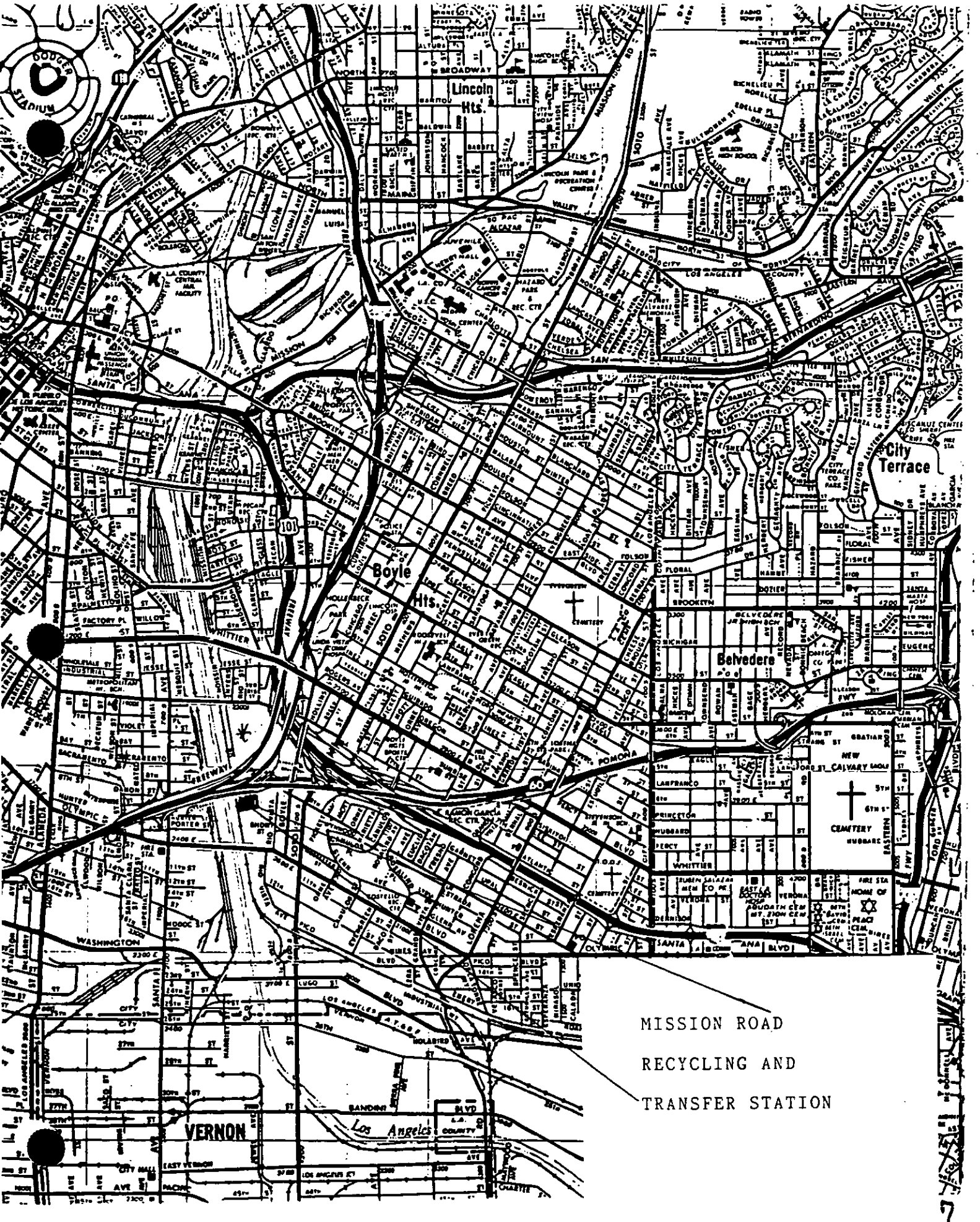
**APPROVALS:**

Prepared by: Amalia Fernandez af Phone: 255-3301

Approved by: Suzanne Hambleton/Don Pier Jr. Phone: 255-2453

Approved by: Douglas Okumura Phone: 255-2431

Legal Review: Kathryn J Tobias Date/Time: 5/8/95




ATTACHMENT 1

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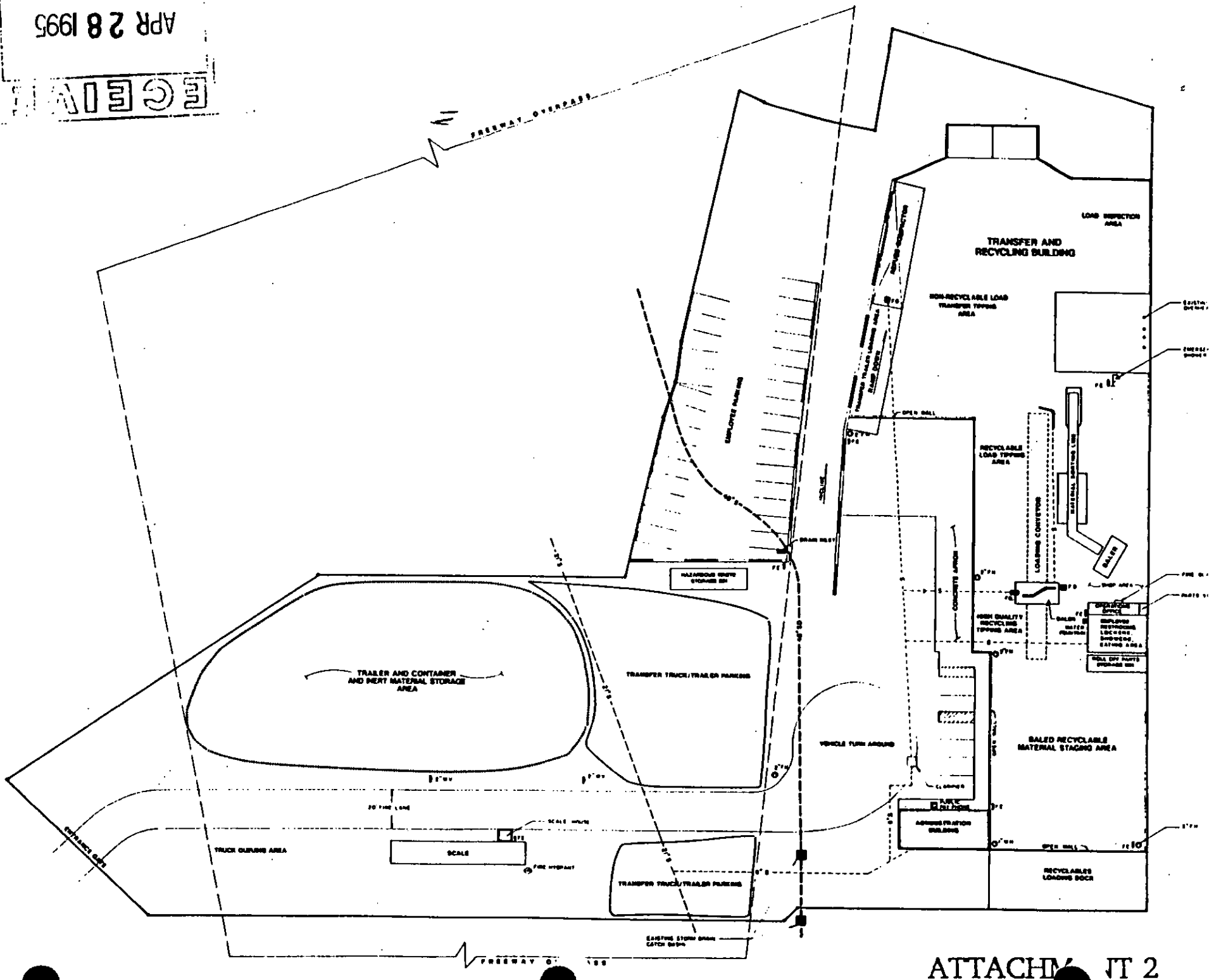


ATTACHMENT 2

# SOLID WASTE FACILITY PERMIT

**1. Facility Permit Number:** 19-AR-1183

| 2. Name and Street Address of Facility: | 3. Name and Mailing Address of Operator: | 4. Name and Mailing Address of Owner: |
|---|---|---|
| MISSION ROAD RECYCLING AND TRANSFER STATION<br>840 South Mission Road<br>Los Angeles, California 90023 | Waste Management Collection and Recycling, Inc.<br>9081 Tujunga Ave., 2nd Floor<br>Sun Valley, CA 91352 | Waste Management Collection and Recycling, Inc.<br>9081 Tujunga Ave., 2nd Floor<br>Sun Valley, CA 91352 |

**5. Specifications:**

**a. Permitted Operations:**

**PROPOSED PERMIT**

- ☐ Composting Facility (mixed wastes)
- ☐ Composting Facility (yard wastes)
- ☐ Landfill Disposal Site
- ☐ Materials Recovery Facility
- ☐ Processing Facility
- ■ Transfer Station
- ☐ Transformation Facility
- ☐ Other: _____

**b. Permitted Hours of Operation:**

| | |
|---|---|
| Material Acceptance | 12:00 am - 10:00 pm, Monday - Sunday |
| Material Processing/Refuse Transfer | 6:00 am - 6:00 am, Monday - Sunday |
| General Public | N/A |

**c. Permitted Tons per Operating Day:**

| | | |
|---|---|---|
| | Total: | 1,500 Tons/Da |
| Non-hazardous - Refuse | | 1500 Tons/Da |
| Non-hazardous - Sludge | | N/A Tons/Da |
| Non-hazardous - Separated or Commingled Recyclables | | Included Tons/Da |
| Non-hazardous - Other (See Section 14 of Permit) | | N/A Tons/Da |
| Designated Waste (See Section 14 of Permit) | | N/A Tons/Da |
| Hazardous Waste (See Section 14 of Permit) | | N/A Tons/Da |

**d. Permitted Traffic Volume: (Allowed in the August 18, 1988 Traffic Study)**

| | | |
|---|---|---|
| | Total: | 324 Vehicles/Da |
| Incoming Waste Materials | | 250 Vehicles/Da |
| Outgoing Waste Materials (for disposal) | | 50 Vehicles/Da |
| Outgoing Materials from the materials recovery operations: | | 24 Vehicles/Da |

**e. Key Design Parameters (detailed parameters are shown on site plans):**

| | Total | Disposal | Transfer | MRF | Composting | Transformation |
|---|---|---|---|---|---|---|
| Permitted Area (acres) | 3.5 a | N/A | 3.5 a | included | N/A | N/A |
| Design Capacity | | N/A | 1,500 tons per day (t/d) | included | N/A | N/A |
| Max. Elevation (ft. MSL) | | N/A | | | | |
| Max. Depth (ft. BGS) | | N/A | | | | |
| Estimated Closure Date | | N/A | | | | |

**This permit is granted solely to the operator named above and is not transferrable. Upon change of operator, this permit is no longer valid. Furthermore upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached finding and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permit.**

**6. Approval:**

Approving Officer Signature

Lillian Y. Kawasaki, General Manager
Name/Title

**7. Local Enforcement Agency Name and Address:**

*City of Los Angeles*
*Environmental Affairs Department*
*201 N. Figueroa Street*
*Suite 200 Mail Stop 248*
*Los Angeles, California 90012*

**8. Received by CIWMB:** APR 19 1995

**9. CIWMB Concurrence Date:**

**10. Permit Review Date:**

**11. Permit Issue Date:**

ATTACHMENT 3

PROPOSED PERMIT

**12. Legal Description of Facility (Refer to Site Location Map, as shown in RSI page 3):**
See Report of Station Information, January 1995 Page 2, Site Location Discussion and Page 3, Site Location Map.

**13. Findings:**

1. This Permit is consistent with the County Solid Waste Management Plan and a Finding of Conformance was approved on April 20, 1989 by the Los Angeles County Solid Waste Management Committee/Integrated Waste Management Task Force. *[Public Resources Code (PRC), Section 50000 (a)(1)].*

   a. This Permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). *[PRC, Section 44010].*

   Salvaging and recycling operations will be conducted as part of this facilities operation. Permit provisions applying to salvage operations at t: site are provided under the "Conditions" portion of this permit. This facility has a diversion rate of approximately 1 percent of incoming wast: received at the facility. Recovered wood, cardboard, paper, glass, metal, and plastics are baled or loaded loose into trailers or roll off containers for shipment to markets.

   b. 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 Enforcement Agency (LEA) during the inspection of March 29, 1995.

   c. The local fire protection agency, the Los Angeles City Fire Department, has determined that the facility is in conformance with applicable standards as required in *PRC, Section 44151.*

   d. A Negative Declaration (SCH #88122128) dated December, 1988 and finalized in March, 1989 has been filed with the State Clearinghouse pursuant to *PRC, Section 21081. A Catagorical Exemption, Class 1, Catagory 14 under the City of Los Angeles* CEQA Guidelines dated April 1995 has been filed with the County Clerk for issuing a SWFP to the new owner of an existing solid waste transfer station.

   e. Zoning Variance No. ZA 88-0869 (ZV) was issued to this facility and approved by the Zoning Administrator on November 4, 1988. At this time the facility was deemed consistent with the City of Los Angeles General Plan and meets the zoning requirements, as verified by the City of Los Angeles Planning Department. *[PRC, Section 50000.5 (a)].*

   f. The facility is located in an area of the City of Los Angeles which is designated as an M-3-2 zone, heavy industrial. Operation of a solid was transfer station is allowed in M-3 zones. Land within 1,000 feet of this facility is zoned M-2 and M-3, and is compatible with the facility. *[PRC Section 50000.5 (a) and 50000.5 (b)].*

   g. Based on the current Report of Station Information (RSI),dated January 1995, the LEA is satisfied that this facility will provide measures to adequately control noise levels, gas/odor nuisances, traffic congestion, litter nuisances, and vectors such that there will be no significant impact on the local residences.

   h. Wastes which can be received at this facility are "Nonhazardous Solid Waste" as defined by California Code of Regulations, Title 23, 3, Subchapter 15, Section 2523, adopted 11/26/84, which includes: Residential, Commercial, Industrial and Demolition waste. These are currently disposed of at either Bradley Landfill and Recycling Center, Lancaster Landfill, BKK Landfill, or Chiquita Landfill, however, w can be disposed of at alternative permitted landfills.

**14. Prohibitions:**

The permittee is prohibited from accepting any liquid waste sludge, non-hazardous wastes requiring special handling, designated waste or hazardous waste unless such waste is specifically listed below, and unless the acceptance of such waste is authorized by all applicable permits. Hazardous or designated waste found as a result of the Hazardous Waste Screening Program may be stored at the facility awaiting removal for a maximum of 90 day In the event that hazardous or suspected hazardous wastes are brought into the facility the operator is required to follow procedures for obtaining information, notification, handling and disposal as outlined in Section N of the RSI (Load Checking Program).

The permittee is additionally prohibited from the following items or activities:
- Acceptance of Liquid Waste, containerized or not,
- Scavenging or Open Burning,
- Acceptance of Sewage Sludge, or Septic Tank Pumpings, Slurries, Untreated Medical Waste, Dead Animals,
- Acceptance of waste between the hours of 10:00 pm and 12:00 am Monday through Sunday unless otherwise authorized by the Local Enforcement Agency. Should circumstances arise beyond control of the operators, extended hours for accepting refuse may be granted on an as needed basis but must be requested from the LEA at least 24 hours before the day of said extension.

**15. The following documents also describe and/or restrict the design and operation of this facility:**

| | Date: | | Date: |
|---|---|---|---|
| ■ Report of Station Information (RSI) | January 1995 | ☐ Summary of Contract Agreement - operator and contract | N/A |
| ■ Land Use Permits and Zone Variance (88-0869ZV) | November 1988 | ☐ Waste Discharge Requirements | N/A |
| ☐ Air Pollution Permits and Variances | N/A | ■ Local & County Ordinances | Municipal Code |
| ■ Negative Declaration (SCH #88122128) | March 1989 | ☐ Final Closure & Post Closure Maintenance Plan | N/A |
| ☐ Lease Agreements - owner and operator | N/A | ☐ Amendments to RSI | N/A |
| ■ Finding of Conformance - LA Co SWTF | April 1989 | ■ Storm Water Discharge Permit (#4B19S002666) | October 1992 |
| ■ Finding of Consistency - LA City General Plan | November 1988 | ■ Industrial Waste Discharge Permit (#W471843) | July 1989 |

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~~PROPOSED PERMIT~~

16. Self-Monitoring: Results of all self-monitoring programs as described in the RSI will be reported as follows:
(The monitoring reports are delinquent 30 days after the end of the reporting period)

| Program: | Reporting Frequency: | Agency Reported To: |
|---|---|---|
| The quantities and types of hazardous wastes, untreated medical wastes, or otherwise prohibited wastes found in the waste stream and the disposition of these materials. | Monthly (Due two weeks after the end of each month) | LEA |
| All incidents of unlawful disposal of prohibited materials and the operator's actions taken. Indicate those incidents which occurred as a result of the random load checking program. | | |
| Copies of all written complaints regarding this facility and the operator's actions taken to resolve these complaints. (Notification to the LEA within one day following the complaint is also required.) | | |
| The types and quantities of decomposable and inert wastes, including separated or commingled recyclables, received each day. The operator shall maintain these records on the facility's premises for a minimum of one year and made available to any Enforcement Agencies' personnel on request. | | |
| Quantity and types of wastes salvaged/recycled per month and the final destination of these diverted materials. | | |
| Final disposal site for transferred wastes. | | |
| The number and type of vehicles using the facility per day. | | |
| Reports of all special/unusual occurrences and the operator's actions taken to correct these problems. | | |
| Weekly reports from a rodent and insect control program conducted by a licensed pest control company. | | |
| Record of receipt of a Notice of Violation from any regulatory agency. In addition, the operator shall notify the LEA at once following receipt of a Notice of Violation or upon receipt of notification of complaints regarding the facility which have been received by other agencies. | | |
| The facility operator/owner must provide notification, in writing, of monthly waste quantity received during the past three months, amount of recycled materials, as well as final destination and quantity of solid waste hauled away. | Quarterly | Los Angeles County Solid Waste Management Committee (CoSWMC) |
| Notify the LEA and CoSWMC, in writing, of any change in name of operator or in control of ownership of land. | Within 10 Calendar Days of Event | |
| Notify any new owner or operator by letter, a copy of which shall be filed with the LEA and CoSWMC, of the existence and terms of the Finding of Conformance. | | CoSWMC and New Owner |

PROPOSED PERMI

**17. LEA Conditions:**

**A. Requirements:**

1. This facility shall comply with all the State Minimum Standards for Solid Waste Handling and Disposal.

2. This facility shall comply with all federal, state, and local requirements and enactments including all mitigation measures given in a certified environmental document filed pursuant to the *Public Resources Code*, Section 21081.6.

3. The operator shall comply with all notices and orders issued by any responsible agency designated by the Lead Agency to monitor mitigation measures contained in any of the documents referenced within this permit pursuant to the *Public Resources Code 21081.6.*

4. All recyclables shall be stored within designated areas in a neat and orderly manner so as not to generate litter, harbor vectors or p a nuisance. Baled recyclables awaiting removal shall be stacked within designated areas. Recovered cans and bottles shall be stored in the recyclables storage area, as noted in the RSI, dated January 1995, Section 5.2.2 Storage of Recyclables.

5. Information concerning the design and operation of this facility shall be furnished, in a timely manner, on request to the LEA.

6. The operator shall maintain a copy of this permit at the facility so as to be available at all times to facility personnel and to Enforcement Agencies' personnel.

7. Signs shall be provided to ensure orderly and safe operation of the facility. The operator shall install and maintain signs at the entrance indicating the type of materials that are accepted.

8. The operator shall comply with the established Litter Control Program as outlined in Section 6.4 of the RSI, dated January 1995, a: the April 1989, approved Finding of Conformance. This program includes tarping requirements, containment of litter, site and faci: clean-up and monitoring procedures. It is the responsibility of the operator to keep all surrounding streets, within a 1,000 foot radi (see RSI, Appendix I), used for ingress and egress free of litter resulting from the facility operation.

9. The operator must provide additional dust control measures upon the request of the LEA, if such measures, as provided in Report of Station Information (RSI), prove to be inadequate.

10. Noise levels at the property boundaries shall be in conformance with the City Noise Ordinance No.156,363, which states that the maximum permissible noise level for an M3-2 Zone is 70 decibels. Approved hearing protection shall be provided for employees a visitors, if necessary.

11. The operator shall comply with all of the requirements of all applicable laws pertaining to employee health and safety.

**B. Provisions:**

1. This permit is subject to review by the LEA and may be suspended, revoked or modified at any time for sufficient cause.

2. The LEA reserves the right to suspend or modify this permit when deemed necessary due to an emergency, a potential health haz or the creation of a public nuisance.

3. The operator shall notify the LEA, in writing, of any proposed significant changes in the routine facility operation or changes in faci design during the planning stages. In no case shall the operator undertake any changes unless the operator first submits to the LE a notice of said changes at least 120 days before said changes are undertaken, and those changes are approved by the LEA. Any significant change as determined by the LEA would require a revision of this permit.

4. A summary of all pilot projects must be submitted to the LEA in writing prior to the implementation of that pilot project. The LEA m approve all pilot projects before they can be implemented.

5. This permit is not transferable; a change in the operator would require a new permit.

6. In the event that any landfill proposed for final disposal of this facility's waste closes, denies, or limits access, the facility operator/owner must immediately notify the LEA and submit a plan to address the issue of handling and disposing of the permitted waste tonnage limit. This plan must be reviewed by the LEA prior to implementation.

7. The facility currently has a recycling diversion rate of 1% of incoming waste materials. The operator shall make periodic evaluation of handling operations and incoming wastes to assess the feasibility of increasing the materials diversion rate.

PROPOSED PERMIT

**17. LEA Conditions**

C. **LEA Specifications:**

1. Operational controls shall be established to preclude the receipt and disposal of hazardous waste and volatile organic chemicals or other types of prohibited wastes. The operator shall comply with the approved Waste Load Checking Program as described in the Report of Station Information dated January 1995. Any changes in this program must be approved by the LEA prior to implementation. The following Solid Waste Facility Permit conditions supplement those conditions:

   (1) The minimum number of random waste vehicle loads to be inspected daily at this facility is one (1).

   (2) The number of random incoming vehicle loads to be inspected each day is determined by the LEA and shall be related to the permitted daily volume of refuse received by the facility. The LEA reserves the right to increase the required number incoming waste load inspections.

   (3) The personnel training and load check procedures necessary for the program must be submitted and approved by the LEA. Visual inspections are to be performed by trained spotters and equipment operators. The LEA must review and approve this program and operation. Additional measures may be required upon the request of the LEA.

   (4) In the event that hazardous or suspected hazardous wastes are brought into the facility, the operator is required to follow procedures for obtaining information, notification, handling and disposal as outlined in Appendix E of the RSI (Load Checking Program).

   (5) Suspected hazardous wastes must be stored in the hazardous waste containment area, if they are stored overnight.

   (6) It is the responsibility of the facility operator to dispose of any prohibited materials (hazardous or suspected hazardous materials, liquid, sludges, or medical wastes) in accordance with all local, state and federal regulations.

   (7) Incidents of unlawful disposal of prohibited materials shall be reported to the LEA monthly as described in the monitoring section of this permit. In addition, the following agencies shall be notified immediately, after each occurrence, if applicable, of any incidents of illegal hazardous materials disposal:

      (a) Los Angeles County Fire Prevention Bureau, Hazardous Materials Division at (213) 890-4317.

      (b) Environmental Crimes Division, L.A. County District Attorney at (213) 974-6824.

      (c) California Highway Patrol at (213) 736-2971.

2. The operator shall maintain a daily log of special/unusual occurrences. If there are no special occurrences for a given day, that day's entry shall read "none". This log shall include, but are not necessarily limited to:

   Any loads refused entry into the facility, potentially live ammunition, fires, explosions, earthquakes, discharge of hazardous liquids or gases to the ground or the atmosphere, or significant injuries, accidents, or property damage.

   Each of these log entries shall be accompanied by a summary of any actions taken by the operator to mitigate the occurrence. The operator shall maintain this log at the facility so as to be available at all times to site personnel and to the Enforcement Agencies' personnel. Any of these specified entries made in this log must be promptly reported to the LEA. Call the duty officer, City of Los Angeles, Environmental Affairs Department, at (213) 580-1082, Monday through Friday 8:00 AM to 5:00 PM. For after hours incidents, the operator shall call the pager number provided to them by the LEA. Only authorized personnel can make entries into this log. A summary of the Log of Special Occurrences shall be submitted to the LEA in an Annual Report. If a situation arises that cannot be handled by facility personnel then call 911 or another outside emergency agency appropriate for the situation as listed in Section 4.4 on page 27 of the RSI. The LEA shall be notified immediately after the appropriate outside emergency agency has been notified.

3. The operator shall maintain, at the facility, accurate daily records of the weight and/or volume of refuse received. These records shall be made available to the LEA's personnel and to the CIWMB's personnel for inspection and shall be maintained on site for a period of at least one year.

4. The permitted daily capacity of this facility has been determined to be 1,500 tons per day. On no day shall more than 1,500 tons of nonhazardous solid wastes, including recyclable materials, be received at this facility, unless permissions is obtained from the LEA.

5. The operator shall provide daily sweeping of the entire transfer facility and all wastes shall be removed from the tipping floor daily by 11:30 PM. If water is used as the cleaning agent, runoff from such wash downs shall not leave the site and must only go to the drain and clarifier provided.

6. The entire area within the permitted boundaries of the site must have adequate drainage control and be free of ponding water within 48 hours of rainfall.

<END OF DOCUMENT>

State of California

MEMORANDUM

**California Environmental Protection Agency**

**TO:** Suzanne Hambleton
Permits Branch

**Date:** May 2, 1995

**FROM:** Lloyd Dillon, Supervisor
Office of Local Assistance, South Section

**SUBJECT:** Conformance Finding for Mission Road Recycling/Transfer Station Facility, Facility File No. 19-AR-1183

**FINDING OF CONSISTENCY WITH WASTE DIVERSION GOALS (PRC SECTION 44009)**

Approval of the modified permit for the Mission Road Recycling/Transfer Station Facility should not prevent nor impair the achievement of the waste diversion requirements.

**Source Reduction and Recycling Element (SRRE)**

The City of Los Angeles submitted its Final SRRE in January of 1995. Currently, the City of Los Angeles claims diversion of 20.6% of its waste stream. The Board will be considering the City's SRRE at its May meeting. Staff are recommending approval for the SRRE. The City has not submitted the Nondisposal Facility Element. The City has targeted a 36% diversion goal for the 1995, a 57% diversion for the 2000. The City has an ultimate goal of diverting 70% of its waste stream by the year 2020.

The City of Los Angeles has implemented a residential curbside diversion program. By May of this year, it is anticipated that all 720,000 households, currently serviced by the Bureau of Sanitation, will be added to the program. The curbside recycling program collects newspapers, glass bottles, and jars, tin-plated food and beverage containers, aluminum food and beverage cans, and plastic beverage containers.

The City's Bureau of Sanitation also provides drop-off bins for recyclables at five Sanitation Yards throughout the City to collect newspaper, glass containers, aluminum and tin cans, and plastic soda and water bottles.

The City is implementing a City Office recycling program that targets cans, glass, newspapers, cardboard and office paper from all City department offices and City owned buildings.

The City also has numerous programs to target yard waste. By 1995, the program is expected to reach all 720,000 households serviced by the Bureau. The City's Recreation and Park Department oversees the Onsite Green Waste Program. This program processes the green waste generated at park facilities and uses the chopped and mulched material as a ground cover and a soil amendment. Also, all grass clippings are left on golf courses and lawns after mowing.

The City of Los Angeles has created partnerships with different industries and groups to address the Commercial and Industrial sectors. As a result of numerous workshops and technical assistance, the commercial and institutional sectors diverted 23.6% of its generated waste stream. The industrial sector diverted 59.3% of its generated waste stream.

**California Integrated Waste Management Board**
**Permit Decision No. 95-594**
**May 23, 1995**

**WHEREAS,** the Mission Road Recycling and Transfer Station was permitted as a large Volume Transfer Station in 1989; and

**WHEREAS,** West Management Collection and Recycling, Inc., purchased the Mission Road Recycling and Transfer Station; and

**WHEREAS,** the City of Los Angeles Environmental Affairs Department, acting as the Local Enforcement Agency (LEA), requested that the new operator submit and application for a new Solid Waste Facility Permit for the transfer station; and

**WHEREAS,** the City of Los Angeles, Office of Zoning Administration granted the facility a zoning variance which allows the facility to continue operations under the new ownership and operation; and

**WHEREAS,** the LEA has submitted to the Board for its review and concurrence in, or objection to, a new Solid Waste Facility Permit for the Mission Road Recycling and Transfer Station; and

**WHEREAS,** the Local Enforcement Agency, acting as the Lead Agency, prepared a Notice of Exemption for the proposed project; and Board staff concur that CEQA has been complied with; and the proposed project will not have a significant effect on the environment; and

**WHEREAS,** the project description in the CEQA document is consistent with the proposed permit; and

**WHEREAS,** the LEA and Board staff have evaluated the proposed permit and supporting documentation for consistency with the standards adopted by the Board and determined that the facility's design and operation is in compliance with State Minimum Standards; and

**WHEREAS,** the Board finds that all State and local requirements for the proposed permit have been met, including compliance with CEQA; and

**NOW, THEREFORE, BE IT RESOLVED** that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facility Permit No. 19-AR-1183.

**CERTIFICATION**

The undersigned Executive Director of the California Integrated 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 Integrated Waste Management Board held on May 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

17

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

Permitting and Enforcement Committee
May 17, 1995

**AGENDA ITEM 2**

**ITEM:** Consideration of Concurrence to the Issuance of a Revised Solid Waste Facilities Permit for the Avery Transfer Station, Calaveras County

**BACKGROUND:**

Facility Facts

| | |
|---|---|
| Name: | Avery Transfer Station<br>Facility No. 05-AA-0009 |
| Facility Type: | Large Volume Transfer Station |
| Location: | 4541 Seagale Road, Avery, Eastern Calaveras County, 5 miles south of Arnold |
| Area: | 4.5 acres |
| Setting: | Rural, Zoned Public Service |
| Status: | Active, operating since 1975, permitted since 1978 |
| Tonnage: | Currently accepting an average of 14 tons of waste per day; proposed permit allows a maximum of 51 tons of waste per day |
| Operator: | Calaveras County Public Works Department, Contact: Robert Pachinger, Junior Civil Engineer |
| Contract Operator: | Gambi Disposal, Inc.; Contact: Jerry Rocca |
| Owner: | Calaveras County, Contact: Robert Pachinger, Junior Civil Engineer |
| LEA: | Calaveras County Department of Environmental Health, Brian Moss, Director |

Proposed Project

Continued operation and improvements of a large volume transfer station. Changes in facility design and operation that have been implemented since 1978 are summarized below:

- The 1978 permit stated that the facility was designed to process 225 cubic yards of uncompacted waste per day (approximately 30 to 50 tons per day depending on the density of the waste). The proposed permit restricts the daily tonnage to a maximum of 51 tons of waste per day (the facility currently receives an average of 14 tons of waste per day);

- The proposed permit limits the number of vehicles allowed to use the site to 750 vehicles per day; the 1978 permit did not restrict the number of vehicles;

- The 1978 permit stated that the site is open Friday - Monday with no restrictions on hours. The proposed permit allows the site to be open seven days per week between the hours of 9 a.m. and 5:30 p.m., 7 a.m. and 7:30 p.m. during daylight savings time;

- The 1978 permit states that the surrounding land is zoned unclassified and rural residential. Some nearby parcels have since been rezoned as local and general commercial, general forest, timber production, and public service. Eight structures are located within 1000 feet of the site and a newly constructed middle school is located across the street from the transfer station;

- The contract operator has changed from Timberline Disposal Co. to Gambi Disposal Inc;

- Waste will be transferred to the Rock Creek Landfill rather than the Red Hill Landfill which ceased accepting waste in 1990;

- Surrounding land use has changed; a new middle school has been built across the street from the transfer station.

<u>Site History</u>

- 1975: Station constructed and operations commence;

- 1978: Solid Waste Facility Permit issued;

- 5/15/90: Permit Review Report determined that SWFP would need to be revised within 5 years;

- 11/1/90: Waste stream is diverted from the closed Red Hill Landfill to the recently opened Rock Creek Landfill;

- 8/31/92: Lead Agency approves and certifies rezoning of station parcel and issuance of CUP;

- 1991-94: Avery Middle School is sited and constructed across the street from the transfer station;
- 3/17/93: Lead Agency files Notice of Determination for rezoning and CUP for transfer station;
- 2/22/95: LEA accepts SWFP application package;
- 3/2/95: LEA submits proposed permit;
- 3/30/95: Board staff determined that the CEQA document submitted with the permit does not address environmental impacts associated with the redirected waste stream and the adjacent middle school;
- 4/18/95: LEA waives Board's statutory 60 day time clock while Addendum to Negative Declaration is prepared;
- 4/24/95: Calaveras County Planning Department submits Addendum to Negative Declaration.

**SUMMARY:**

Project Description The Avery Transfer Station is located in eastern Calaveras County, 1/4 mile east of Highway 4, at 4541 Seagale Road, near the town of Avery. Surrounding land is designated general commercial, general forest, timber production, unclassified, and public service (Please see Attachments 1 & 2).

Calaveras County has contracted with Gambi Disposal, Inc. for the daily operations of the transfer station, which currently receives an average of 14 tons per day. Although the LEA does not anticipate unusual peak loadings, the station is designed and will be permitted to process up to 51 tons of nonhazardous residential waste per day. In addition, the station will be permitted to accept up to three tons of separated recyclables per day. Special hazardous waste, such as used motor oil, batteries, and paint, may be collected if and when approved by the LEA. Waste loads from commercial haulers are not accepted at the transfer station.

An attendant is always on duty during operating hours. On-site improvements include the compactor, the attendant's shelter (located over the compactor's motor housing), a paved driveway and queuing area, a recycling drop-off area, and perimeter fencing. Waste is compacted into 40 cubic yard transfer bins before being hauled to the Rock Creek Landfill (Facility File No. 05-AA-0023) in western Calaveras County.

Environmental Controls Environmental controls for dust, noise, odor, vectors, traffic, fire, and litter are described in the January, 1995, Report of Facility Information (RFI). The LEA and Board staff have determined that these controls, if followed, will continue to allow the facility to comply with State Minimum Standards for Solid Waste Handling and Disposal.

Resource Recovery Newspapers, mixed paper, cans, glass, metals, and plastic drink bottles are collected in covered, watertight containers and shipped off-site for sorting and processing. In addition, the public may place unwanted, but reusable, items (such as furniture, bicycles, tools) in a designated salvage area.

**ANALYSIS:**

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facilities Permit. Since the proposed permit for this facility was received on March 2, 1995, the last day the Board could have acted was May 1, 1995, but on April 18, 1995, the operator and the LEA waived the Board's statutory time clock for an additional 60 days in order to give the Lead Agency time to resolve inadequacies in the CEQA document. The Board now has until June 30, 1994, to concur in or object to the issuance of the proposed permit.

Staff have reviewed the proposed permit and supporting documentation and have found that the permit is acceptable for the Board's consideration of concurrence. In making this determination the following items were considered:

1. Conformance with County Plan (PRC Section 50000)

   The LEA has determined that the facility is identified by the most recently approved edition of the Calaveras County Solid Waste Management Plan, dated December 10, 1986, and therefor is in compliance with PRC Section 50000(a)(1). Board staff agree with said determination.

2. Consistency with General Plan (PRC Section 50000.5)

   The LEA has found that the proposed facility is consistent with, and is designated in, the County General Plan. In addition, the County Board of Supervisors have determined that the surrounding land use is compatible with the facility operation. Board staff agree with said finding.

3. Consistency with Diversion Requirements (PRC Section 44009)

Staff of the Board's Diversion, Planning, and Local Assistance Division made an assessment, pursuant to PRC 44009, to determine if the record contains substantial evidence that the proposed project would prevent or substantially impair the achievement of waste diversion goals. Based on available information, staff have determined that the issuance of the proposed permit would neither prevent nor substantially impair the County of Calaveras from meeting its waste diversion goals. The analysis used in making this determination is included as Attachment 5.

4. California Environmental Quality Act (CEQA)

State law requires the preparation and certification of an environmental document whenever a project requires discretionary approval by a public agency. The Calaveras County Planning Department prepared a Negative Declaration (ND)(SCH#93032066) for the proposed project. The ND was certified as approved by the lead agency on August 31, 1992, and a Notice of Determination was filed by the lead agency on March 17, 1993.

The 1992 ND did not address the potential environmental impacts of redirecting transferred waste to a new disposal site or address the potential noise, odor, and dust impacts of the transfer station on the adjacent middle school which was built after the preparation and adoption of the ND.

The Calaveras County Planning Department has since submitted an Addendum to the 1992 ND which analyzes the change in waste destination and the change in surrounding land use. The Addendum, dated April 24, 1995, concludes that the above mentioned concerns do not constitute a substantial change in the project, substantial change in the circumstances under which the project is undertaken, or new information of substantial importance that would prompt the need to conduct further CEQA review.

After reviewing the environmental documentation for the project, including the EIR for the Rock Creek Landfill and the ND for the adjacent middle school, Board staff have determined that the ND and Addendum are adequate and appropriate for the Board's use in evaluating the proposed permit.

5. Compliance with State Minimum Standards

The LEA has made the determination that the facility's design and operation is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal based on their review of the submitted Report of Facility Information, supporting documentation, and the joint Board/LEA inspection of the site conducted on March 3, 1995.

**STAFF RECOMMENDATION:**

Because a revised Solid Waste Facilities Permit is proposed, the Board must either concur or object to the proposed permit as submitted by the LEA.

Staff recommend that the Board adopt Permit Decision No. 95-378 concurring to the issuance of Solid Waste Facilities Permit No. 05-AA-0009.

**ATTACHMENTS:**

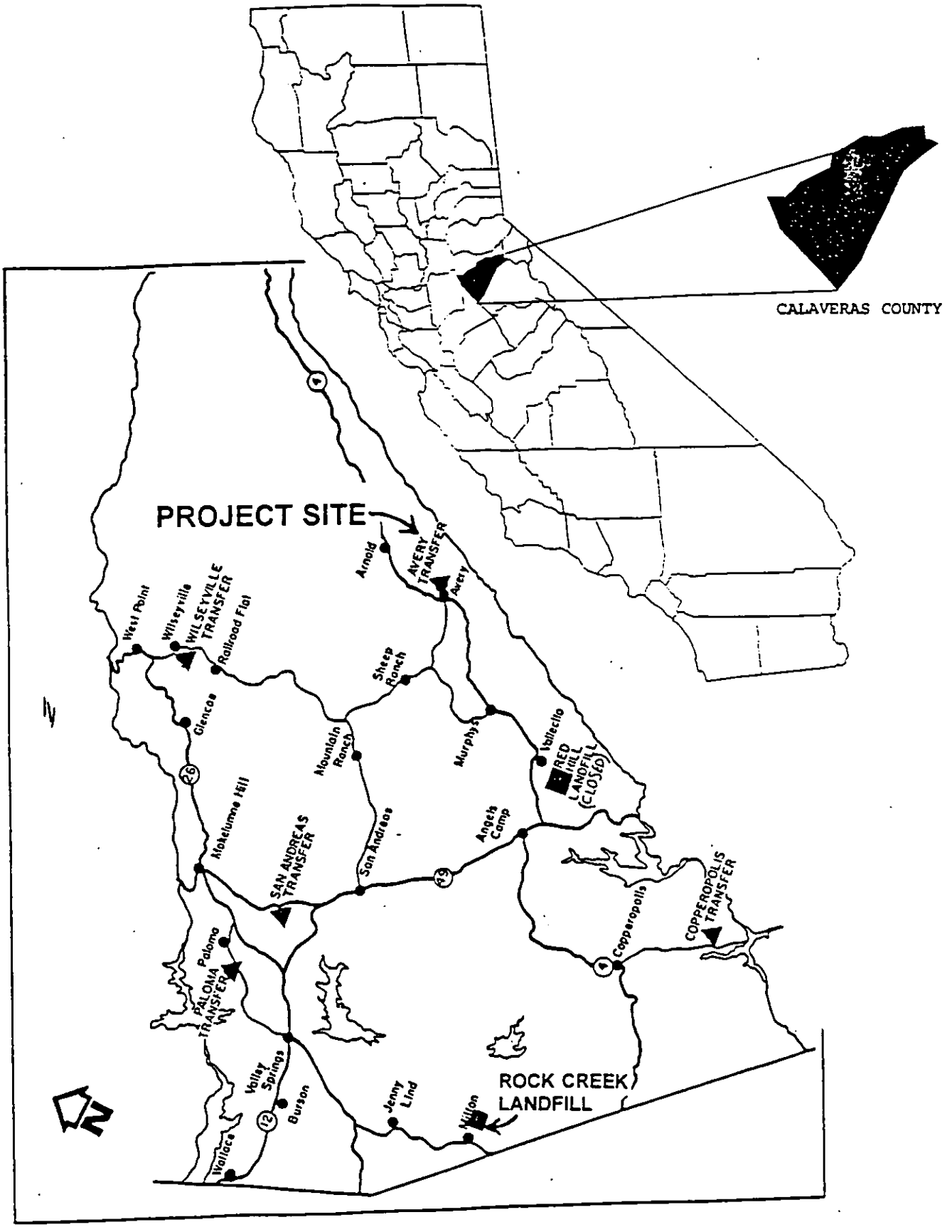
1. Location Map
2. Area Map
3. Site Map
4. Permit No. 05-AA-0009
5. AB 2296 Finding of Conformance
6. Permit Decision No. 95-378

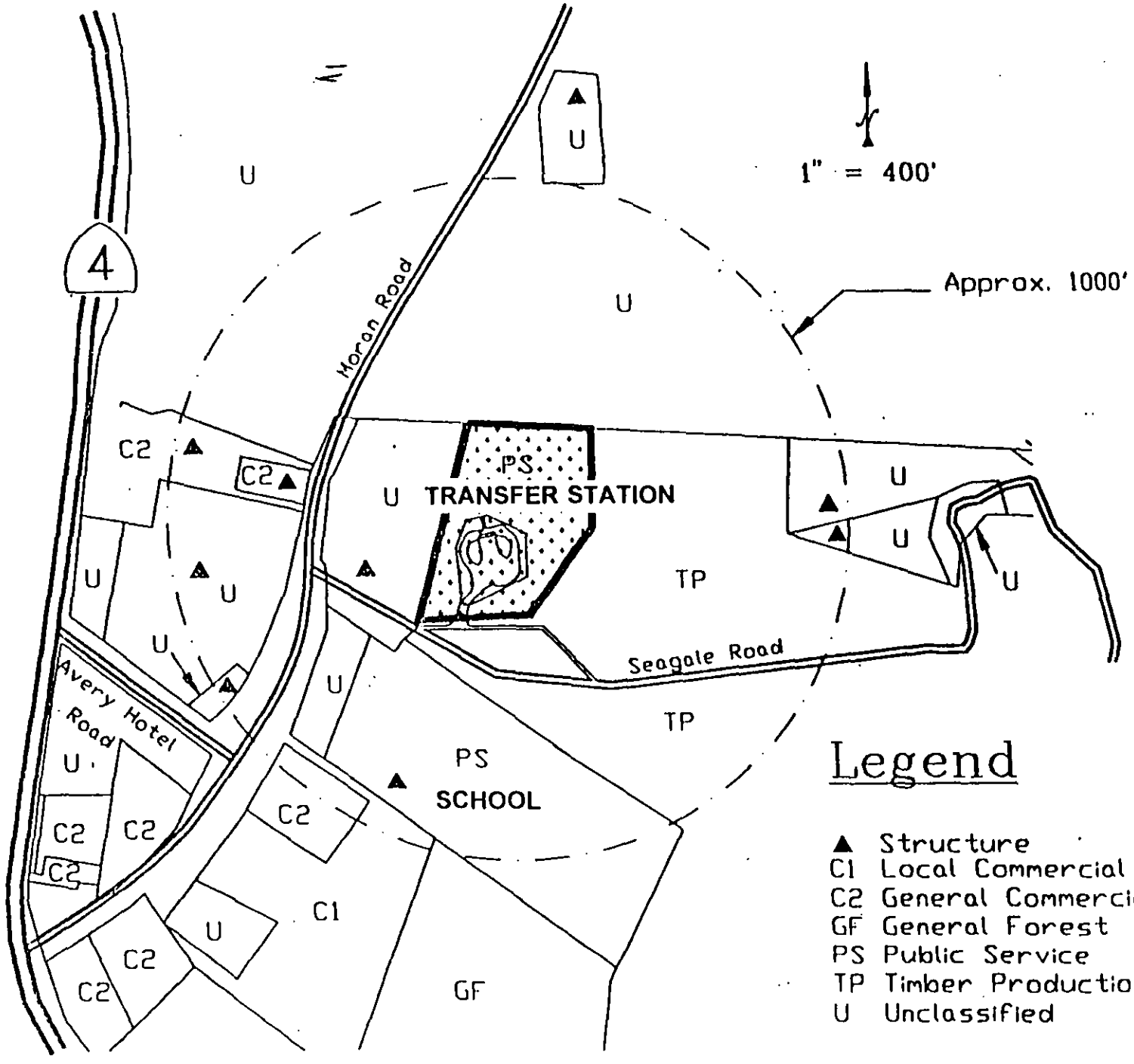
Prepared by: Jon Whitehill/Cody Begley (Jon W. / Jon W. for:) Phone: 255-2338

Reviewed by: Don Dier Jr. Phone: 255-2453

Approved by: Douglas Okumura Phone: 255-2431

Legal Review: Kathryn J. Johnson Phone: 255 2825


CALAVERAS COUNTY
PROJECT SITE
Arnold
AVERY TRANSFER
Avery
West Point
Wilseyville
WILSEYVILLE TRANSFER
Railroad Flat
Sheep Ranch
Glencoe
Mountain Ranch
Murphys
Vallecito
RED HILL LANDFILL (CLOSED)
Mokelumne Hill
SAN ANDREAS TRANSFER
San Andreas
Angels Camp
Copperopolis
COPPEROPOLIS TRANSFER
Paloma
PALOMA TRANSFER
Valley Springs
Burson
Wallace
Jenny Lind
Milton
ROCK CREEK LANDFILL
N

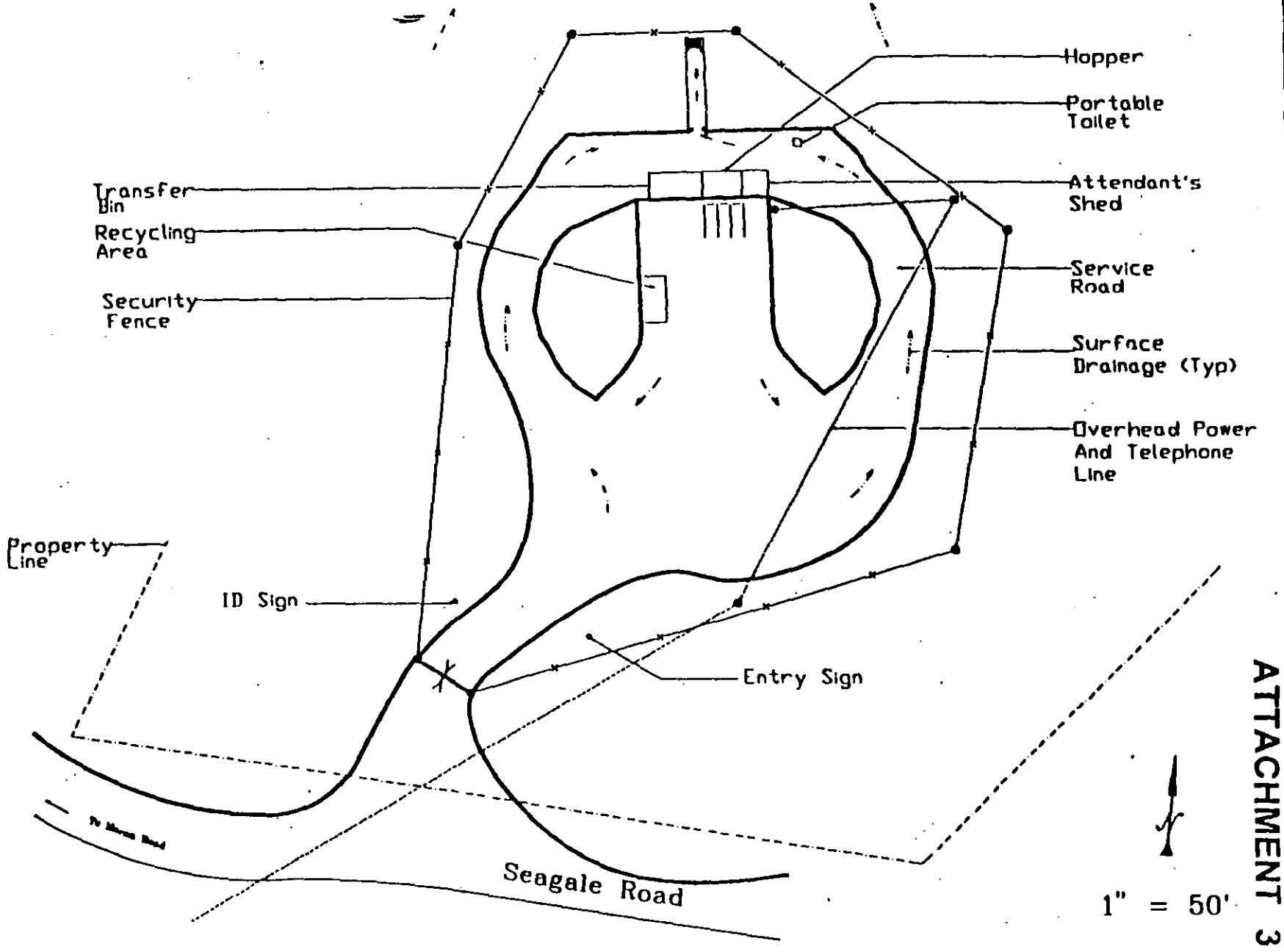



Avery Transfer Station

Site Plan

Figure 2

ATTACHMENT 2




Avery Transfer Station

# Detail Site Plan

Figure 3

ATTACHMENT 3

# SOLID WASTE FACILITY PERMIT

ATTACHMENT 4

| 2. Name and Street Address of Facility: | 3. Name and Mailing Address of Operator: | 4. Name and Mailing Address of Owner: |
|---|---|---|
| Avery Transfer Station<br>4541 Seagale Road<br>Avery, CA 95224 | Calaveras County Public Works<br>891 Mountain Ranch Rd.<br>San Andreas, CA 95249-9709 | Calaveras County<br>891 Mountain Ranch Rd.<br>San Andreas, CA 95249-9709 |

5. Specifications:

a. Permitted Operations:

| | | | |
|---|---|---|---|
| ___ | Composting Facility (mixed waste) | ___ | Processing Facility |
| ___ | Composting Facility (yard waste) | _XX_ | Large Volume Transfer Station |
| ___ | Landfill Disposal Site | ___ | Transformation Facility |
| ___ | Material Recovery Facility | ___ | Other: |

b. Permitted Hours of Operation: Seven days per week, 9:00 a.m. to 5:30 p.m. and 7:00 a.m. to 7:30 p.m. during daylight saving time.
Currently four days per week, 9:00 a.m. to 5:30 p.m.

c. Permitted Tons Per Operating Day:

| | | |
|---|---|---|
| Total: | .....54..... | Tons/Day |
| Non-Hazardous - General | .....51..... | Tons/Day |
| Non-Hazardous - Sludge | .....none..... | Tons/Day |
| Non-Hazardous - Separated or commingled recyclables | .....3.0..... | Tons/Day |
| Non-Hazardous - (see Section 14 of Permit) | ..... | Tons/Day |
| Designated (See Section 14 of Permit) | ..... | Tons/Day |
| Hazardous (See Section 14 of Permit) | ..... | Tons/Day |

d. Permitted Traffic Volume:

| | | |
|---|---|---|
| Total | .....750..... | Vehicles/Day |
| Incoming waste materials | .....738..... | Vehicles/Day |
| Outgoing waste materials (for disposal) | .....6..... | Vehicles/Day |
| Outgoing materials from material recovery operations | .....6..... | Vehicles/Day |

e. Key Design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):

| | Total | Disposal | Transfer | MRF | Composting | Transformation |
|---|---|---|---|---|---|---|
| Permitted Area (in acres) | 4.5 a | a | 1.0 a | a | a | a |
| Design Capacity | | cy | 51 tpd | tpd | tpd | tpd |
| Max. Elevation (Ft. MSL) | | ft | | | | |
| Max. Depth (Ft. BGS) | | ft | | | | |
| Estimated Closure Date | | | | | | |

This permit is granted solely to the operator named above, and is not transferable. Upon a change of operator, the permit is no longer valid. Further, upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permits.

6. Approval:

Approving Officer Signature

Brian Moss, Environmental Health Director
Name/Title

7. Enforcement Agency Name and Address:

Environmental Health Department
891 Mountain Ranch Rd.
San Andreas, CA 95249-9709

8. Received by CIWMB: [illegible] 2 1995

9. CIWMB Concurrence Date:

10. Permit Review Due Date:

11. Permit Issue Date:

# SOLID WASTE FACILITY PERMIT

Facility/Permit Number: 05-AA-0009

12. Legal Description of Facility (attach map with RFI): Section 18, Township 4N, Range 15E, MDM

Findings:

a. This permit is consistent with the County Solid Waste Management Plan or the County-wide Integrated Solid Waste Management Plan (CIWMP). Public Resources Code, Section 50000.

b. This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). Public Resources Code, Section 44010.

c. 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 LEA.

d. The local fire protection district has determined that the facility is in conformance with applicable fire standards as required in Public Resources Code, Section 44151.

e. An environmental determination (i.e., Notice of Determination) is filed with the State Clearinghouse for all facilities which are not exempt from CEQA and documents pursuant to Public Resources Code, Section 21081.6.

f. The County Waste Management Plan has been approved by the California Integrated Waste Management Board.

✓ g. The following authorized agent has made a determination that the facility is consistent with, and designated in, the applicable general plan: Calaveras County Board of Supervisors. Public Resources Code, Section 50000.5(a).

✓ h. The following local governing body (Calaveras County Board of Supervisors) has made a written finding that surrounding land use is compatible with the facility operation, as required in Public Resources Code, Section 50000.5(b).

14. Prohibitions:

A. The permittee is prohibited from accepting any liquid sludge, non-hazardous waste requiring special handling, designated waste, or hazardous waste unless such waste is specifically listed below, and unless the acceptance of such waste is authorized by all applicable permits. Recycling material and recycling material defined as hazardous waste (such as used motor oil, latex paint, etc.) may be accepted as specified and approved by the Local Enforcement Agency (LEA). The following items are currently being accepted: cans, glass, metals, mixed paper and newspaper.

The permittee is additionally prohibited from accepting the following items:

| | | | | | |
|---|---|---|---|---|---|
| Dead Animals | Contaminated Soil | Asbestos | Food Processing Waste | Agricultural Waste | Industrial Waste |
| Medical Waste | Explosives | Poisons | Radioactive Material | Liquids and Slurries | Oily Waste |

C. No applicances containing freon (CFC's) may be accepted unless certified that CFC's have been removed.

D. Scavenging.

15. The following documents also describe and/or restrict the operation of this facility (insert document date in spaces):

| | Date: | | Date: |
|---|---|---|---|
| _XX_ Report of Facility Information | 01-23-95 | ___ Contract Agreements - operator and contract | |
| _XX_ Land Use Permits and Conditional Use Permits | 05-07-92 | ___ Waste Discharge Requirements | |
| ___ Air Pollution Permits and Variances | | _XX_ Local & County Ordinances | 1983 |
| _XX_ EIR or Negative Declaration | 08-03-92 | ___ Final Closure & Postclosure Maintenance Plans | |
| ___ Lease Agreements - owner and operator | | ___ Amendment to RFI | |
| ___ Preliminary Closure/Post Closure Plan | | ___ Other (list): | |
| ___ Closure Financial Responsibility Document | | | |

16. Self Monitoring Program:

The following monitoring records/reports shall be maintained and be accessible to the California Integrated Waste Management Board (CIWMB) and/or Local LEA:

a. The number of vehicles using the facility per day (daily log for vehicles);

b. All incidents of unlawful disposal of prohibited and hazardous material. This report shall contain a summary of the actions taken by the Operator regarding each incident and the final disposal of material;

c. All justified complaints regarding the transfer station and the Operator's actions taken to resolve any justified complaints;

d. All special\unusual occurrences and the Operator's actions taken to correct these problems;

e. Results of the random waste load checking program;

f. The quantities of waste transferred each day to the disposal site, Rock Creek Landfill or an approved solid waste facility; and

g. The Operator shall submit an annual report to the LEA demonstrating the monthly estimated weights or volumes handled during the previous year.

17. LEA Conditions:

A. Facility must be in compliance with State minimum standards for solid waste handling and disposal;

B. Additional information concerning the design and operation of this facility must be furnished upon request of the LEA and/or CIWMB;

C. Any changes that would cause the design or operation of the facility not to conform to the terms or conditions of this permit may be considered a significant change requiring permit revision;

D. The Local Enforcement Agency shall be notified 120 days prior to the implementation of any significant operational change;

E. The facility has a permitted maximum capacity of 51 ton per operating day (excluding recyclables) and shall not receive more than this amount without first obtaining a revision of the permit;

F. During the hours of operation, an attendant shall be present at the transfer station to supervise the loading and unloading of the waste material;

G. The operator shall conduct random waste load inspections to prevent and discourage disposal of hazardous waste at the station. The attendant's shed will have a letter posted instructing the attendents to watch for hazardous wastes and notifying procedures in case any hazardous wastes are found;

H. The operator will maintain a log of special\unusual occurrences. This log shall include, but is not limited to fires, injuries, property damage, accidents, explosions, and discharge and disposition of hazardous or unpermitted waste. The operator shall maintain this log at the station so as to be available at all time to site personnel, LEA and CIWMB;

I. The operator shall maintain accurate daily weight/volume records. The records shall be available to the Local Enforcement Agency's personnel and to the California Integrated Waste Management Board's personnel. Records shall be maintained for a period of at least one year;

J. Litter and loose material shall be collected daily and disposed of properly;

K. The operator shall notify the LEA and post public notice a minimum of one month prior to any change in hours or days of operation;

L. The maximum storage period for recyclable materials is 90 days or as prescribed by the LEA. All stored materials must be contained in enclosed containers (raintight lids or equivalent approved by the LEA). The LEA reserves the authority to reduce this time if storage presents a health hazard or becomes a public nuisance; and

M. In all instances, transfer bins containing solid waste materials must be removed from the site within 48 hours from the time the waste materials were collected from the public.

State of California

California Environmental Protection Agency

MEMORANDUM

**To:** Cody Begley, Senior WMS **Date:** March 27, 1995

**From:** Catherine Donahue

Catherine Donahue, AWMS
Local Assistance Branch, North
**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

**Subject:** REVIEW OF THE PERMIT FOR THE AVERY TRANSFER STATION, FACILITY NO. 05-AA-0009, TO DETERMINE CONFORMANCE WITH AB 2296

The Avery Transfer Station is located approximately five miles south of Arnold in Calaveras County. A revised permit is required because of a number of new conditions in the operation of the facility. The permitted tonnage for this facility will be a maximum of 51 tons of waste per day and 3 tons of recyclables per day.

Based upon review of the documents submitted to the Office of Local Assistance, the proposed permit conforms with the provisions of AB 2296 as follows:

1. The permit is consistent with the state's waste diversion requirements (PRC Section 44009).

2. The facility is in conformance with the Calaveras County CoSWMP, in accordance with PRC Section 50000.

3. The facility is consistent with the County's General Plan (PRC Section 50000.5).

<u>PRC Section 44009: Waste Diversion Requirements</u>

The Calaveras County Source Reduction and Recycling Element is scheduled to be considered by the Board in May 1995. The County's SRRE describes a variety of programs that will be used to meet their diversion goals. These programs include diversion activities such as backyard composting, curbside recycling, drop off locations, buybacks centers, cardboard recycling, and landfill salvaging.

CDOLA p:\wp\296avts.doc 3/27/95

The County's Nondisposal Facility Element will also be considered by the Board at the May 1995 meeting. The Avery Transfer Station is identified and described in this Element as accepting self haul loads from area residents.

The transfer station offers separate bins for the public to place their recyclable materials. During the first half of 1994 diversion ranged from 4-6% and diversion is expected to increase with improved public information. Refuse received at the Transfer Station will be shipped to the Rock Creek Landfill.

Board staff have reviewed the proposed permit and the SRRE. Based upon this review, Board staff finds that the transfer station will not prevent or impair the County's efforts to achieve its diversion goals.

PRC Section 50000: Consistency with CoSWMP

The transfer station is identified and described in the 1986 Calaveras County CoSWMP. The transfer station meets the requirements of PRC Section 50000.

PRC Section 50000.5: Consistency with General Plan

The Calaveras County Board of Supervisors has determined that the Avery Transfer Station is consistent with the County's General Plan. In addition, the Board of Supervisors has made a finding that the surrounding land use is compatible with the facility operation. The transfer station meets the requirements of PRC Section 50000.5.

**California Integrated Waste Management Board**
**Permit Decision No. 95-378**
**May 23, 1995**

**WHEREAS,** Calaveras County owns and operates the Avery Transfer Station which began operating in 1975 and was issued a Solid Waste Facilities Permit (SWFP) in 1978; and

**WHEREAS,** the Calaveras County Board of Supervisors approved Conditional Use Permit 91-25 on May 7, 1992, for the operation of the Avery Transfer Station; and

**WHEREAS,** the Calaveras County Board of Supervisors adopted Zoning Amendment 91-21 on August 31, 1992 changing the zoning of the site from "unclassified" to "public service" ; and

**WHEREAS,** the Calaveras County Planning Department, the lead agency for CEQA review, prepared a Negative Declaration ND for the proposed project; and Board staff provided comments to the County on May 15, 1991; and the proposed project will not have a significant effect on the environment; and mitigation measures were incorporated into the approval of the proposed project; and the Calaveras County Board of Supervisors adopted the final environmental document (SCH# 93032066) on August 31, 1992 and approved the Notice of Determination for the project on May 17, 1993; and

**WHEREAS,** the Red Hill Landfill ceased accepting waste on November 1, 1990, and waste is now transferred to the Rock Creek Landfill; and the Avery Middle School was constructed on a nearby parcel, approximately 500 feet from the transfer station, in 1993; and

**WHEREAS,** Calaveras County Environmental Health Department, acting as the Local Enforcement Agency (LEA), has submitted to the Board for its review and concurrence in, or objection to, a revised SWFP for Avery Transfer Station; and

**WHEREAS,** the LEA has waived the Board's statutory time clock which requires the Board to concur or object to a proposed permit within 60 days; and

**WHEREAS,** the Calaveras County Planning Department submitted an Addendum to the 1992 ND which analyzes the change in waste destination and the change in surrounding land use; and the Addendum, dated April 24, 1995, concludes that the above mentioned concerns do not constitute a substantial change in the project, substantial change in the circumstances under which the project is undertaken, or new information of substantial importance that would prompt the need to conduct further CEQA review; and

**WHEREAS,** the Board finds that all state and local requirements for the proposed permit have been met, including consistency with Board standards, conformance with the County Solid Waste Management Plan, and consistency with the County General Plan; and

**WHEREAS,** the project description in the CEQA document is consistent with the proposed permit; and

**WHEREAS,** Board staff have evaluated the proposed permit for consistency with the standards adopted by the Board and found the facility design and operation in compliance with State Minimum Standards; and

**WHEREAS,** the most recent joint CIWMB/LEA inspection, conducted on March 3, 1995, documented that the site is currently operating in compliance with State Minimum Standards for Solid Waste Handling and Disposal.

**NOW, THEREFORE, BE IT RESOLVED** that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 05-AA-0009.

**CERTIFICATION**

The undersigned Executive Director of the California Integrated 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 Integrated Waste Management Board held on May 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

Permitting and Enforcement Committee
May 17, 1995

**AGENDA ITEM 3**

**ITEM:** Consideration of Concurrence in the Issuance of a New Solid Waste Facilities Permit for the Caspar Transfer Station, Mendocino County

**BACKGROUND:**

Facility Facts

| | |
|---|---|
| Name: | Caspar Transfer Station<br>Facility No. 23-AA-0028 |
| Facility Type: | Large volume transfer station |
| Location: | Terminus of Prairie Way, Caspar |
| Area: | 3 acres |
| Setting: | Forest and rural residential |
| Operational Status: | Currently operating |
| Permitted Tonnage: | 19 tons per day |
| Operator: | Mendocino County Solid Waste Division<br>Paul Cayler, Director |
| Owner: | City of Fort Bragg and the County of Mendocino |
| LEA: | Mendocino County Public Health Department<br>Division of Environmental Health<br>Gerald F. Davis, Director |

Proposed Project

The Mendocino County Solid Waste Division is requesting a new Solid Waste Facilities Permit (permit) for the Caspar Transfer Station.

**SUMMARY:**

Site History

On October 18, 1992 the Caspar Refuse Disposal Site ceased accepting waste. On October 19, 1992 the operator began operating an unpermitted transfer station at the site. The LEA issued a Stipulated Order of Compliance and Agreement (SOCA), #92-01, to the operator for building and operating the transfer station without a permit. The SOCA required the operator to submit a compliance schedule that outlined the tasks needed to bring the site into compliance. The tasks required were: submission of an application form, a Plan of Operation, compliance with the California Environmental Quality Act (CEQA), and compliance with Public Resources Code (PRC) Section 50000. The SOCA was revised on June 23, 1993, in response to the operators request for an extension of time lines. On January 31, 1994, the SOCA was revised again to allow the operator more time to submit the required documents.

In 1991, it was determined that ground water contamination from this landfill migrated off site resulting in the issuance of Cease and Desist Order Number 91-110 by the North Coast Region of the Water Quality Control Board. The Caspar Refuse Disposal Site was approved for funding under the AB 2136 program in 1994. The Board approved a matching grant for remedial action to control the ground water contamination. Because the operator does not have adequate funding for the Closure and Postclosure Maintenance of the facility the Board has been unable to approve the Final Closure and Postclosure Maintenance Plans for the site. Without an approved Closure and Postclosure Maintenance Plan the operator can not revise the permit for the landfill. The operator is therefore requesting a new permit for the transfer station.

Project Description

The Caspar Transfer Station is located at the end of Prairie Way, near the town of Caspar. The facility is located on property owned by Mendocino County and the City of Fort Bragg. The transfer station will be operated by Mendocino County through a Joint Powers Agreement between the County and the City. The transfer station covers 3 acres within the permitted boundaries of the Caspar Landfill which contain 65 acres. The site is zoned Public Facilities (PF) and is bordered on the south side by Russian Gulch State Park and on the north, east, and west by rural residential properties. This facility will accept up to 19 tons per day of mixed municipal waste, non-hazardous industrial waste, construction and demolition debris, and recyclables. Commercial haulers are prohibited from using the site. The facility will be open from 9 a.m. to 2 p.m. Monday through

Wednesday, and from 11 a.m. to 4 p.m. on Sunday. Maintenance operations and waste removal will take place from 8 a.m. to 5 p.m. Sunday through Saturday. The following will be located within the transfer station: a recycling area, metals storage and processing area, wood and yard waste storage areas, appliance storage, a resale area, bulk item disposal area, soils storage area, storage buildings, and attendants shed. Waste will be deposited in pods or drop boxes placed in a pit below grade. Currently, the pit does not have a concrete floor, but is built entirely of dirt with sandbags to reinforce the walls. Under the proposed permit the operator will build the pit with a concrete floor and wood side walls. A portion of the pit will be covered with a roof to protect the pods. Currently the operator is using pods which are supplied by Waste Management Incorporated. When waste is brought to the site, it is placed into a chute which drops into a compactor that pushes waste into the pods. When the pods are full they are removed from the pit and the waste is hauled to the City of Willits Landfill.

Environmental Controls

Dust is controlled at the site by the periodic application of water and/or a dust suppressant solution. All of the roads are surfaced with rock to prevent dust generation.

The lids of the compactor are left in the closed position which will help prevent the propagation, harborage, and attraction of flies, rodents, or other vectors. Lids will be provided for all small bins, and they will be closed when not in use which will also prevent vectors from becoming a problem.

After waste is removed from vehicles it is immediately placed into the compactor to prevent litter. Site personnel retrieve all wind blown litter on a daily basis. Litter fences will be installed around the recycling bins and the pit to control litter.

The Coastal Development Use Permit for the site requires the Division of Environmental Health to monitor the first two times the bailing and tub grinding operations occur and at least one time per year thereafter in accordance with a noise impacts study conducted for this site. The grinding and bailing operations will be conducted in pits below grade which will help to minimize noise from these operations.

In order to control odors, the pods will be removed at least weekly, or more often, depending on the amount of waste deposited. Regulation requires that waste be removed at least every 48 hours or other frequency as approved by the LEA. The LEA has approved the one week removal frequency.

There will be a leachate drain in the bottom of the transfer pit that will drain into the leachate collection system for the landfill. Leachate will be taken to a waste waster treatment facility in the City of Fort Bragg.

Resource Recovery

The operator recovers both "divertable" and "recyclable" materials at this site. The "divertable" materials that are recovered include: tires, processed wood, yard waste, scrap metal, and appliances. "Recyclable" materials include: clear glass, colored glass, newspaper, magazines, plastic containers, ferrous metal cans, aluminum cans, and cardboard. The operator recently constructed a concrete pad for the storage of scrap metal and appliances. Scrap metals and appliances are baled on an as needed basis by an outside contractor. There are separate storage areas at the site for wood and yard waste. These materials are also ground on an as needed basis by an outside contractor. The operator also salvages items from the waste stream. Salvaged items are either given away to a charitable organization or they are sold to the public through the "Trash to Treasures" program. During the first six months of 1994 the operator estimates that approximately 15% of the waste stream was recycled and 34% was diverted or resold. Only 51% of the waste (by volume) went to the landfill.

**ANALYSIS:**

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facilities Permit. Since the proposed permit for this facility was received on April 27, 1995, the last day the Board may act is June 26, 1995.

The LEA has submitted a proposed permit to the Board. Staff have reviewed the proposed permit and supporting documentation. The following determinations have been made:

1. Conformance with County Plan

   The LEA has determined that the facility is identified on page 79 of the Mendocino County Solid Waste Management Plan. Board staff agree with said determination.

2. Consistency with General Plan

   The Mendocino County Board of Supervisors made the determination in CDU 37-92 that the project conforms with the General Plan. The LEA has found that the proposed

the General Plan. The LEA has found that the proposed facility is consistent with, and is designated in, the Mendocino County General Plan.

3. Consistency with Waste Diversion Requirements

Staff of the Board's Diversion, Planning and Local Assistance Division make an assessment, pursuant to PRC 44009, to determine if the record contains substantial evidence that the proposed project would prevent or substantially impair the achievement of waste diversion goals. Based on available information, staff have determined that the issuance of the proposed permit would neither prevent nor substantially impair Mendocino County from meeting its waste diversion goals. The analysis used in making this determination is included as Attachment 4.

4. California Environmental Quality Act (CEQA)

State law requires the preparation and certification of an environmental document whenever a project requires discretionary approval by a public agency. The Mendocino County Board of Supervisors prepared a Negative Declaration (SCH# 92113065) for the proposed project. The document was certified as approved by the lead agency on October 25, 1993, and a Notice of Determination was filed on November 1, 1993.

After reviewing the Notice of Determination and responses to comments for the proposed project, Board staff have determined that CEQA documents are adequate for the Board's evaluation of the proposed project for those project activities which are within this Agency's expertise and/or powers or which are required to be carried out or approved by the Board.

5. Consistency with State Minimum Standards

The LEA has made the determination that the facility's design and operation is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal based on their review of the submitted Report of Facility Information and supporting documentation. Board staff agree with said determination.

**STAFF RECOMMENDATION:**

Because a new Solid Waste Facilities Permit is proposed, the Board must either concur or object to the proposed permit as submitted by the LEA.

Staff recommend that the Board adopt Permit Decision No. 95-374 concurring in the issuance of Solid Waste Facilities Permit No. 23-AA-0028.

**ATTACHMENTS:**

1. Location Map
2. Site Map
3. Permit No. 23-AA-0028
4. AB2296 Finding of Conformance
5. Permit Decision No. 95-374

Prepared by: Russ J. Kanz Phone: 255-4162

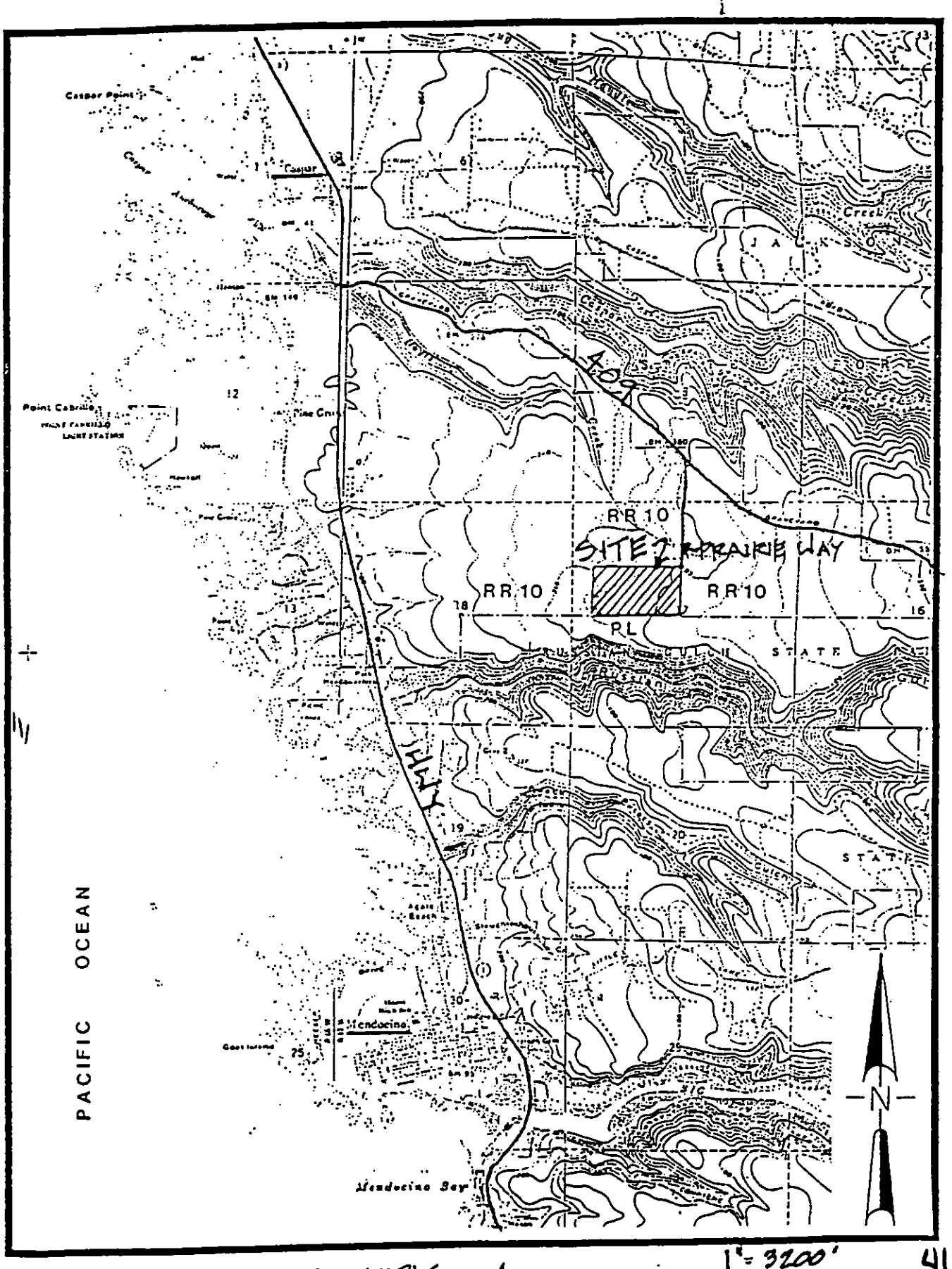
Reviewed by: Don Dien/Cody Begley Phone: 255-2453

Approved by: Douglas Y. Okumura Phone: 255-2431

Legal Review: Kathryn J. Johnson

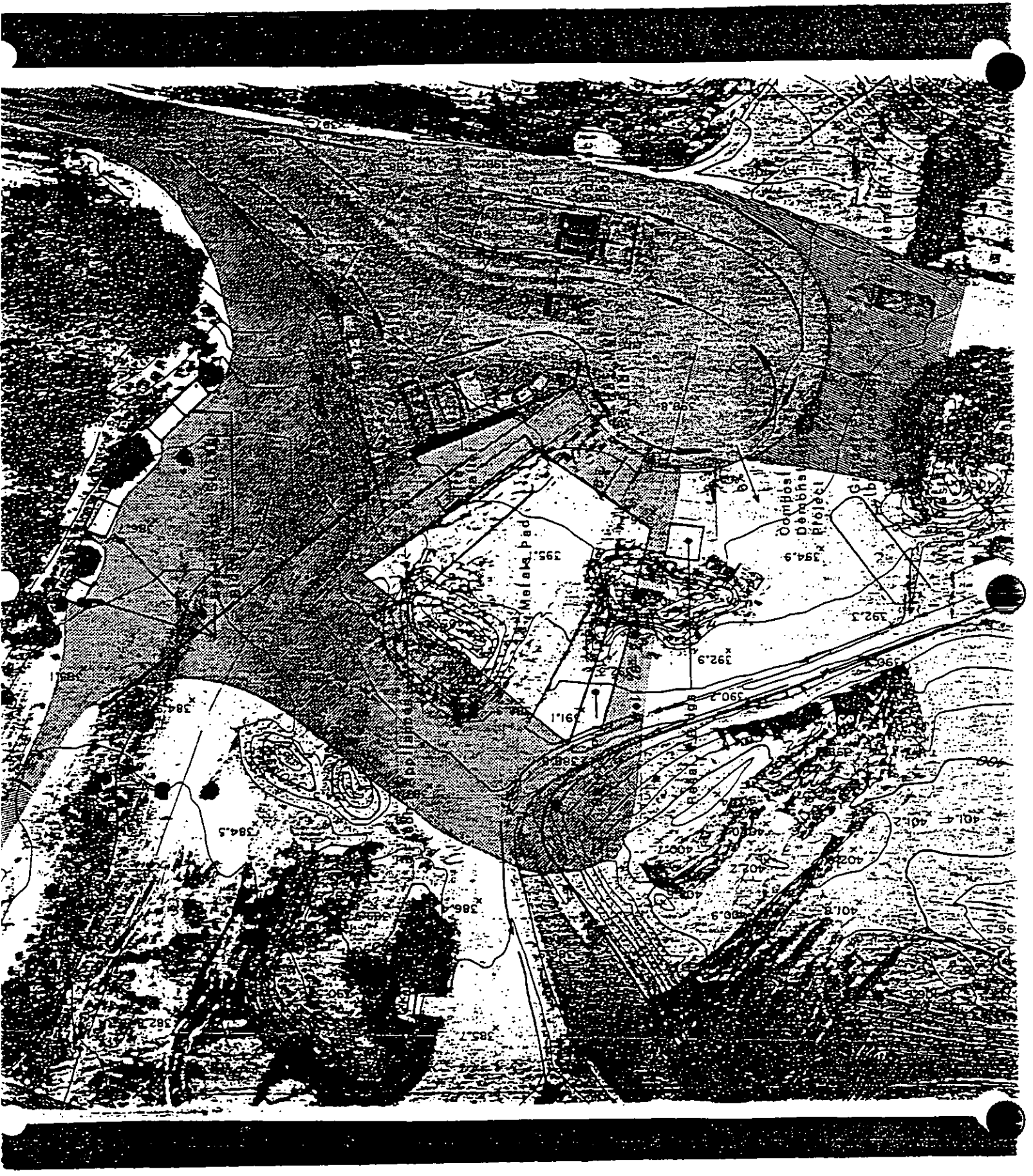
# CASPAR TRANSFER STATION

## VICINITY MAP




1" = 3200'

FIGURE 1


Dombos Dámbha Project
Melaw pad
Rodab
395.1
391.1
392.9
392.3
394.9
390.2
400.9
401.8
402.2
402.7
401.4
401.2
384.5
386.4
385.7

# SOLID WASTE FACILITY PERMIT

23-AA-0028

2. Name and Street Address of Facility:
Caspar Transfer Station
Terminus of Prairie Way
Caspar, California

3. Name and Mailing Address of Operator:
Mendocino County
Solid Waste Division
559 Low Gap Road
Ukiah, CA 95482

4. Name and Mailing Address of Owner:
City of Fort Bragg
416 Franklin St., Fort Bragg, CA 95437
and
County of Mendocino
Courthouse, Ukiah, CA 95482

5. Specifications:

a. Permitted Operations: [X] Transfer Station

b. Permitted Hours of Operation:

**Public Access:** 9:00 am to 2:00 pm Monday through Wednesday; 11:00 am to 4:00 pm Sunday. Closed to public Thursday, Friday & Saturday.

**Maintenance Operations:** 8:00 am to 5:00 pm Sunday through Saturday.

(Commercial waste removal operations shall be prohibited during hours of public use, except in emergency situations to prevent or remedy a threat to health or safety.)

c. Permitted Tons per Operating Day:

| | | |
|---|---|---|
| Total: | 19 | Tons/Day |
| Non-Hazardous - General | 10.5 | Tons/Day |
| Non-Hazardous - Sludge | 0 | Tons/Day |
| Non-Hazardous - Separated or comingled recyclables | 8.5 | Tons/Day |
| Non-Hazardous - Other (See Section 14 of Permit) | 0 | Tons/Day |
| Designated (See Section 14 of Permit) | 0 | Tons/Day |
| Hazardous (See Section 14 of Permit) | 0 | Tons/Day |

"PROPOSED"

d. Permitted Traffic Volume:

| | | |
|---|---|---|
| Total: | 129 | Vehicles/Day |
| Incoming waste materials | 120 | Vehicles/Day |
| Outgoing waste materials (for disposal) | 3 | Vehicles/Day |
| Outgoing materials from material recovery operations | 5 | Vehicles/Day |

e. Key Design Parameters (Detailed parameters are shown on site plans bearing LEA and CIWMB validations):

| | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] | [illegible] |
|---|---|---|---|---|---|---|
| Permitted Area (in acres) | THREE (3) | N/A | THREE (3) | N/A | N/A | N/A |
| Design Capacity | [illegible] | N/A | 19 | N/A | N/A | N/A |
| Max. Elevation (Ft. MSL) | [illegible] | N/A | [illegible] | [illegible] | [illegible] | [illegible] |
| Max. Depth (Ft. BGS) | [illegible] | N/A | [illegible] | [illegible] | [illegible] | [illegible] |
| Estimated Closure Date | [illegible] | N/A | [illegible] | [illegible] | [illegible] | [illegible] |

The permit is granted solely to the operator named above, and is not transferable. Upon a change of operator, the permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previous issued solid waste facility permits.

6. Approval:
Candi L. Zizek (OK)
Approving Officer Signature
Candi L. Zizek, REHS III
Name/Title

7. Enforcement Agency Name and Address:
LEA-Division of Environmental Health
Mendocino County Public Health Department
880 North Bush Street
Ukiah, CA 95482

8. Received by CIWMB: APR 27 1995

9. CIWMB Concurrence Date:

10. Permit Review Due Date:

11. Permit Issued Date:

FACILITY FILE CARBON COPY
ORIGINAL TO FILE # Proposed Permit
SUBMITTED BY MEA DATE 4/28/95
COPY TO CB/JW
COPY TO 23AA0028
COPY TO SH/EN

# SOLID WASTE FACILITY PERMIT

Facility/Permit Number:

23-AA-0028

12. Refer to Report of Station Information for map showing facility boundaries.

13. Findings:

a. This permit is consistent with the County Solid Waste Management Plan or the County-wide Integrated Solid Waste Management Plan (CIWMP). Public Resources Code, Section 50000 (a) (1). Page 79 of County Solid Waste Management Plan

b. This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). Public Resources Code, Section 44010.

c. 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 LEA. Last inspection date March 16, 1995.

d. The following local fire protection district has determined that the facility is in conformance with applicable fire standards as required in Public Resources Code, Section 44151. California Department of Forestry, 802 North Main Street, Fort Bragg, CA 95437

e. An environmental determination (i.e. Notice of Determination) is filed with the State Clearinghouse for all facilities which are not exempt from CEQA and documents pursuant to Public Resources Code, Section 21081.6. Notice of Determination files November 1, 1993 [92113065]

f. A County-wide Integrated Waste Management Plan has not been approved by the CIWMB.

g. The following authorized agent has made a determination that the facility is consistent with, and designated in, the applicable general plan: Pam Townsend, Senior Planner. Public Resources Code, Section 50000.5(a).

h. The following local governing body has made a written finding that surrounding land use is compatible with the facility operation, as required in Public Resources Code, Section 50000.5(b). Mendocino County Planning and Building Services Department.

14. Prohibitions:

The permittee is prohibited from accepting any liquid waste sludge, non-hazardous waste requiring special handling, designated waste, or hazardous waste unless such waste is specifically listed below, and unless the acceptance of such waste is authorized by all applicable permits.

The permittee is additionally prohibited from the following items:

15. The following documents also describe and/or restrict the operation of this facility (insert document date in space):

| | Date | | Date |
|---|---|---|---|
| [X] Report of Facility Information | 09/94 | [X] Contract Agreements - operator and contract Fort Bragg leachate disposal agreement | 06/28/93 |
| [X] Land Use Permits and Conditional Use Permits: | | | |
| CDU 37-92 | 10/25/93 | [ ] Waste Discharge Requirements | |
| Coastal Development Permits: A-1-MEN-93-70, 1-94-45, 1-94-46 | 08/02/94 | | |
| [ ] Air Pollution Permits and Variances | | [ ] Local & County Ordinances | |
| [X] Negative Declaration- NOD 92113065 | 11/01/93 | [ ] Final Closure & Post Closure Maintenance Plan | |
| [ ] Lease Agreements - owner and operator | | [ ] Amendments to RFI | |
| [ ] Preliminary Closure/Post Closure Plan | | [ ] Other (list): | |
| [ ] Closure Financial Responsibility Document | | | |

# SOLID WASTE FACILITY PERMIT

Facility/Permit Number:

23-AA-0028

Self Monitoring:

a. Results of all self-monitoring programs as described in the Report of Facility Information, will be reported as follows:

| Program | Reporting Facility | Agency Reported To |
|---|---|---|
| Habitat Restoration-annual reports due October 1 of each year for five (5) years after planting. (CDP 1-94-45) | Solid Waste Division | Coastal Development Commission |
| Leachate Minimization, Collection and Disposal Plan. Logs of LCS collection and disposal submitted to LEA quarterly or more frequently upon request (per CDU #37-92, condition 14) | Solid Waste Division | Local Enforcement Agency and North Coast Regional Water Quality Control Board |
| Noise Impact Mitigation-first two occurrences of joint bailing and grinding, then annually per noise impact study (per CDU# 37-92, condition 9) | Solid Waste Division | Planning & Building Services and Local Enforcement Agency |
| Landfill Gas Migration (per CDU # 37-92, condition 24) | Solid Waste Division | Local Enforcement Agency |
| | | |

# SOLID WASTE FACILITY PERMIT

Facility/Permit Number:

23-AA-0028

17. LEA Conditions:

1. Tire storage limited to 499 tires.

2. Per CDU 37-92, changes in times of public use shall be limited to 9:00 am to 2:00 pm, Monday through Friday; 8:00 am to 5:00 pm, Saturday and Sunday. Changes in hours must be proposed to the LEA in writing and must comply with the CDU.

3. Storage buildings for salvaged recyclables shall not exceed 250 square feet.

4. Solid waste deposited at the site must be removed at least every seven (7) days. Whenever station receives 100 cubic yards or more of waste per day the deposited waste must be removed every 48 hours.

5. A 100 feet clearance from brush and weeds must be maintained around the greenwaste, woodwaste and metal storage piles.

6. A 30 feet setback clearance from brush and weeds shall be maintained around all structures

7. Metals, white goods, woodwaste and greenwaste shall be removed at least once every annually.

8. Metals and white goods must be stored on a concrete pad.

9. Operator shall renew CDU 37-92 prior to it's expiration on September 27, 1998

10. Per CDP A-1-MEN-93-70 (page 3 of 9), within 90 days after issuance of CIWMB permit, operator will provide tha the RSI or other comprehensive document be revised to incorporate pertinent operations, mitigation and mitigation monitoring and submitted to County Planning and Building Services and the LEA.

11. If required by the LEA, deodorizers or other management practices shall be employed to reduce odors.

12. The pods shall be tarped daily when not in use.

13. If monitoring of the Transfer Station leachate collection system (LCS) proves the LCS is inadequte, a roof will be constructed per submitted plans.

14. Leachate minimization such as roofs/covers over diverted piles may be required (per CDU #37-92, condition 14c). LCS will comply with CDU #37-92, conditions 14a through g.

15. Site operation is to provide adequate drainage and erosion control measures (per CDU #37-92, condition 16 and CDP A-1-MEN-93-70, page 7 of 9, condition 11).

16. No Transfer Station activities will occur upon the landfill without approval from both the CIWMB and the LEA.

State of California

California Environmental Protection Agency

RECEIVED MAR 29 1995

MEMORANDUM

To: Russ Kanz
Permits Branch, North
Permitting and Enforcement Division

Date: March 30,1995

From: Alan White
Office of Local Assistance, Northern Section
Diversion, Planning and Local Assistance Division
**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

**Subject: REVIEW OF THE PROPOSED PERMIT FOR THE CASPAR TRANSFER STATION FACILITY NO. 23-AA-0028 FOR CONFORMANCE WITH AB 2296**

The proposed project involves a new permit for the Caspar transfer station located in Mendocino County, approximately seven miles southeast of the City of Fort Bragg. This was the site of a former Class 2 sanitary landfill that has been converted to a transfer station. Its primary service area is the City of Fort Bragg, and the western portion of Mendocino County.

The site consists of a recycling area, two waste disposal areas and separately designated disposal areas for metals, wood waste, yard waste, appliances, bulk items, soils, and other recyclable materials. Salvageable materials are removed periodically from the disposal areas for future resale. It has been estimated by the County that by using this procedure at the new facility, it has reduced the incoming waste stream by a significant amount.

## SUMMARY OF CONCLUSIONS

Based upon the review of the submitted documents, the proposed permit conforms with the provisions of AB 2296 as follows:

1. The permit is consistent with the State's waste diversion requirements (PRC 44009).

2. The facility is in conformance with the County's Solid Waste Management Plan (CoSWMP) (PRC 50000).

3. The facility is consistent with the County's General Plan (PRC 50000.5).

## PRC 44009: WASTE DIVERSION REQUIREMENTS

The County's Final Source Reduction and Recycling Element (SRRE) describes the programs which the County will use to achieve the diversion goals established by AB 939. The conversion of the Caspar landfill site to a transfer station was included in the SRRE for the Unincorporated Area of Mendocino County on page 8-3.

The County expects to meet a 1995 diversion rate of 47% and 51% by 2000 through a combination of local and regional source reduction, recycling and composting programs.

Board staff have reviewed the proposed permit, and the final Source Reduction and Recycling Element for the Unincorporated Area of Mendocino County. Based on this review, and in consultation with the Mendocino County Solid Waste Authority, Board staff find that the proposed permit for the Caspar Transfer Station will not prevent or impair the jurisdiction's achievement of AB 939 diversion goals.

**PRC 50000: CONFORMANCE WITH THE CoSWMP**

The conversion of the Caspar landfill site to a transfer station was specifically identified in the Mendocino County Solid Waste Management Plan (CoSWMP) on page 79. Therefore it does meet the requirements of PRC Section 50000.

**PRC 50000.5: CONSISTENCY WITH THE GENERAL PLAN**

The Mendocino County Board of Supervisors made the determination on October 25, 1993 that the transfer station is consistent with the County's General Plan.

**California Integrated Waste Management Board**
**Permit Decision No. 95-374**
**May 23, 1995**

**WHEREAS,** on October 19, 1992, the Mendocino County Solid Waste Division, built and began operating a transfer station at the Caspar Refuse Disposal site without a Solid Waste Facilities Permit; and

**WHEREAS,** the Mendocino County Public Health Department, Division of Environmental Health, acting as the Local Enforcement Agency (LEA), issued a Stipulated Order of Compliance and Agreement (# 92-01) for the unpermitted transfer station, which was revised on June 23, 1993 and again on January 31, 1994; and

**WHEREAS,** the LEA rejected an application for a new Solid Waste Facilities Permit for this facility on October 21, 1994; and

**WHEREAS,** on December 16, 1994, the LEA accepted an application for a Solid Waste Facilities Permit that was not complete and correct as required in 14CCR §18201; and

**WHEREAS,** the LEA submitted a draft Solid Waste Facilities Permit to the Board on March 22, 1995, and on March 22, 1995 submitted a proposed Solid Waste Facilities Permit for the Caspar Transfer Station; and

**WHEREAS,** Board staff determined that the application package was not complete and correct, and faxed comments on the proposed Solid Waste Facilities Permit to the LEA on March 27, 1994; and

**WHEREAS,** the LEA withdrew the proposed Solid Waste Facilities Permit on April 14, 1995; and

**WHEREAS,** the LEA submitted another proposed Solid Waste Facilities Permit on April 27, 1995, to the Board for its review and concurrence in, or objection to, the issuance of a new Solid Waste Facilities Permit; and

**WHEREAS,** the Mendocino County Board of Supervisors, the lead agency for CEQA review, prepared a Negative Declaration for the proposed project and Board staff reviewed the Negative Declaration and provided comments to the Mendocino County Board of Supervisors on August 25, 1993; and the proposed project will not have a significant effect on the environment; and mitigation measures were incorporated into the approval of the proposed project; and the Mendocino County Board of Supervisors did not adopt a Statement of Overriding Considerations: and the Mendocino County Board of Supervisors filed a Notice of Determination with the County Clerk on November 1, 1993; and

**WHEREAS,** a copy of the mitigation measures that were incorporated into the project were not submitted to the Board; and

**WHEREAS,** Board staff have evaluated the proposed permit for consistency with the standards adopted by the Board.

**NOW, THEREFORE, BE IT RESOLVED** that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 23-AA-0028.

**CERTIFICATION**

The undersigned Executive Director of the California Integrated 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 Integrated Waste Management Board held on May 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting and Enforcement Committee
May 17, 1995

AGENDA ITEM #5

**ITEM:** Consideration of new sites for the Solid Waste Disposal and Codisposal Site Cleanup Program (AB 2136)

## I. SUMMARY

Implementation of the AB 2136 program was approved by the Board on February 24, 1994. Approval included the AB 2136 Flow Chart and guidelines for cleanup of sites through matching grants to local governments, loans to responsible parties and local governments, grants to local enforcement agencies (LEA) for cleanup of illegal disposal sites (IDS), and direct site cleanups using Board contracts.

Since the inception of the Solid Waste Disposal and Codisposal Site Cleanup Program, the Board has approved 20 sites for cleanup. Two sites have been cleaned up and the remaining 18 sites are in various stages of the program process. Many of the sites are ready for remediation as soon as the weather improves.

This item presents the following six additional sites for consideration of approval by the Board for cleanup under the AB 2136 program. This item also presents the first loan requests for consideration by the Board for this program. Site descriptions and other important information are provided in Attachments 1 through 6:

| Site Name | County | Est. Cost | Attachment |
|---|---|---|---|
| Greenfield Illegal Disposal Site | Kern | $197,000 | 1 |
| Humboldt Road Burn Dump | Butte | $1,000,000 | 2 |
| Ramona Landfill | San Diego | $547,000 | 3 |
| Poway Landfill | San Diego | $238,000 | 4 |
| Gillespie Landfill | San Diego | $275,000 | 5 |
| Encinitas Landfill | San Diego | $340,000 | 6 |

## II. ACTION BEFORE THE COMMITTEE

Committee members may:

1. Approve all of the six sites recommended by staff and forward to the full Board for action; or

2. Approve some sites, disapprove others, or direct staff to provide additional information and bring the item back to future meetings of the Permitting and Enforcement Committee and the Board.

## III. ANALYSIS

Staff Process

The normal staff review process for sites submitted for approval includes the following actions:

A. Research LEA and Board records, and determine site ownership and possible responsible parties.

B. Conduct a site visit with the LEA, take photographs, make a rough determination of quantities of waste and requirements for cleanup or remediation, and prepare a preliminary cost estimate.

C. Coordinate with the LEA for issuance of a Notice and Order, where appropriate.

Site selection is based on many criteria, including the severity of the problems and on surrounding land uses. The sites proposed in this item were selected based on investigation of many sites throughout the state. All of these sites represent a threat to public health and safety or the environment. All of the sites are ranked either using the Solid Waste Ranking System, for landfills, or a simpler ranking system developed for illegal disposal sites.

It should be noted that, if approved by the Board, Greenfield Illegal Disposal Site is to be funded by an LEA grant using 1994/1995 funds. Humboldt Road, Ramona Landfill and Poway Landfill are to be funded as loans using 1994/1995 funds, with Ramona and Poway Landfills funded under one loan. These four sites will almost deplete the $5,000,000 placed in the Solid Waste Disposal and Codisposal Site Cleanup Trust Fund for 1994/1995. The money remaining in the Trust Fund will be used to fund additional small site cleanups, which will be brought to the Board for consideration in June, 1995.

Gillespie Landfill and Encinitas Landfill, if approved by the

Board, would be funded from 1995/1996 funds. Funds will be available on July 1, 1995. These two sites would be funded under one loan.

## IV. STAFF RECOMMENDATION

Staff recommends that the Committee approve the six sites described in Attachments 1 through 6 for cleanup or remediation under the AB 2136 program.

## V. ATTACHMENTS

1: Greenfield Illegal Disposal Site

2: Humboldt Road Burn Dump

3: Ramona Landfill

4: Poway Landfill

5: Gillespie Landfill

6: Encinitas Landfill

7: Exhibit A --Loan Repayment Schedules

8: Resolution of Approval for Funding Sites

## VII. APPROVALS

| | | |
|---|---|---|
| Prepared by : | Wes Minderman, Jerry Oberhelman | Phone 255-2347 |
| Reviewed by : | Charlene Herbst, Marge Rouch | Phone 255-2301 |
| Reviewed by : | Douglas Okumura | Phone 255-2431 |
| Reviewed by : | Kathryn Tobias | Phone 255-2188 |

# Greenfield Illegal Disposal Site

Kern County

**Site Description:** A vacant, 130 acre site immediately south of Bakersfield that has been used for several years for illegal disposal of trash, garbage and tires. Refuse is scattered intermittently and in piles throughout the site. Dirt roads randomly cross the site, which is otherwise covered with vegetation. Dumpers, many of whom are migrant workers, have used these roads for access, and wastes now block many of the roads. Some refuse piles are set on fire, igniting surrounding vegetation. Access by fire department and City maintenance is severely restricted by the accumulations of waste. Accumulations of trash, garbage, tires and other debris represent significant health and safety problems due to vector harborage and propagation, exposure to disease, and nuisance attraction. The entire site presents a serious fire hazard.

**Location:** Lots 2, 3, 9 and 10 of Section 4, Township 31S, Range 28E, M.D.B &M except the south 30.75 acres of Lot 3, approximately ¼ mile south of Panama Road and ½ mile east of Cottonwood Road.

**Site Priority:** IDS 3. Residential zoning more than 1000 feet away, with unrestricted site access.

**Owner:** City of Bakersfield

**Cost Recovery:** This site is owned by the City of Bakersfield, which is financing portions of the remediation and deterrents (fencing and berm) against continuance of illegal dumping. As such Board staff does not recommend cost recovery action.

**Proposed Method of Cleanup:** Clean closure of site, with fencing and ditches constructed to prevent illegal access and disposal. Disposal of the tires will be by the Kern County Waste Disposal contractor; other wastes will be collected and transported to an approved landfill. Existing native growth will remain undisturbed to the extent possible and the site returned to its natural, undeveloped condition.

**LEA Grant:** $197,000

**Enforcement Actions:** The Kern County Environmental Health Services Department issued an order, dated November 14, 1994, requiring cleanup of the site.

**Other Staff Comments and Recommendations:** Staff recommend this project for an LEA Grant under AB 2136. The City of Bakersfield has budgeted $50,000 to provide site fencing and ditch construction which would supplement this grant, but does not have sufficient funds to accomplish the site cleanup. A public education program will be implemented through local publications, and multi-language signs will be installed on perimeter fencing to direct potential dumpers to a nearby solid waste disposal site.

# Humboldt Road Burn Dump

Butte County

**Site Description:** One principal burn dump and 12 smaller burn dumps spread over approximately 125 acres. The entire area consists of open grassland with gentle rolling hills. An intermittent stream, Dead Horse Slough, runs the entire length of the overall site roughly through the center.

An estimated 400,000 cubic yards (cy) of burned refuse is contained in the sites, of which 240,000 cy is in the principal 10 acre site which is the former City of Chico Burn Dump. Contaminated areas have been fenced and posted to provide some protection to the public.

**Location:** The site is located approximately two miles east of the intersection of U.S. Highway 99 and State Highway 32 on old Humboldt Road within the easterly city limits of Chico, Butte County, California. The site is situated in Township 22 North, Range 2 East, Section 30.(Mount Diablo Baseline and Meridian).

**Site Priority:** The site has a Solid Waste Ranking System score of 30.4. Dead Horse Slough has banks of burned refuse as high as 10-feet. The surfaces of many areas of waste are exposed directly to rainfall. These conditions contribute to release of undesirable constituents to surface waters and the atmosphere. The principal contaminant of concern is inorganic lead, which occurs in burn ash throughout the site at levels which consistently exceed allowable total threshold concentration level (TTLC) of 1,000 milligrams/kilogram.

**Owner:** Various property owners. However, the entire site is being remediated by the Greater Chico Urban Redevelopment Agency, the loan applicant.

**Proposed Method of Cleanup:** Cleanup will follow the Remedial Action Strategy Plan which has been prepared to provide a roadmap to remediate the site and return the land to beneficial uses. The 160,000 cy of burned refuse in 12 smaller sites will be consolidated with the 240,000 cy in the main burn dump. The final consolidation area will be about 20 acres in size and capped with an approved one foot minimum clay cap. An additional one foot layer of top soil will be placed over the cap to support vegetation.

**Loan Amount:** $1,000,000 The interest rate is based on the Surplus Money Investment Fund, with a 20 year repayment schedule. Cost recovery will be through loan repayment.

**Enforcement Actions:** In 1988 the Regional Water Quality Control Board issued a Cleanup and Abatement Order to isolate and remove contaminated soils in a stockpond levee owned by Mr. Simmons. In 1992 Department of Toxic Substances Control issued Fence and Post Orders to fence the contaminated areas.

**Other Staff Comments and Recommendations:** Staff recommends this project for a $1 million loan under AB 2136. The Redevelopment Agency has demonstrated the ability to repay the loan and to provide for an additional $2.6 million to complete the entire project.

# Ramona Landfill

San Diego County

**Site Description:** A 46 acre landfill owned and operated by the County of San Diego Department of Public Works (DPW). Nearby land use consists of rural, public/semipublic land, estate, and agriculture. Monitoring indicated off site gas migration and surface emissions in excess of Rule 59 limits. Subsequently, DPW submitted an application for a Permit to Operate landfill gas collection, monitoring, and flare systems in 1992 and was granted an Authority to Construct in 1993. Financial difficulties forced construction of gas control system to stop with approximately 45 percent of the system complete.

**Location:** Approximately 2.5 miles north of Ramona at 20630 Pamo Road. Legal description of the parcel is N½, SE¼, of Section 34, Township 12 South, Range 1 East, San Bernardino Baseline and Meridian (Assessor Parcel Numbers 244-100-02).

**Owner:** County of San Diego
Department of Public Works
5555 Overland Drive
San Diego, California 92123

Tom Garibay, Director
(619) 974-2212

**Proposed Method of Cleanup:** Completion of the gas collection system and landfill gas flare station and controls.

**Loan:** $547,000 (Fiscal Year 94/95 funds) The interest rate is based on the Surplus Money Investment Fund with a 20 year repayment schedule. Cost recovery will be through loan repayment.

**Enforcement Actions:** A Notice of Violation has been issued by the San Diego County Air Pollution Control District (APCD) for landfill gas emissions at this site. Ramona Landfill is currently under a variance from Rule 59 granted by the APCD which expires on July 14, 1995.

**Other Staff Comments and Recommendations:** Staff recommend this project for a loan under AB 2136. Failure to complete the installation of the landfill gas control system will result in threats to the public health and safety and the environment and ongoing violations of APCD Rule 59 and possibly APCD Rule 51 (Nuisance).

# Poway Landfill

San Diego County

**Site Description:** A closed landfill which was operated by the County of San Diego as a burn dump from 1949 to 1966 and as a conventional municipal landfill until 1975. Although records regarding the total amount of refuse deposited at the site are not available, the total amount of waste disposed is estimated to be 165,000 tons. Nearby land use consists of residential to the north, south, and west. In 1992, monitoring indicated off site gas migration and surface emissions in excess of Rule 59 limits. Subsequently, the Department of Public Works (DPW) submitted applications for Permits to Operate landfill gas collection, monitoring, and flare systems at each site in 1992 and was granted Authorities to Construct in 1993. Financial difficulties forced construction of gas control system to stop with approximately 45 percent of the system complete at the Poway Landfill.

**Location:** 14600 Poway Road, Poway, California

**Owner:** County of San Diego
Department of Public Works
5555 Overland Drive
San Diego, California 92123

Tom Garibay, Director
(619) 974-2212

**Proposed Method of Cleanup:** Completion of the gas collection system and landfill gas flare station and controls.

**Loan:** $238,000 (Fiscal Year 94/95 funds) The interest rate is based on the Surplus Money Investment Fund with a 20 year repayment schedule. Cost recovery will be through loan repayment.

**Enforcement Actions:** The Poway Landfill is currently under a variance from Rule 59 granted by the San Diego County Air Pollution Control District (APCD) which expires on July 14, 1995.

**Other Staff Comments and Recommendations:** Staff recommend this project for a loan under AB 2136. Failure to complete the installation of the landfill gas control system will result in threats to the public health and safety and the environment and ongoing violations of APCD Rule 59 and possibly APCD Rule 51 (Nuisance).

# Gillespie Landfill

San Diego County

**Site Description:** A closed landfill operated by the County of San Diego as a burn dump from 1945 to 1953 and as a conventional municipal landfill until 1964. The property covers an area of 25 acres of which approximately 20 acres were utilized for refuse disposal operations. Although records regarding the total amount of refuse deposited at the site are not available, the total amount of waste disposed is estimated to be 500,000 tons. Nearby land use consists of low-density residential to the west and south and an air field which includes an industrial park to the east and north. In 1992, monitoring indicated off site gas migration and surface emissions in excess of Rule 59 limits. Subsequently, the Department of Public Works (DPW) submitted applications for Permits to Operate landfill gas collection, monitoring, and flare systems at each site in 1992 and was granted Authorities to Construct in 1993. Financial difficulties forced construction of gas control system to stop with approximately 45 percent of the system complete at the Gillespie Landfill.

**Location:** 1780 Gillespie Way, El Cajon, California. One quarter mile west of the intersection of Cuyamaca Street and Mitchell Drive in El Cajon. The site is located in the southwest portion of the Gillespie Field Airport property. Access to the site is via Billy Mitchell Drive. Legal description is within an unspecified Section, Township 15S, Range 1W of the San Bernardino Baseline and Meridian.

**Owner:** County of San Diego
Department of Public Works
5555 Overland Drive
San Diego, California 92123

Tom Garibay, Director
(619) 974-2212

**Proposed Method of Cleanup:** Completion of the gas collection system and landfill gas flare station and controls.

**Loan:** $275,000 (Fiscal Year 95/96 funds) The interest rate is based on the Surplus Money Investment Fund with a 20 year repayment schedule. Cost recovery will be through loan repayment.

**Enforcement Actions:** A Notice of Violation has been issued by the San Diego County Air Pollution Control District (APCD) for landfill gas emissions at this site. Gillespie Landfill is currently under a variance from Rule 59 granted by the APCD which expires on July 14, 1995.

**Other Staff Comments and Recommendations:** Staff recommend this project for a loan under AB 2136. Failure to complete the installation of the landfill gas control system will result in threats to the public health and safety and the environment and ongoing violations of APCD Rule 59 and possibly APCD Rule 51 (Nuisance).

# Encinitas Landfill

San Diego County

**Site Description:** A closed landfill operated by the County of San Diego as a burn dump from 1944 to 1966 and as a conventional municipal landfill from 1967 to 1977. The property covers an area of 37.85 acres of which approximately 30 acres were utilized for refuse disposal operations. Although records regarding the total amount of refuse deposited at the site are not available, the total amount of waste disposed is estimated to be 581,450 tons. In 1992, monitoring indicated off site gas migration and surface emissions in excess of Rule 59 limits. Subsequently, the Department of Public Works (DPW) submitted an application for Permit to Operate landfill gas collection, monitoring, and flare systems at each site in 1992 and was granted an Authority to Construct in 1993. Financial difficulties forced construction of gas control system to stop with approximately 45 percent of the system complete at the Encinitas Landfill.

**Location:** Approximately 2.5 miles east of the City of Encinitas and one quarter mile west of the intersection of Encinitas Boulevard and Manchester Boulevard.

**Owner:** County of San Diego
Department of Public Works
5555 Overland Drive
San Diego, California 92123

Tom Garibay, Director
(619) 974-2212

**Proposed Method of Cleanup:** Completion of the gas collection system and landfill gas flare station and controls.

**Loan:** $340,000 (Fiscal Year 95/96 funds) The interest rate is based on the Surplus Money Investment Fund with a 20 year repayment schedule. Cost recovery will be through loan repayment.

**Enforcement Actions:** The Encinitas Landfill is currently under a variance from Rule 59 granted by the San Diego County Air Pollution Control District (APCD) which expires on July 14, 1995.

**Other Staff Comments and Recommendations:** Staff recommend this project for a loan under AB 2136. Failure to complete the installation of the landfill gas control system will result in threats to the public health and safety and the environment and ongoing violations of APCD Rule 59 and possibly APCD Rule 51 (Nuisance).

# CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

## LOCAL GOVERNMENT LOAN AGREEMENT

## EXHIBIT "A"

## LOAN REPAYMENT SCHEDULE

**BORROWER'S NAME:** Greater Chico Urban Area Redevelopment Agency

**COUNTY:** Butte

**PROJECT:** Humboldt Road Burn Dump

**IWM REFERENCE NUMBER:**

**DATE OF LOAN AGREEMENT:** June XX, 1995

**TOTAL AMOUNT OF LOAN:** $1,000,000.00

**INTEREST RATE:** 5.147%

**REPAYMENT PERIOD (YEARS):** 20

** ANNUAL REPAYMENT TO BOARD **

| YEAR | PRINCIPAL | INTEREST | TOTAL | UNPAID PRINCIPAL |
|---|---|---|---|---|
| 1 | $50,000.00 | $51,470.00 | $101,470.00 | $950,000.00 |
| 2 | $50,000.00 | $48,896.50 | $98,896.50 | $900,000.00 |
| 3 | $50,000.00 | $46,323.00 | $96,323.00 | $850,000.00 |
| 4 | $50,000.00 | $43,749.50 | $93,749.50 | $800,000.00 |
| 5 | $50,000.00 | $41,176.00 | $91,176.00 | $750,000.00 |
| 6 | $50,000.00 | $38,602.50 | $88,602.50 | $700,000.00 |
| 7 | $50,000.00 | $36,029.00 | $86,029.00 | $650,000.00 |
| 8 | $50,000.00 | $33,455.50 | $83,455.50 | $600,000.00 |
| 9 | $50,000.00 | $30,882.00 | $80,882.00 | $550,000.00 |
| 10 | $50,000.00 | $28,308.50 | $78,308.50 | $500,000.00 |
| 11 | $50,000.00 | $25,735.00 | $75,735.00 | $450,000.00 |
| 12 | $50,000.00 | $23,161.50 | $73,161.50 | $400,000.00 |
| 13 | $50,000.00 | $20,588.00 | $70,588.00 | $350,000.00 |
| 14 | $50,000.00 | $18,014.50 | $68,014.50 | $300,000.00 |
| 15 | $50,000.00 | $15,441.00 | $65,441.00 | $250,000.00 |
| 16 | $50,000.00 | $12,867.50 | $62,867.50 | $200,000.00 |
| 17 | $50,000.00 | $10,294.00 | $60,294.00 | $150,000.00 |
| 18 | $50,000.00 | $7,720.50 | $57,720.50 | $100,000.00 |
| 19 | $50,000.00 | $5,147.00 | $55,147.00 | $50,000.00 |
| 20 | $50,000.00 | $2,573.50 | $52,573.50 | $0.00 |
| TOTALS | $1,000,000.00 | $540,435.00 | $1,540,435.00 | |

# CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

## LOCAL GOVERNMENT LOAN AGREEMENT

## EXHIBIT "A"

## LOAN REPAYMENT SCHEDULE

**BORROWER'S NAME:** San Diego County

**COUNTY:** San Diego

**PROJECT:** Ramona Landfill/Poway Landfill Gas Collection Systems

**IWM REFERENCE NUMBER:**

**DATE OF LOAN AGREEMENT:** June XX, 1995

**TOTAL AMOUNT OF LOAN:** $785,000.00

**INTEREST RATE:** 5.147%

**REPAYMENT PERIOD (YEARS):** 20

** ANNUAL REPAYMENT TO BOARD **

| YEAR | PRINCIPAL | INTEREST | TOTAL | UNPAID PRINCIPAL |
|---|---|---|---|---|
| 1 | $39,250.00 | $40,403.95 | $79,653.95 | $745,750.00 |
| 2 | $39,250.00 | $38,383.75 | $77,633.75 | $706,500.00 |
| 3 | $39,250.00 | $36,363.56 | $75,613.56 | $667,250.00 |
| 4 | $39,250.00 | $34,343.36 | $73,593.36 | $628,000.00 |
| 5 | $39,250.00 | $32,323.16 | $71,573.16 | $588,750.00 |
| 6 | $39,250.00 | $30,302.96 | $69,552.96 | $549,500.00 |
| 7 | $39,250.00 | $28,282.77 | $67,532.77 | $510,250.00 |
| 8 | $39,250.00 | $26,262.57 | $65,512.57 | $471,000.00 |
| 9 | $39,250.00 | $24,242.37 | $63,492.37 | $431,750.00 |
| 10 | $39,250.00 | $22,222.17 | $61,472.17 | $392,500.00 |
| 11 | $39,250.00 | $20,201.98 | $59,451.98 | $353,250.00 |
| 12 | $39,250.00 | $18,181.78 | $57,431.78 | $314,000.00 |
| 13 | $39,250.00 | $16,161.58 | $55,411.58 | $274,750.00 |
| 14 | $39,250.00 | $14,141.38 | $53,391.38 | $235,500.00 |
| 15 | $39,250.00 | $12,121.19 | $51,371.19 | $196,250.00 |
| 16 | $39,250.00 | $10,100.99 | $49,350.99 | $157,000.00 |
| 17 | $39,250.00 | $8,080.79 | $47,330.79 | $117,750.00 |
| 18 | $39,250.00 | $6,060.59 | $45,310.59 | $78,500.00 |
| 19 | $39,250.00 | $4,040.40 | $43,290.40 | $39,250.00 |
| 20 | $39,250.00 | $2,020.20 | $41,270.20 | $0.00 |
| TOTALS | $785,000.00 | $424,241.48 | $1,209,241.48 | |

# CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

## LOCAL GOVERNMENT LOAN AGREEMENT

## EXHIBIT "A"

## LOAN REPAYMENT SCHEDULE

**BORROWER'S NAME:** San Diego County

**COUNTY:** San Diego

**PROJECT:** Gillespie Landfill/Encinitas Landfill Gas Collection Systems

**IWM REFERENCE NUMBER:**

**DATE OF LOAN AGREEMENT:** July XX, 1995

**TOTAL AMOUNT OF LOAN:** $615,000.00

**INTEREST RATE:** 5.147%

**REPAYMENT PERIOD (YEARS):** 20

** ANNUAL REPAYMENT TO BOARD **

| YEAR | PRINCIPAL | INTEREST | TOTAL | UNPAID PRINCIPAL |
|---|---|---|---|---|
| 1 | $30,750.00 | $31,654.05 | $62,404.05 | $584,250.00 |
| 2 | $30,750.00 | $30,071.35 | $60,821.35 | $553,500.00 |
| 3 | $30,750.00 | $28,488.65 | $59,238.65 | $522,750.00 |
| 4 | $30,750.00 | $26,905.94 | $57,655.94 | $492,000.00 |
| 5 | $30,750.00 | $25,323.24 | $56,073.24 | $461,250.00 |
| 6 | $30,750.00 | $23,740.54 | $54,490.54 | $430,500.00 |
| 7 | $30,750.00 | $22,157.84 | $52,907.84 | $399,750.00 |
| 8 | $30,750.00 | $20,575.13 | $51,325.13 | $369,000.00 |
| 9 | $30,750.00 | $18,992.43 | $49,742.43 | $338,250.00 |
| 10 | $30,750.00 | $17,409.73 | $48,159.73 | $307,500.00 |
| 11 | $30,750.00 | $15,827.03 | $46,577.03 | $276,750.00 |
| 12 | $30,750.00 | $14,244.32 | $44,994.32 | $246,000.00 |
| 13 | $30,750.00 | $12,661.62 | $43,411.62 | $215,250.00 |
| 14 | $30,750.00 | $11,078.92 | $41,828.92 | $184,500.00 |
| 15 | $30,750.00 | $9,496.22 | $40,246.22 | $153,750.00 |
| 16 | $30,750.00 | $7,913.51 | $38,663.51 | $123,000.00 |
| 17 | $30,750.00 | $6,330.81 | $37,080.81 | $92,250.00 |
| 18 | $30,750.00 | $4,748.11 | $35,498.11 | $61,500.00 |
| 19 | $30,750.00 | $3,165.41 | $33,915.41 | $30,750.00 |
| 20 | $30,750.00 | $1,582.70 | $32,332.70 | $0.00 |
| TOTALS | $615,000.00 | $332,367.53 | $947,367.53 | |

Attachment 8

# CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

## RESOLUTION # 95-536

## FOR APPROVAL OF CLEANUP OF SITES UNDER THE SOLID WASTE DISPOSAL AND CODISPOSAL SITE CLEANUP PROGRAM - AB 2136

**WHEREAS**, Public Resources Code (PRC) Sections 48020 et seq. provide for implementation of the Solid Waste Disposal and Codisposal Site Cleanup Program; and

**WHEREAS**, the Board has approved guidelines and policies for this program to cleanup sites.

**NOW THEREFORE, BE IT RESOLVED** that the Board approves Greenfield Illegal Disposal Site, Humboldt Road Burn Dump, Ramona Landfill, and Poway Landfill for immediate funding for remediation under the Solid Waste Disposal and Codisposal Site Cleanup Program. Gillespie Landfill and Encinitas Landfill will be funded for remediation from 1995/1996 allocation of the Trust Fund, available on July 1, 1995. The Board directs staff to implement remediation measures and to encumber the funding for the cleanup of these sites.

## CERTIFICATION

The undersigned Executive Director of the California Integrated 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 Integrated Waste Management Board held on May 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

Attachment 8

# CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

## RESOLUTION # 95-536

## FOR APPROVAL OF CLEANUP OF SITES UNDER THE SOLID WASTE DISPOSAL AND CODISPOSAL SITE CLEANUP PROGRAM - AB 2136

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**WHEREAS**, the Board has approved guidelines and policies for this program to cleanup sites.

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## CERTIFICATION

The undersigned Executive Director of the California Integrated 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 Integrated Waste Management Board held on May 23, 1995.

Dated:

Ralph E. Chandler
Executive Director



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**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

Permitting and Enforcement Committee Meeting
May 17, 1995

**AGENDA ITEM 6**

**ITEM:** Consideration of Approval of Designation of Colusa County Health Department, Environmental Health Division as the Local Enforcement Agency for the County of Colusa

## I. SUMMARY

The CIWMB's Local Enforcement Agency Branch found that the Local Enforcement Agency (LEA) for Colusa County was not fulfilling its duties and responsibilities due to lack of adequate technical staffing and inability to conform to their Board-approved Enforcement Program Plan (EPP).

The CIWMB's decision at their December 14, 1994, meeting was to withdraw approval of the designation, within 30-days, of Colusa County Health Department as the LEA. This decision was made because the CIWMB found that 1) the Colusa County LEA was not fulfilling its responsibilities (Public Resources Code (PRC) Section 43214(d)); and 2) the LEA lacked adequate technical staff as required by 14 CCR Section 18072.

Effective May 1, 1995, the County fulfilled its staffing and technical expertise requirements and is eligible for designation approval to reinstate their LEA authority.

## II. PREVIOUS COMMITTEE/BOARD ACTION

The CIWMB's action at their December 14, 1994, meeting was to inform the LEA of the CIWMB's intent to withdraw approval of the designation of Colusa County Health Department as the LEA in 30-days after notification. This action was taken because the CIWMB found that 1) the Colusa County LEA was not fulfilling its responsibilities (PRC Section 43214(d)); and 2) the LEA lacked adequate technical staff as required by 14 CCR Section 18072. In the event the LEA satisfied these requirements within 30-days of receipt of the attached letter notifying the LEA of the CIWMB's intention, the CIWMB would **not** have withdrawn approval of the designation.

## III. OPTIONS FOR COMMITTEE/BOARD

1) Approve the designation for the jurisdiction.

2) Disapprove the designation and appoint the Board as the enforcement agency for the jurisdiction.

3) Take no action. This option provides for no enforcement agency designation. The Board would need to perform the enforcement agency duties.

## IV. STAFF RECOMMENDATION

Staff recommends that the Committee/Board approve designation of Colusa County Health Department, Environmental Health Division as the LEA for the County of Colusa. This action will reinstate the agency's previous certification.

## V. ANALYSIS

On December 23, 1994, the LEA was sent a certified letter from Executive Director Ralph Chandler notifying them that withdrawal of approval of designation of the Colusa County Health Department as the LEA would take place within 30-days of receipt of this notification. The LEA received this letter on December 30, 1994. The Colusa County LEA was unable to secure adequate technical staff and fulfill LEA responsibilities within the 30-day timeframe as set forth by PRC Section 43215. Therefore, the CIWMB's approval of Colusa County LEA's designation was withdrawn on January 30, 1995.

Pursuant to PRC Section 43216, the CIWMB would have become the enforcement agency for the jurisdiction 90-days from the date of withdrawal of approval of designation (or May 2) if no re-designation was made and approved.

Because it is the CIWMB's mandate to protect the public health, safety, and the environment, it instituted inspection and enforcement services. These services continued for the 90-days set forth in PRC Section 43216.

The LEA sought and received approval from the Colusa County Board of Supervisors for an additional position within the solid waste program. The position was announced for recruitment and successfully filled.

Board staff received confirmation that effective May 1, 1995, the Colusa County Health Department, Environmental Health Division fulfilled the staff adequacy and met the technical expertise to be certified as an LEA.

## VI. ATTACHMENT

1) A CIWMB resolution for approval of designation of the Colusa County Health Department, Environmental Health Division for the jurisdiction of the County of Colusa and all its incorporated cities.

## VII. APPROVALS

Prepared by: Jo Clement JC Phone 255-3825

Reviewed by: Mary T. Coyle/H. Thomas Unsell Phone 255-3849/2926

Approved by: Doug Okumura Phone 255-2431

Legal Review: Kathryn J. Tobias Phone 255 2825

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

RESOLUTION NO. 95-529

May 23, 1995

Resolution approving the designation of the Colusa County Health Department, Environmental Health Division as the Local Enforcement Agency for the County of Colusa.

**WHEREAS**, the California Integrated Waste Management Act of 1989 requires local governing bodies to designate an enforcement agency to carry out solid waste permitting, inspection and enforcement duties in their jurisdiction; and

**WHEREAS**, on December 16, 1992, the Board approved the Enforcement Program Plan and designation of the Colusa County Health Department, Environmental Health Division and issued certification types "A", "B", "C" & "D" to the designated local agency pursuant to Title 14 California Code of Regulations Section 18071; and

**WHEREAS**, on October 5, 1994, CIWMB staff were informed of a staffing deficiency which resulted in the Local Enforcement Agency not fulfilling the requirement of maintaining adequacy of staff and technical expertise; and

**WHEREAS**, on January 30, 1995, the CIWMB withdrew approval of the designation of Colusa County Health Department, Environmental Health Division as they no longer fulfilled their staffing and technical expertise requirements; and

**WHEREAS**, on April 18, 1995, CIWMB staff received confirmation that effective May 1, 1995, the County once again fulfilled their certification requirements;

**NOW, THEREFORE, BE IT RESOLVED**, the California Integrated Waste Management Board approves the designation of Colusa County Health Department, Environmental Health Division as the Local Enforcement Agency for the County of Colusa.

**CERTIFICATION**

The undersigned Executive Director of the California Integrated 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 Integrated Waste Management Board held on May 23, 1995.

Date:

Ralph E. Chandler
Executive Director

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

Permitting and Enforcement Committee Meeting
May 17, 1995

**AGENDA ITEM 7**

**ITEM:** Consideration of Revision to the Enforcement Advisory Council Organization and Representation

## I. SUMMARY

Since the establishment of regular LEA Round Tables, representatives of several Local Enforcement Agencies (LEAs) have requested a revision of the Enforcement Advisory Council (EAC) membership and appointment procedures to align representation with LEA Round Table regions. Needed enhancement of LEA representation, communication, and, responsiveness across the state was given as the justification for this revision.

At the last series of Round Tables in the first half of January, 1995, the proposed alignment of EAC representation with six regions for the LEA Round Tables was overwhelmingly supported. The EAC agreed at its last meeting on January 19, 1995, that an agenda item describing this revision should be prepared for California Integrated Waste Management Board (CIWMB) consideration.

## II. PREVIOUS COMMITTEE/BOARD ACTION

After a brief discussion on December 9, 1992, the Permitting and Enforcement Committee passed the current EAC membership and appointment procedures as a consent item. The CIWMB passed the consent calendar on December 16, 1992.

## III. OPTIONS FOR COMMITTEE/BOARD

Because the EAC is a result of CIWMB policy rather than a direct response to a statutory or regulatory mandate, the Board is not limited in its options.

A broad categorization of options for the CIWMB consideration would include:

1. Approve the described EAC membership alignment based on Round Table regions.

2. Take no action. (EAC membership would remain as currently structured.)

3. Propose and approve a different EAC membership and appointment procedure.

## IV. STAFF RECOMMENDATION

LEA Section staff recommend that the Board approve the revision of the current EAC membership and appointment procedures to allow alignment of EAC representation with LEA Round Tables venues.

The alignment of the LEA Round Tables and EAC representation would be accomplished by adding one region to the existing five LEA Round Table regions. (Please refer to the attached map.) A pool of nominees would be generated by the LEAs prior to the upcoming May LEA Round Tables. A typical democratic process where each LEA jurisdiction has one vote would be employed to select from the nominees. Each region would elect a representative to replace one of the six existing EAC members with the current geographic affiliations (ie. "Suburban/North"). The results of these Round Table elections would be presented to the Permitting and Enforcement Committee in June, and new EAC members installation would occur in July, 1995.

Clarification of the relationship between the EAC and the Board should be one of the first priorities considered by the EAC members. This EAC role clarification will assist in defining the development of a process to assure that the Committee, Board, LEA Round Table groups, and EAC members attain maximum partnership participation. This concept will be more fully delineated in the June agenda.

## V. ANALYSIS

EAC was established in January, 1983, by Waste Management Board resolution. The EAC consisted of 12 members and served this Board as an advisory committee representing the various regions of the state and the disciplines engaged in solid waste enforcement.

The October 1, 1987, EAC Mission and Purpose Statement reads:

> To achieve a coordinated, consistent statewide enforcement program by ongoing communication among all LEAs and the Board.
>
> To assure that the LEA interests and viewpoints regarding legislation, policies, programs and training needs are considered at the state level.

The EAC's Goals and Objectives, revised June 9, 1989, propose to:

1. Periodically review the Minimum Standards and if appropriate, propose revisions and additions.

2. Recommend to the CIWMB, when appropriate, procedures to assist enforcement agencies to fulfill their responsibilities, such as:

   a. Activities of hearing panels
   b. Joint state and local enforcement actions
   c. Uniform enforcement practices

3. Develop priority training needs of the enforcement agencies; participate in planning, development and production of training seminars; assist in the development of a model enforcement agency staff training program.

4. Assist in the development of procedures to achieve maximum benefits of the Solid Waste Information System (SWIS) for the enforcement agencies and the CIWMB.

5. Assist the CIWMB in the update of documents and procedures such as:
   a. Report of Facility Information
   b. Facility Permits Procedures
   c. Guidance Manuals
   d. Facility Inspection Forms
   e. Inspection Techniques

6. Assist the Board in the development of enforcement agency program evaluation procedures.

7. Coordinate each EAC member's regional issues to assure flow of information with those LEAs within represented jurisdiction.

In September, 1992, the EAC Chairperson requested that CIWMB staff revise membership and appointment procedures. The CIWMB approved the current procedures in December, 1992, as listed below:

COUNCIL MEMBERSHIP AND APPOINTMENT

All appointments to the EAC shall be made by the Permitting and Enforcement Committee of the California Waste Management Board according to the following criteria:

1. Two representatives who are solid waste enforcement persons employed by urban Solid Waste Local Enforcement Agencies; one north, one south. One representative shall serve for one year, the other shall serve for two years.

2. Two representatives who are solid waste enforcement

persons employed by suburban Solid Waste Local Enforcement Agencies; one north, one south. One representative shall serve for one year, the other shall serve for two years.

3. One representative who is solid waste enforcement person employed by a rural Solid Waste Local Enforcement Agency. The representative shall serve for two years.

4. One representative who is a solid waste enforcement person employed by a city Solid Waste Local Enforcement Agency. This representative shall serve for two years.

5. One representative who is a solid waste enforcement person that serves a "contract" county; no geographic requirement. This representative shall serve for two years.

6. One representative who is a member of the Solid Waste Committee, California Conference of Directors of Environmental Health (CCDEH). This committee shall select their own candidate. This representative shall serve for two years.

7. One representative who is a member of the California Conference of Local Health Officers (CCLHO). This organization shall select their own candidate. This representative shall serve for one years.

The appointed EAC members shall select their own chairman and vice-chairman. Their terms shall be for one year. No member shall serve more than two consecutive terms as chairman.

The terms that expire after one year shall become two-year terms for succeeding appointments.

In October/November,1992, at the same time that EAC membership and appointment procedures were being revised, the first LEA Round Tables were held throughout California. LEAs and CIWMB staff agreed to the establishment of frequent, intensely-interactive, LEA Round Tables at these first meetings.

With the success of the Round Tables, some LEAs requested a revision of the EAC membership and appointment procedures to align representation with LEA Round Table regions. The comprehensive EAC Goals and Objectives coupled with the heightened expectations from the Round Tables seem to have positively influenced many LEAs. They have expressed a need for enhanced representation, communication, and, responsiveness across the state as the justification for the revision of current

EAC membership and appointment procedures. Considering the mission and purpose of the EAC and Round Tables are virtually identical, a union of the two appears appropriate.

In the first half of January, 1995, discussions at the LEA Round Tables included the proposed alignment of EAC representation with six regions for the LEA Round Tables. The participants of these Round Tables overwhelmingly supported the revision of EAC representation to a system based on Round Table regions. EAC members echoed this support at the last EAC meeting of January 19, 1995, and the members requested that an agenda item describing this revision be prepared for CIWMB consideration. The current members of the EAC agreed to serve on the EAC until these changes had been completed.

The alignment of the LEA Round Tables and EAC representation would be accomplished by adding one region to the existing five LEA Round Table regions. The current EAC membership and appointment procedures (approved December, 1992) would be revised as shown below (revisions in italic):

COUNCIL MEMBERSHIP AND APPOINTMENT

All appointments to the EAC shall be made by the Permitting and Enforcement Committee of the California Waste Management Board according to the following criteria:

1. *Six representatives who are solid waste enforcement persons employed by Solid Waste Local Enforcement Agencies; one from each of the Round Table regions. Terms of service are defined by each region.*

2. One representative who is a solid waste enforcement person employed by a city Solid Waste Local Enforcement Agency. This representative shall serve for two years.

3. One representatives who is a solid waste enforcement person that serves a "contract" county; no geographic requirement. This representative shall serve for two years.

4. One representative who is a member of the Solid Waste Committee, California Conference of Directors of Environmental Health (CCDEH). This committee shall select their own candidate. This representative shall serve for two years.

5. One representative who is a member of the California Conference of Local Health Officers (CCLHO). This organization shall select their own candidate. This

representative shall serve for *two years*.

The appointed EAC members shall select their own chairman and vice-chairman. Their terms shall be for one year. No member shall serve more than two consecutive terms as chairman.

After a pool of nominees is generated by the LEAs for each region, each regional LEA Round Tables in May would elect a candidate to replace one of the six existing EAC members with the current geographic affiliations (ie. "Suburban/North"). Each LEA jurisdiction would have one vote to select a candidate from the nominees for their Round Table region. The list of proposed EAC members would be presented to the Permitting and Enforcement Committee in June for consideration of appointment. Installation of the new EAC members would be scheduled for July, 1995.

Chair not at committee

**VI. ATTACHMENT**

Local Enforcement Agency, Proposed Round Table Regions, December, 1994 (a California map).

**VII. APPROVALS**

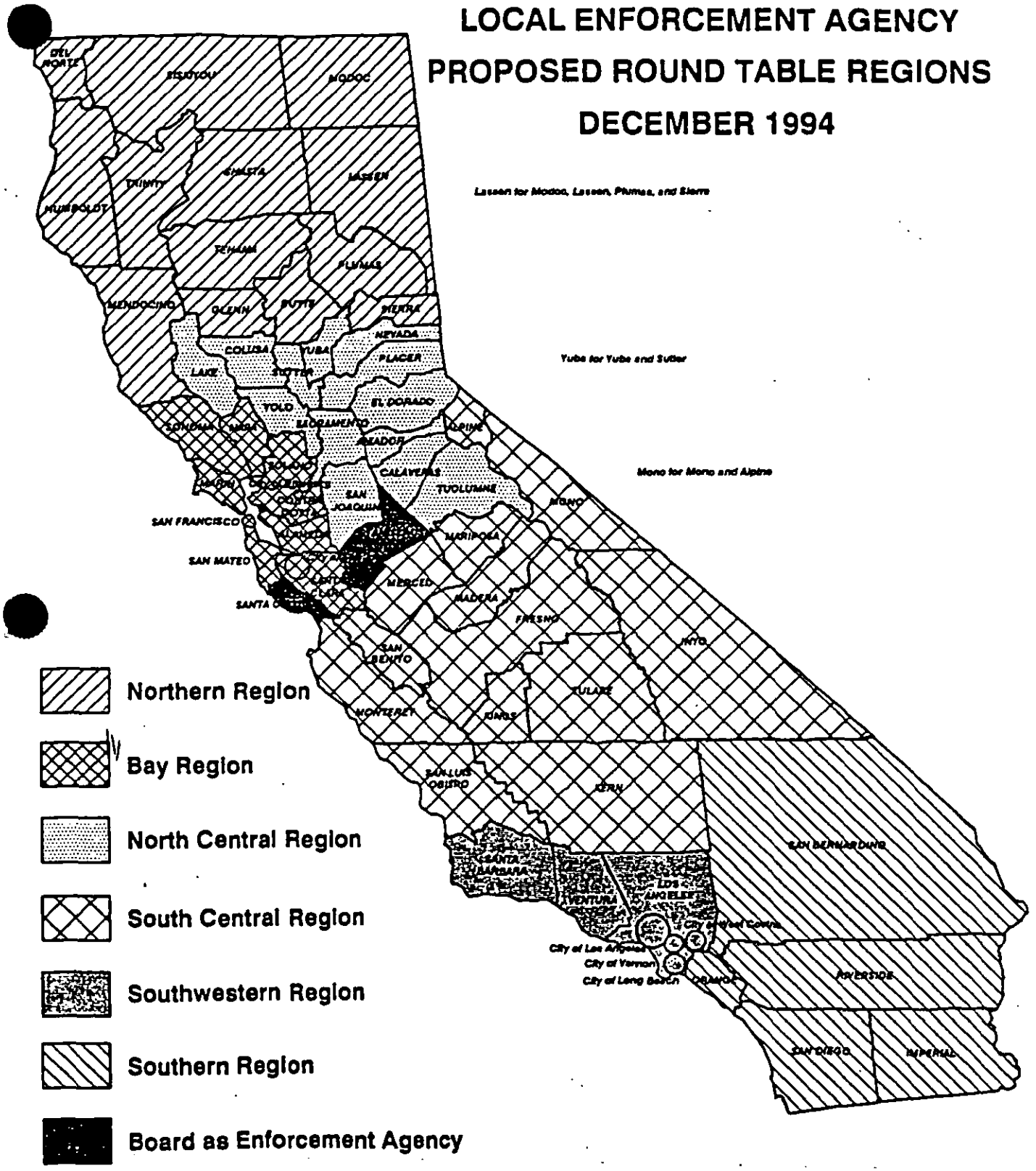
Prepared by: Jeff Watson Phone 255-3850

Reviewed by: H. Thomas Unsell Atty. Phone 255-2926

Approved by: Doug Okumura Phone 255-2431

Legal Review: K. J. Tobias Date/Time

# LOCAL ENFORCEMENT AGENCY PROPOSED ROUND TABLE REGIONS DECEMBER 1994

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**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

Permitting and Enforcement Committee Meeting
May 17, 1995

**AGENDA ITEM 8**

**ITEM:** Consideration of the Temporary Certification and Designation Approval of the Local Enforcement Agency for the County of Amador

## I. SUMMARY

Due to a reorganization of Amador County departments, Amador County Environmental Health Services now employs the staff that perform the functions of the Local Enforcement Agency (LEA) for the jurisdiction of Amador County. Additionally, the Amador County LEA has found that the annual time required to complete the duties of the LEA in Amador County have been significantly reduced with the recent issuance of a Solid Waste Facilities Permit for the Amador County Sanitary Landfill.

This agenda item contains an updated resolution from the California Integrated Waste Management Board (CIWMB) reflecting the reorganization of Amador County government and requesting a temporary certification for the LEA to operate with less than one fulltime staff person pursuant to the requirements of the revised Title 14 California Code of Regulation (14 CCR) Sections 18072 and 18073 as approved by the CIWMB on May 25, 1994.

## II. PREVIOUS COMMITTEE/BOARD ACTION

On January 27, 1993, the CIWMB approved the Enforcement Program Plan (EPP) for the jurisdiction of Amador County and issued certification types "A", "B", "C", and "D" to the Amador County Health Department. Since that date the Amador County Health Department has been the approved designated agency to act as the LEA for the jurisdiction of Amador County.

## III. OPTIONS FOR COMMITTEE/BOARD

Concerning the certification of the LEA for the County of Amador, the following options are identified for CIWMB consideration:

1. Approve the EPP, issue temporary certification, and approve the designation for the jurisdiction.

2. Disapprove the EPP and/or not issue temporary certification and therefore, disapprove the designation and appoint the CIWMB as the enforcement agency in the jurisdiction.

3. Take no action. This option provides for no local enforcement agency designation, and the CIWMB would be the enforcement agency for the jurisdiction by default as required by the statute.

## IV. STAFF RECOMMENDATION

LEA Section staff recommend that the CIWMB approve the proposed EPP, issue temporary certification for the requested certification types, and approve the designation of Amador County Environmental Health Services as the LEA for Amador County.

## V. ANALYSIS

The Public Resources Code (PRC) allows local governing bodies to designate an enforcement agency to carry out solid waste permitting, inspection, and enforcement duties in their jurisdiction. Regulations require a designated local agency to develop, submit for CIWMB approval, and adopt an EPP pursuant to statute. The EPP shall embody the designation and certification requirements and demonstrate that the LEA meets all the requirements for the requested certifications. PRC Section 43204 states: "No enforcement agency may exercise the powers and duties of an enforcement agency until the designation is approved by the Board. After August 1, 1992, the Board shall not approve a designation unless it finds that the designated enforcement agency is capable of fulfilling its responsibilities under the enforcement program and meets the certification requirements adopted by the Board pursuant to PRC Section 43200."

For a local agency to have its designation as an enforcement agency approved by the CIWMB, the enforcement agency must meet at least the following minimum requirements of statute and regulation:

1. Technical expertise.
2. Adequate staff resources.
3. Adequate budget resources.
4. Adequate training.
5. The existence of at least one permitted solid waste facility within the jurisdiction of the local agency or a proposed facility for which an environmental impact report or negative declaration has been prepared and certified, or for which a conditional use permit has been issued.
6. No operational involvement in any of the types of facilities or sites it permits, inspects or enforces.
7. A sole enforcement agency per LEA jurisdiction.

The CIWMB, after approval of the EPP, may issue certifications to the designated enforcement agency per 14 CCR Section 18071 for one or more of the following types of duties and responsibilities:

"A": Permitting, inspection and enforcement of regulations at solid waste disposal sites
"B": Permitting, inspection and enforcement of regulations at solid waste transformation facilities

"C": Permitting, inspection and enforcement of regulations at solid waste transfer and processing stations, materials recovery facilities, and composting facilities

"D": Inspections and enforcement of litter, odor, and nuisance regulations at solid waste landfills

Therefore, to establish an LEA, the CIWMB is required by statutes and regulations to approve the enforcement agency's EPP, to issue certification(s), and approve the designation of the enforcement agency pursuant to PRC 43204.

On January 27, 1993, the CIWMB approved the EPP for the jurisdiction of Amador and issued certification types "A", "B", "C", and "D" to the Amador County Health Department (CIWMB Resolution No. 93-06). The designation of an enforcement agency for the County of Amador was also approved in this CIWMB resolution. In November of 1994, CIWMB staff were notified that Amador County intended to update its EPP and reduce LEA staffing as provided for in recent statutory and regulatory changes. These changes allow jurisdictions with populations of less 50,000 (per PRC 43200 (C)) to have less than one full time staff person reflecting the workload analysis for the jurisdiction. In January, 1995, Amador County Environmental Health Services submitted an EPP reflecting less than full time staff for the jurisdiction of Amador County. After receipt of additional information from the enforcement agencies in April, 1995, CIWMB staff found that the documentation provided in the Designation Information Packages (DIPs) and EPPs met the requirements of statutes and regulations.

CIWMB staff find that the DIPs and EPPs are complete and acceptable for the CIWMB to consider the approval of the EPP, issuance of the requested certification (Types "A", "B", "C",& "D"), and approval of the designation of Amador County Environmental Health Services as the Local Enforcement Agency for the County of Amador (see attachment #1 for detailed information). Consistent with the requirements of the revised 14 CCR Sections 18072 and 18073 as approved by the CIWMB on May 25, 1994, temporary certification are to be issued to enforcement agencies with less than one full time staff person. CIWMB staff have identified a six month temporary certification for Amador County Environmental Health Services due to the agency's established enforcement experience. Prior to issuing full certification, CIWMB staff will conduct a performance review to assess the LEA's implementation and effectiveness of their permitting, inspection, and enforcement programs.

**VI. ATTACHMENTS**

1. A Designation and Certification Fact Sheet for the County of Amador.

2. A CIWMB resolution issuing temporary certification to Amador County Environmental Health Services for Amador County.

## VII. APPROVALS

Prepared by: Jeff Watson Phone 255-3850

Reviewed by: Mary T. Coyle / H. Thomas Unsell Phone 255-2926

Approved by: Doug Okumura Phone 255-2431

Legal Review: K. J. Tobias Date/Time

**DESIGNATION AND CERTIFICATION**
**FACT SHEET**

**Amador County**

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body and the designated enforcement agency indicated below:

**Designating Local Governing Body:**

Amador County and all its cities

**Designated Jurisdiction:**

Amador County

**Designated Enforcement Agency:**

Amador County Environmental Health Services

**Facilities and Sites:** Total count ---------- 23*

**Vehicles:** Total count ---------- 13*

**Facility Types:**
Landfills ---------- 1*
Transfer Station ---------- 1*

**Site Types:**
"Closed Disposal Sites" ---------- 20*
"Illegal Sites" ---------- 1*

**Type(s) of Certification requested:** "A", "B", "C", & "D"*

**Budget Adequacy:** (Total Annual Budget) ---------- $51,462.00*

**Technical Expertise and Staff Adequacy:**

- 0.55 Technical Staff (Registered Environmental Health Specialist)*
- 0.03 Management/Supervisory Staff*
- 0.2 Support Staff*

Time Task Analysis shows 0.78 PY for the jurisdiction

*as indicated in the Enforcement Program Plan

ATTACHMENT 2

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

RESOLUTION NO. 95-530

May 23, 1995

Resolution approving the Enforcement Program Plan, issuing temporary certifications, and approving the designation of the Amador County Environmental Health Services as the Local Enforcement Agency for the County of Amador.

**WHEREAS**, the California Integrated Waste Management Act of 1989 allows local governing bodies to designate an enforcement agency to carry out solid waste permitting, inspection, and enforcement duties in their jurisdiction; and

**WHEREAS**, regulations require a designated local agency to develop, submit for Board approval, and adopt an Enforcement Program Plan pursuant to statute; and

**WHEREAS**, the Amador County Board of Supervisors has designated the above local agency and has requested Board approval of their designation; and

**WHEREAS**, the California Integrated Waste Management Board has received on January 17, 1995, and reviewed the proposed Enforcement Program Plan for the County of Amador; and

**WHEREAS**, the Board finds that the above designated enforcement agency has demonstrated, via its amended Enforcement Program Plan as of April, 1995, that it meets the requirements of Public Resources Code Section 43200, et seq; and Title 14, California Code of Regulations, Section 18010 et seq; and

**WHEREAS**, the Amador County Enforcement Program Plan adequately addresses the requirements of the revised Title 14, California Code of Regulations, Sections 18072 and 18073 as approved by the Board on May 25, 1994; and

**WHEREAS**, the Enforcement Program Plan of the Amador County Environmental Health Services requests the Board to approve the Enforcement Program Plan and issue certification types "A", "B", "C", & "D" to the designated local agency pursuant to Title 14, California Code of Regulations, Section 18071; and

**WHEREAS**, the Amador County Environmental Health Services has adopted its Enforcement Program Plan pursuant to Public Resources Code Section 43209;

**NOW, THEREFORE, BE IT RESOLVED,** the California Integrated Waste Management Board, pursuant to Public Resources Code Division 30 Part 4, Chapter 2, Article 1, approves the Enforcement Program Plan and designation and issues temporary certification for types "A", "B", "C", & "D" to the Amador County Environmental Health Services as the solid waste local enforcement agency for the County of Amador.

**BE IT FURTHER RESOLVED,** that the Amador County Environmental Health Services shall be issued full certification within approximately six months upon confirmation of compliance with Title 14, California Code of Regulations, Chapter 5, Article 2.2.

**CERTIFICATION**

The undersigned Executive Director of the California Integrated 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 Integrated Waste Management Board held on May 23, 1995.

Date:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Permitting & Enforcement Committee
May 17, 1995

AGENDA ITEM 9

ITEM: CONSIDERATION FOR APPROVAL OF STAFF OPTIONS ON THE AUTHORITY OF THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD TO REGULATE NONHAZARDOUS PETROLEUM CONTAMINATED SOIL OPERATIONS

## I. SUMMARY

Current California Integrated Waste Management Board (CIWMB) regulation of solid waste operations have been written specifically for landfills, transfer stations, and more recently composting operations. These regulations do not easily translate to the unusual nature of nontraditional operations [e.g., treatment of contaminated soil (CS), sewage sludge landspreading, and the incorporation of ash as a soil amendment]. Applying CIWMB regulation to these nontraditional operations has resulted in confusion among the regulated community and Local Enforcement Agencies (LEA), creating uneven application of statutory and regulatory requirements throughout the state. Additionally, the "one-size-fits-all" permit did not provide the flexibility needed by the CIWMB and LEAs to oversee nontraditional solid waste operations.

In April 1994, the Permitting and Enforcement Committee (Committee) directed staff to further develop a concept proposing a tiered permitting structure for all solid waste operations. Draft regulatory tier regulations were developed and distributed during an informal public review period. The draft regulations were revised based on comments received and distributed as part of the formal public rulemaking. The CIWMB adopted the regulatory tier regulations at its November 16, 1994, general business meeting. The Office of Administrative Law approved the regulatory tier regulations on March 1, 1995.

These regulations establish a new, flexible framework of regulatory oversight by the CIWMB for a wide range of solid waste operations. The level of regulatory oversight would be commensurate with the potential impact that the operation/facility may pose to public health and safety and the environment. The regulations do not place any solid waste operation/facility into a tier.

Based on prior surveys of LEA representatives, a schedule was approved by the Committee to address placement of operations into the tiers. The schedule includes the three top LEA priorities (sewage sludge, ash, and CS) for consideration by the end of 1995.

At its March 29, 1995 general business meeting, the CIWMB approved a process for determining CIWMB authority for types of operations and a general methodology for determining placement of those operations where the CIWMB has authority. CS was identified by the CIWMB as the first type of operations to be considered for CIWMB authority and placement.

The purpose of this item is to bring forward for consideration by the Committee proposed options on CIWMB authority for CS operations.

## II. PREVIOUS COMMITTEE AND CIWMB ACTION

The Committee, at its April 1994 meeting, directed staff to develop a comprehensive tiered permitting structure for solid waste facilities and explore the possibility of a non-permit approach concept.

The Committee and CIWMB approved the regulatory tier regulations at the November, 1994 meetings.

At the January, 1995 meetings, the Committee and CIWMB approved a schedule for placement of solid waste operations/facilities into the regulatory tier structure.

In March 1995, the Committee and CIWMB approved a process for determining CIWMB authority for types of operations and a general methodology for determining placement of those operations where the CIWMB has authority. CS was identified by the CIWMB as the first type of operation to be considered for CIWMB authority and placement.

## III. OPTIONS FOR THE COMMITTEE

Committee members may decide to:

1. Seek additional input regarding the appropriate interpretation of its statutory authority, and wait to make a decision on the CIWMB's authority until next month's meeting.

2. Limit their decision to those CS operations where the CIWMB clearly has authority, and seek additional input on those CS operations where the CIWMB's authority is unclear for a decision at next month's meeting.

3. Make a decision on the CIWMB's authority for all CS operations based on information provided by CIWMB staff and the public at the Committee meeting.

## IV. STAFF RECOMMENDATION

This agenda item presents some significant issues of legal interpretation about which the CIWMB must make a decision. Although, the discussion in this agenda item is specific to CS, the decisions made will have precedential value for the application of the analysis contained in this item to other material that will be considered in the future. It is believed that this analysis will engender significant discussion and public input. That additional input should be useful in determining the appropriate interpretation of the CIWMB's authority.

On the other hand, based on the analysis, it is clear that whichever interpretations are used, the CIWMB has jurisdiction over at least some aspects of the handling of CS. These include the various scenarios for off-site treatment except where the material is going back to the generator for continued use.

Staff recommends that the Committee seek additional input regarding the appropriate interpretation of its statutory authority, and wait to make its decisions until next month's meeting.

## V. ANALYSIS

**Description of Operations Under Consideration**

Nonhazardous petroleum CS is soil that has come in contact with petroleum hydrocarbons, solvents, or heavy metals that pose a threat to human health and the environment. It results primarily from the release of petroleum fuels, such as gasoline and diesel, and also from heating oil, waste oil, kerosene, and other petroleum-based hydrocarbons. Discharges of petroleum hydrocarbons are typically from underground tanks and peripheral piping, aboveground tanks, and from cumulative spills in and around equipment maintenance and repair yards.

The Regional Water Quality Control Boards (RWQCB) regulate the cleanup of CS (hazardous and nonhazardous) under the Porter-Cologne Water Quality Control Act if the CS poses a threat to water quality. The cleanup may include any or several actions, including treatment, disposal, or appropriate reuse. The RWQCBs determine if discharges from these actions require regulation under waste discharge requirements or conditional waivers. The level of treatment is determined on a case-by-case basis by the RWQCBs and is dependent on the characteristics of the CS and the site where the CS will be disposed/reused.

All air districts require any operation that would significantly effect air quality to have a Permit to Operate (PTO). The PTO specifies emission limits for VOCs, particulates, and any toxic materials in the soil. The PTO may also include operating parameter limitations for the control device or for the treatment facilities. Several air districts also have rules to control the excavation and threat of soils contaminated with VOCs, including notifying the Air Pollution Control Officer prior to excavation and keeping the excavated soil covered.

Operations handling CS fall into several broad categories:

- Treatment
- Use as Feedstock
- Transfer and/or Storage
- Disposal

**Treatment**

Treatment processes are divided into two categories: in-situ and non in-situ. In-situ treatment refers to treatment of soil in place; non in-situ treatment refers to excavation with above ground treatment.

The treatment, itself, can consist of a range of treatments, including but not limited to the following:

- aeration - volatile hydrocarbons are allowed to evaporate into the air;
- bioremediation - microbial processes increase hydrocarbon decomposition;
- thermal - excessive heat volatilizes and/or destroys petroleum compounds;
- solidification and chemical fixation - Portland cement and sodium silicate reagents are used to create a solidified material.
- soil washing - surfactant (detergent) removes hydrocarbons.

Depending on the amount of hydrocarbons, solvents, or heavy metals remaining after treatment, treated soil can be used as landfill cover, fill, roadbase; incorporated into asphalt or cement; or disposed into a Class II or III landfill.

The following health, safety, and environmental concerns are associated with treatment operations:

- Threat to groundwater (leachate) and surface waters (runoff). Regional Water Quality Control Boards (RWQCB) regulate this via waste discharge requirements or conditional waivers.

- Threat to air quality [volatile and semi-volatile organic compounds (VOC), dust, and odors]. In all air districts, soil treatment facilities are required to have a Permit to Operate, which specifies emission limits for VOCs, particulates, and any toxic materials in the soil. The air districts can regulate dust and odors usually on a complaint basis via a statutory Public Nuisance prohibition and a visible emissions prohibitory rule; application varies by district.

- Noise resulting from heavy equipment operation and traffic/trucks. This can be regulated by local land use permits for the public, and the California Occupational Safety and Health Administration for employees on site. Enforcement is on a complaint basis.

- Threat of fire from equipment operation and ignitability of materials on site can be regulated by local fire authorities.

- General Safety of public from physical hazards, such as traffic on site, operation of mechanical equipment, and general conditions on site that could result in injury or accident and chemical exposure. This would include the following specific concerns

in the area of health and safety: erosion, drainage, litter, traffic, load checking to ensure hazardous waste is not coming on site, removal of rubbish from site, adequate signing, and verifying throughput to prevent disposal of material on site. The CIWMB/LEA is currently regulating this where operations have been issued solid waste facilities permits.

**Use as Feedstock**

Treated or untreated CS (depending on the characteristics of the CS) can be used as feedstock for roadbase, daily cover, or incorporated into asphalt or cement. In some cases, operators blend CS with ash or other material for use as roadbase, in others, operators mix it with sand and aggregate for use as asphalt.

The following health, safety, and environmental concerns are associated with these operations:

- Threat to groundwater (leachate) and surface waters (runoff). (See "Treatment," above.)
- Threat to air quality [volatile and semi-volatile organic compounds (VOC), dust, and odors]. (See "Treatment," above.)
- General safety of public from physical hazards, such as traffic on site, operation of mechanical equipment, and general conditions on site that could result in injury or accident and chemical exposure. (See "General safety," above.) The CIWMB/LEA is currently regulating this where operations have been issued solid waste facilities permits.

**Transfer and/or Storage**

Treated or untreated CS can be received for transfer to a different location and/or storage prior to transfer.

The following health, safety, and environmental concerns are associated with these operations:

See all of the concerns listed under "Treatment,", above.

**Disposal**

Disposal of treated or untreated CS (depending on the characteristics of the CS) is at a Class II landfill if designated waste, or at a Class III landfill.

CIWMB authority and regulation of Class II and III landfills has been clearly defined and is not included in this evaluation of CS operations.

When does a solid waste stop being a solid waste? §40180 40172

**Legal Authority to Regulate CS**

**A. Relevant Statutory Provisions**

The following statutes form the basis for the analysis of the CIWMB's legal authority to regulate CS: Does something have to be discarded to be a solid waste?

**Public Resources Code section (PRC)** 40191 defines "solid waste" to include non-putrescible solid, semi-solid, or liquid waste. The term "solid waste" is a term of art for "waste" that is subject to the CIWMB's jurisdiction. "Wastes" that are not "solid waste" may still be subject to other agency's jurisdiction. For instance, CS is regulated as a "waste" by the Water and Air Boards. Hazardous CS is not a "solid waste" pursuant to PRC 40191(b), but it is regulated as a hazardous waste by the Department of Toxic Substances Control. however terms "abandoned" vehicles 40191 – last phrase may indicate all these are discarded At its conclusion, this statute uses a catch-all phrase to include within the definition of "solid waste" all "other discarded solid or semi-solid wastes." The California Supreme Court in the case of Waste Management of the Desert v. Palm Springs Recycling Center (1994) 7 Cal. 4th 478, (hereinafter referred to as the Rancho Mirage Decision) held that material becomes subject to the Act, i.e. becomes a "solid waste," when it is discarded. A material is "discarded" when it is disposed of by its owner without compensation (See p. 485 of the decision).

Racho Mirage – Nothing is a solid waste unless its discarded

**PRC 40200** defines "transfer or processing station" as those facilities utilized to receive solid wastes, temporarily store, separate, convert, or otherwise process the materials in the solid wastes or to transfer the solid wastes directly from smaller to larger vehicles for transport, and those facilities utilized for transformation. however this was for franchises not public/Health/Safety

Subsection (b)(2) provides that a "transfer or processing station" does not include a facility, whose principal function is to receive, store, convert, or otherwise process wastes which have already been separated for reuse and are not intended for disposal. This exclusion may be significant for future analysis, it is not relevant for the discussion in this agenda item on CS. It has been included in order to provide a comprehensive framework for future analysis.

one legal question Is manufacturing included in these?

**PRC 40172** provides that "processing" means the reduction, separation, recovery, conversion, or recycling of solid waste.

**PRC 40180** provides that "recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw materials for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

**B. Frameworks For Analysis Of Legal Authority**

Based on the statutes discussed above, the following discussion provides some frameworks for applying them to a particular area in question. It separates the analysis into three primary stages in the life of a material where the answer to the question posed at that stage will determine whether or not the handling of that material is subject to the CIWMB's jurisdiction. (See Attachments 1 and 2 for an outline of the information presented.)

**1. Is the material being handled a "solid waste?"**

There are two possible methods of analyzing this question which will be discussed below. Which method is chosen will depend upon the interpretation given to the Rancho Mirage Decision.

**a. The material is only a "solid waste" if it is discarded by its generator:**

As set forth in the Rancho Mirage Decision, if the material is discarded by its generator, then it is a "solid waste." The analysis of what is "discarded" is essentially a determination regarding the intent of the generator. "Discard" connotes throwing away or abandoning. (See Rancho Mirage Decision at p. 486). Therefore, the analysis of whether or not a material is discarded will vary depending on the circumstances. If not "discarded," then the material is not a "solid waste" and it is not within the CIWMB's jurisdiction.

In general, the analysis of what is "discarded" will not always involve an analysis of whether or not the material is sold or given away. That economic analysis may only be applicable to determining ownership of the material in question as between an exclusive franchise hauler and someone else who would like to take possession of the material. In the Rancho Mirage Decision, an economic analysis of "discard" was appropriate because that case involved issues of economics and property ownership. In other situations, other considerations may be more relevant. For example, when a homeowner "throws away" material in a trash can, even though it hasn't left his or her possession, it would be a solid waste because it has been discarded. Most local jurisdictions and the CIWMB (Title 14 California Code of Regulations section 17331) regulate this "solid waste" by requiring that residences and businesses not accumulate it for more than a week.

Regarding non-hazardous CS, the economic analysis of "discard" is also not relevant. This material is not picked-up through normal waste hauling systems, nor is any of it purchased by recyclers. Therefore, the analysis of whether or not this material is "solid waste" will have to focus on different factors. (See discussion below.)

**b. Material is a "solid waste" whether or not it is discarded**

It might be argued that the Rancho Mirage Decision does not limit the CIWMB in determining what is a "solid waste" for the purposes of determining the appropriate level of regulation for the protection of the public health and safety and the environment. The California Supreme Court held

in this case that "nothing becomes a "solid waste" unless it has been discarded." However, despite its broad language, that case may only be applicable to the question of what is covered by an exclusive franchise agreement. Any application of this interpretation should be limited to the facts of that case. The Rancho Mirage Decision does not contain any analysis of the need for health and safety regulations and any application of the decision in that context is inappropriate. The CIWMB was not a party to that case and its authority to regulate was not addressed nor is it controlled by that decision.

If the Rancho Mirage Decision is not controlling, then it is possible to analyze PRC 40191(a) in a way that removes "discarded" as a factor in determining whether or not something is a "solid waste" for the purposes of health and safety regulation. A literal review of the definition of "solid waste" shows that the term "discarded" only appears at the end of a list of examples. It does not occur in the first part of this section which defines "solid waste." The Supreme Court held that this word modified the entire definition of solid waste because it comes at the end of the definition and provides further definition of the term. However, this interpretation ignores a grammatical problem that this interpretation causes. The sentence which it modifies already contains the word "discarded" or "abandoned" in describing examples of solid waste. If the term "discarded" at the end of the sentence is taken to modify everything that precedes it the sentence becomes nonsensical. "Solid Waste" would include "abandoned vehicles" that have been discarded but not "abandoned vehicles" that have not been discarded. Likewise, "discarded home and industrial appliances" would not be solid waste if they were not discarded.

> PRC 40191 (a) Except as provided in subdivision (b), "solid waste" means all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, **abandoned** vehicles and parts thereof, **discarded** home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other **discarded** solid and semisolid wastes.

In addition, the list of examples in this section is not an exhaustive list. By its own terms, "solid waste" includes all of the examples on this list, but it is not limited to only those items listed.

**2. Is the operation a "disposal site?"**

Once the determination has been made that the material is a "solid waste," the next question is whether or not the activity occurring at an operation in question falls within the definition of "disposal site." The operation will fall within the CIWMB's authority if it intends to use land, or is using land, or has been using land for the landfill disposal of solid waste (PRC 40122).

**3. Is the operation a "transfer/processing station?"**

If the operation is not a disposal site, it will still fall within the CIWMB's authority as a "transfer or processing station" if it receives, temporarily stores, separates, converts, or otherwise processes "solid wastes" (PRC 40200).

Based on the definitions in PRC 40200 and 40172 ("processing"), the CIWMB has broad legal authority to regulate operations which act on "solid waste." However, there are two types of activities which might not fall within these definitions:

**a. Should manufacturing be considered a type of processing?**

The definition of "processing" is very broad, but also very general.

It could be argued that a manufacturing process which utilizes "solid waste" as an ingredient, is not treating, converting or otherwise processing a "solid waste" because the purpose of the manufacturing process is not to process the "solid waste." Rather, the manufacturing process is focused on making a product which happens to be able to utilize materials that have been "discarded" by others.

On the other hand, it could be argued that a manufacturing process which utilizes "solid waste" as an ingredient, while not designed to act upon a solid waste, has "converted" the solid waste into another form.

The answer to this question would affect whether or not a manufacturing operation would be considered a "transfer/processing station" under the CIWMB's jurisdiction. This question is relevant for the discussion of CS in this agenda item, because as discussed below, this material is being used as an ingredient in some manufacturing processes.

**b. Is an operation that handles source-separated material within the CIWMB's jurisdiction?**

The next question is whether or not an operation which fits the definition of "transfer/processing station," fits the statutory exclusion set forth in PRC 40200(b)(2). **This question is not one that is relevant for CS operations because this material is not source-separated before treatment. However, this question is included to provide a complete discussion of the analysis that will need to be performed as the CIWMB moves through its schedule of placing operations within the tiers.**

As noted above, PRC 40200(b)(2) provides that a "transfer or processing station" does not include a facility, whose principal function is to receive, store, convert, or otherwise process wastes which have already been separated for reuse and are not intended for disposal. An operation that fits this exclusion is not a "transfer or processing station" is not a "Solid Waste Facility" (PRC 40194) and is not required to obtain a solid waste facilities permit (PRC 44002).

However, the CIWMB does have authority to regulate "solid waste handling" pursuant to PRC 43020. This statute provided legal authority for the CIWMB's newly approved "Regulatory Tiers." One of the tiers, "Enforcement Agency Notification" provides for minimal regulation of solid waste handling which does not occur at a solid waste facility.

One question that will need to be answered in the future is whether the exclusion in PRC 40200(b)(2) which provides that operations which handle source separated material are not solid waste facilities, should also be interpreted to exclude these operations from any regulation as solid waste handling operations. On the one hand, a literal reading of these statutes means that source-separated material handlers are still subject to CIWMB jurisdiction in the "Enforcement Agency Notification" tier. On the other hand, it could be argued that this exclusion was meant to be broad and that the fact that it does not expressly exclude source-separated material handlers from regulation as solid waste handlers is simply because it was written long before the CIWMB had established its regulatory tiers.

In addition to this issue, the CIWMB will need to define some terms within exclusion such as "principal function" and "separated for reuse."

**4. Has the solid waste been processed so that it has ceased to be a solid waste?**

**a. Solid waste can be recycled and cease to be a waste**

At some point in time, after processing, the solid waste may no longer be a solid waste because it has been recycled. The definition of "recycling" (PRC 40180) essentially means that the solid waste has been acted upon in some manner that allows it to be returned to the market either as a raw material or as a product. At that point, it could be argued that the material would no longer be a solid waste and the CIWMB would no longer have jurisdiction over it. This analysis will depend greatly on context, much like the "discard" analysis above.

**b. Solid waste can not be recycled - "once a waste always a waste"**

A literal reading of the definition of recycling indicates that once something is a waste it is always a waste. The definition uses the phrase "[treating]... materials that would otherwise become solid waste..." The implication of this language is that something can only be considered recycled if it has never become a solid waste, but once it is a solid waste it remains that way forever.

In choosing between these two interpretations one consideration should be that PRC 40172 which defines "processing" contradicts a literal reading of the recycling definition because it references "recycling of solid waste." In addition, it should be noted that a literal interpretation would appear to be inconsistent with the CIWMB's determination in January regarding Alternative Daily Cover (ADC). In that context, the CIWMB interpreted this statute to mean that material which had once been solid waste would no longer be considered solid waste if it was treated and utilized in a manner that did not constitute disposal.

## Application To CS Handling Methods

In this portion of the agenda item, the previous legal analysis is applied to the various types of handling methods used for CS. Throughout the analysis, the effect of choosing between the various legal interpretations discussed above will be noted. (See Attachment 3 for a summary of this analysis.)

**It should be kept in mind that the following discussion only deals with the limited question of overall legal authority. Even if something is within the CIWMB's general jurisdiction, the CIWMB will still have to address questions related to AB 1220 and the limits it puts on the CIWMB's authority to address specific aspects of an operation. In addition, the CIWMB will also still need to determine the appropriate level of regulatory control it will want to exercise. This would include practical considerations similar to the ones that led the CIWMB to exclude "backyard composting" and place "agricultural material composting" in a non-permit tier. These questions will be discussed primarily in next month's agenda item.**

### A. On Site Treatment/Use

### 1. In-situ treatment

In this process, the CS is treated on the spot. It is not excavated or moved, the processing "agent" is applied directly where it is located.

#### a. If "discard" is required for CIWMB jurisdiction

If the CIWMB adopts the interpretation of the definition of "solid waste" from the Rancho Mirage Decision, the CIWMB would not have jurisdiction to regulate these operations because the CS is never "discarded" and is thus not a "solid waste." The generator can never be said to have "thrown away" this material. The material is being treated so that the generator may continue to use it, therefore he or she has never disposed of it. (It should be kept in mind, as noted above, that the material would still be a "waste" regulated by other agencies like the regional board and air districts).

#### b. If "discard" is not required for CIWMB jurisdiction

If the CIWMB decides that the Rancho Mirage Decision is not applicable to the question of CIWMB regulation, then the CIWMB would have jurisdiction over these operations because they treat waste which could have an impact on the public health and safety and the environment. (It should be kept in mind, as noted above, that the CIWMB could still choose not to regulate these operations even though they fit within the CIWMB's overall authority).

**2. Excavation/treatment on-site and returned as fill (or other on-site use)**

In this process, the CS is excavated for treatment, but it is then either returned to its original location or it is used on-site for some other purpose, (such as road construction). [In some circumstances, it may also be excavated, not treated, and used on-site for some other purpose.]

**a. If "discard" is required for CIWMB jurisdiction**

For the same reasons as in A.1.a. above, under this interpretation, the CIWMB would not have jurisdiction to regulate these operations because the CS is never discarded and is thus not a "solid waste." Although the material is excavated, the generator intends to continue to use the material after treatment and can not be said to have thrown it away.

**b. If "discard" is not required for CIWMB jurisdiction**

For the same reasons as in A.1.b. above, under this interpretation, the CIWMB would have jurisdiction over these operations because they treat waste which could have an impact on the public health and safety and the environment. (It should be kept in mind, as noted above, that the CIWMB could still choose not to regulate these operations even though they fit within the CIWMB's overall authority).

**3. Excavation/treatment and/or manufacturing off-site and returned as fill, asphalt, or other on-site use)**

In this process, the CS is excavated and sent for treatment and/or manufacturing off-site, but it is then either returned on-site for replacement in its original location or it is used on-site for some other purpose (such as road construction).

**a. If "discard" is required for CIWMB jurisdiction**

The "discard" analysis is slightly more complicated in this scenario because the material does leave the generator's possession. However, where the generator always intends to get the material back for continued use, the material is still not "discarded" because it has not been thrown away. This analysis would be consistent with the CIWMB's exclusion of agricultural composting when the material is composted off-site but returned for use on-site.

The complication in this scenario relates to ensuring that the generator's intent is not to dispose of the material. Enforcement considerations may require that some minimal regulation of operations which receive this material be adopted in order to ensure that the CS is in fact being returned to its generator, rather than it being directed elsewhere or disposed of.

**b. If "discard" is not required for CIWMB jurisdiction**

For the same reasons as in A.1.b. and A.2.b. above, under this interpretation, the CIWMB would have jurisdiction over these operations because they treat waste which could have an impact on the public health and safety and the environment. (It should be kept in mind, as noted above, that the CIWMB could still choose not to regulate these operations even though they fit within the CIWMB's overall authority).

**B. Off-Site**

In all of the handling methods discussed below, the CS has been discarded by the generator. Therefore, regardless of one's interpretation of the Rancho Mirage Decision, the material is a "solid waste."

**1. Treatment off-site for disposal at landfill**

In this scenario, the CS is "solid waste" which the CIWMB has jurisdiction over because it is "discarded." The generator has no intention of receiving the material back and has disposed of it. The treatment is occurring to lower the levels of contaminants so that the material can be accepted in a Class II or III site. Treatment and transfer of the CS is occurring, so the operation fits within the definition of "transfer/processing station." The material is not "recycled" because it is never returned to the marketplace.

**2. Treatment off-site for landfill cover**

**a. Solid waste ceases to be a waste once it is recycled**

In this scenario, the CS is "solid waste" which the CIWMB has jurisdiction over because it is "discarded." The generator has no intention of receiving the material back and has disposed of it. The treatment is occurring to lower the levels of contaminants so that the material can used in a Class II or III site as daily cover material. Treatment and transfer of the CS is occurring, so the operation fits within the definition of "transfer/processing station."

However, if the CIWMB adopts the interpretation, discussed above, that once a solid waste is recycled, it ceases to be a solid waste, then once the material is used as landfill cover, the CIWMB would no longer have jurisdiction over it as a solid waste. This is consistent with the CIWMB's determination in January that ADC used as ADC is to be considered recycling and is no longer a solid waste. (As a practical matter, the CIWMB continues to regulate this material but not because it is a solid waste, it is regulated because it is used in the landfill operation).

**b. Once a waste, always a waste**

If the CIWMB were to adopt this interpretation, then the CIWMB would still have jurisdiction over the CS as a solid waste even after it was used as ADC.

**3. Treatment off-site for use as clean fill**
**4. Treatment off-site for use as road base**

The analysis for these scenarios is essentially the same as in B.2. above.

**5. Off-site use as part of a manufacturing process (road base, asphalt/cement production)**

In this scenario, the CS is not treated. Instead, it is used as an ingredient added to a manufacturing process. Due to properties of the end product, the CS is no longer in existence as a separate material and is no longer a threat to the environment. The CIWMB's jurisdiction will depend upon the answer to the question discussed above regarding use of solid waste as an ingredient in a manufacturing process.

**a. If manufacturing is not considered processing**

In this scenario, the CS is "solid waste" which the CIWMB has jurisdiction over because it is "discarded." The generator has no intention of receiving the material back and has disposed of it, and the CIWMB has made the determination that once a solid waste is recycled, it ceases to be a solid waste. (If "solid waste" can not be recycled, as discussed above, then the CIWMB will retain some jurisdiction even if manufacturing is not a type of processing). Some aspects of the operation would certainly be within the CIWMB's jurisdiction. The CIWMB would have jurisdiction to regulate the stockpiling of the "solid waste" prior to its incorporation in the manufacturing process. The stockpiling portion of the operation constitutes, in a manner of speaking, a transfer station. It stores the "solid waste" and transfers it from the generator to the manufacturing portion of the operation. (This is similar to the current law applicable to waste tires stockpiled for use in cement kilns).

As discussed above, the CIWMB would not have jurisdiction over the manufacturing process because it would not fit within the definition of "transfer/processing station."

(It should be kept in mind that the CIWMB could still decide not to regulate stockpiles of this type or to do so minimally. The limited question in this agenda item is whether the CIWMB would have the authority to regulate if it wanted to. One issue that has been raised, in this regard, is whether or not some regulation is necessary to ensure that the material is not simply stockpiled forever, thus constituting in reality a disposal site.)

**b. If manufacturing is considered processing**

In this scenario, the CS is "solid waste" which the CIWMB has jurisdiction over because it is "discarded." The generator has no intention of receiving the material back and has disposed of it. As noted in B.5.a. above, the CIWMB would have jurisdiction to regulate the stockpiling of the "solid waste" prior to its incorporation in the manufacturing process.

In addition to this jurisdiction, the CIWMB would have jurisdiction over the manufacturing process if the CIWMB determined that manufacturing which included solid waste as an ingredient fit within the definition of "transfer/processing station."

If this interpretation were adopted, further analysis similar to that in B.2.a. and b. (regarding recycling) would be necessary to determine CIWMB authority over the product of this process.

**C. Storage**

**1. Prior to treatment**
**2. Prior to disposal**
**3. Prior to manufacturing**
**4. Prior to use as road base**

The analysis of these scenarios would be similar to that in B.5. above regarding stockpiling prior to treatment.

**5. Post-treatment**

The analysis of this scenario would be similar to that in B.2. above regarding recycling.

**D. Disposal Sites**

No significant issues have been raised to challenge CIWMB authority to regulate these operations whether onsite or off-site (PRC 40122).

**E. Transfer Stations**

No significant issues have been raised to challenge CIWMB authority to regulate these operations only transfer untreated, discarded CS.

## VI. APPROVALS

| | | | |
|---|---|---|---|
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| | Elliot Block | | |
| Legal Review: | | Date/Time: | |

ATTACHMENTS:

1. Outline of Framework for Analysis of CIWMB Jurisdiction
2. Determinations to be made regarding legal issues relating to CIWMB Jurisdiction
3. Petroleum Contaminated Soil Legal Authority Matrix

1. All generators pay to have soil treated
2. Arvin L.F. Permit - Ven Viro separate permit

# OUTLINE OF FRAMEWORK FOR LEGAL ANALYSIS OF CIWMB JURISDICTION FOR PETROLEUM CONTAMINATED SOIL

1. Is the material being handled a "solid waste?"

   - Does it fit the definition in PRC 40191?

2a. Is the "solid waste" being handled at an operation over which the Board has jurisdiction?

   - Disposal Site/Facility (PRC 40121 and 40122)
   - Transfer or Processing Station (PRC 40200)
   - Other

2b. Is the operation otherwise excluded from Board jurisdiction?

   - PRC 40200(b)

3. After processing, is the material still a "solid waste?"

   - PRC 40180

# DETERMINATIONS TO BE MADE REGARDING LEGAL ISSUES RELATING TO CIWMB JURISDICTION ON PETROLEUM CONTAMINATED SOIL*

1. Must a material be "discarded" in order to be a "solid waste?"

   **YES:** -Rancho Mirage Decision requires it

   - PRC 40191 uses the term "discarded"

   **NO:** -Rancho Mirage Decision is not controlling for issues Public Health and Safety/Environmental Regulation

   -PRC 40191 use of the term "discarded" is not meant to limit the scope of regulation

2. Should the use of "solid waste" as an ingredient in a manufacturing process be considered "processing?"

   **YES:** -"Solid waste" is being "converted"

   **NO:** -The purpose of manufacturing is not to treat or convert "solid waste"

3. Once something is a "solid waste," does it remain a solid waste forever?

   **YES:** -PRC 40180 provides that something can only be recycled before becoming a "solid waste"

   **NO:** -PRC 40172 provides that "solid waste" can be recycled

   -Consistency with ADC Decision

*Not all determinations are required for each handling method.

# PETROLEUM CONTAMINATED SOIL
# LEGAL AUTHORITY MATRIX

| HANDLING METHOD | APPLICATION OF LEGAL ANALYSIS | | | | | |
|---|---|---|---|---|---|---|
| | If "Discard" required for CIWMB jurisdiction | If "Discard" not required | If ceases to be waste once recycled | If always a waste | If manufacturing is not considered processing and ceases to be waste once recycled | If manufacturing is considered processing |
| **On Site Treatment/Use** | | | | | | |
| 1. In-Situ Treatment | no authority | yes authority | no authority once recycled | yes authority | NA | NA |
| 2. Excavation/treatment on site for use as fill or road base, or no treatment for use as road base or asphalt. | no authority | yes authority | no authority once recycled | yes authority | no authority over manufacturing | no authority over manufacturing |
| 3. Excavation/treatment or manufacturing off-site & returned for use as fill, road base, or asphalt | no authority | yes authority | no authority once recycled | yes authority | no authority over manufacturing | yes authority over manufacturing |
| **Off Site Treatment/Use** | | | | | | |
| 1. Treatment off-site for disposal | NA | NA | NA | NA | NA | NA |
| 2. Treatment off-site for landfill cover | NA | NA | no authority as a solid waste once recycled | yes authority | NA | NA |
| 3. Treatment off-site for use as clean fill off-site | NA | NA | no authority once recycled | yes authority | NA | NA |
| 4. Treatment off-site for use as road base off-site | NA | NA | no authority once recycled | yes authority | NA | NA |
| 5. Off-site use as part of manufacturing process (road base, asphalt) | NA | NA | no authority once recycled | yes authority | no authority over manufacturing | yes authority over manufacturing |
| **Storage (offsite)** | | | | | | |
| 1. Prior to treatment (not going back to generator) | NA | NA | NA | NA | NA | NA |
| 2. Prior to disposal | NA | NA | NA | NA | NA | NA |
| 3. Prior to manufacturing (road base, asphalt) (not going back to generator) | NA | NA | no authority once recycled | yes authority | yes authority | yes authority |
| 4. Prior to use as road base (not going back to generator) | NA | NA | no authority once recycled | yes authority | NA | NA |
| 5. Post treatment (not manufacturing) (not going back to generator) | NA | NA | no authority once recycled | yes authority | NA | NA |
| **Disposal Sites (onsite/offsite)** | NA | NA | NA | NA | NA | NA |
| **Transfer Stations (offsite)** | NA | NA | NA | NA | NA | NA |

PRC 40180
def-of recycling

is Manufacturing
PRC40172 (processing)
conversion of ?
solid waste ?

34/57 done
July-Sept remaining juris-dictions to be completed.

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

Permitting and Enforcement Committee Meeting
May 17, 1995

**AGENDA ITEM 10**

**ITEM:** Quarterly Update on the Status of Local Enforcement Agency Evaluations

## I. SUMMARY

This item is presented as an informational and discussion item. Committee and Board Members will be updated on the implementation status of LEA Evaluations for the 1994/95 fiscal year third quarter ending March 31, 1995. Additionally, the LEA Evaluation Procedure Flowchart was revised for clarity and is provided for Committee or Board comments.

## II. PREVIOUS COMMITTEE/BOARD ACTION

On January 18, 1995, staff presented the Permitting and Enforcement Committee an LEA evaluations update through the quarter ending December 31, 1994. No redirection was given to staff and the process continues to be implemented as discussed before the Committee and Board.

## III. OPTIONS FOR COMMITTEE/BOARD

The following options are identified for the Committee or Board to consider as they discuss the LEA Evaluation Quarterly Update:

1/4 A. Continue to implement the procedure as it currently exists with the amended flowchart including aggressive monitoring of the Corrective Workplans, identified within the quarterly Committee and Board update

**OR,**

B. Direct staff to incorporate any specific redirection the Committee and Board find appropriate and return to the Committee and Board with an agenda item for consideration.

## IV. STAFF RECOMMENDATION

Staff propose to continue the LEA Evaluation Procedure as it currently exists with the amended flowchart. The next quarterly update will reflect LEA evaluations through June 1995. Staff anticipate the item to be presented before the Committee in July/August 1995.

## V. ANALYSIS

There are fifty seven LEA jurisdictions within the state. Thirty five LEAs have been scheduled, are at various steps in the evaluation process, or have been completed with final evaluation results. Twenty two LEAs remain to be scheduled for evaluation.

Of the thirty five LEAs mentioned above.

- Nineteen LEAs have had complete evaluations and final evaluation results.
- Nine LEAs are in draft result stages.
- Seven LEA evaluations are scheduled to be initiated in May and June.

Of the nineteen LEAs which have had complete evaluations and final evaluation results:

- Six were found to be fulfilling their responsibilities.
- Eleven are under corrective workplans.
- Two (West Covina and Colusa) resulted in specific Board actions.

The Quarterly Update attachment is provided for specific LEA evaluation details. Staff are prepared to discuss the evaluation process status, the updated flowchart, or the procedure in more depth if the Committee or Board members have additional concerns or questions.

## VI. ATTACHMENTS

- Quarterly Update - Local Enforcement Agency Evaluations (third quarter, FY 94/95)
- LEA Evaluation Flowchart

## VII. APPROVALS

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Reviewed by: Mary T. Coyle/H. Thomas Unsell Phone 255-2926

Approved by: Doug Okumura Phone 255-2431

35 Scheduled — 19 complete — 6 fulfilling responsibilities, 11 corrective workplans, 2 Bd action
9 Draft
7 Scheduled in May/

22 - To be scheduled

Quarterly Update - FY 94/95, 3rd Quarter **California Integrated Waste Management Board** Attachment

## Local Enforcement Agency Evaluations

4/28/95

| Jurisdiction | (1) Evaluation Begins with LEA Interview | (2) Evaluation Final Mailed Certified | (3) Issues Requiring a Corrective Workplan (CWP) for LEA Not Fulfilling Their Responsibilities | (4) Workplan Submitted On Time | (5) Administrative Conference Required/held *** | (6) 3 Month Monitoring | (7) 6 Month Monitoring | (8) 9 Month Monitoring | Comments |
|---|---|---|---|---|---|---|---|---|---|
| Sacramento | 3/15/94 | 7/21/94 | a,b,c,d,e,g | YES | NO | CWP- non compliance | | | Plan Accepted 10/17/94, Administrative Conference being scheduled |
| Mendocino | Sep-93 | 7/15/94 | b,c,d,e | YES | NO | CWP- Timeline not met (late compliance) | | | Plan Accepted 10/24/94, Admonishment letter being prepared |
| San Francisco | 4/13/94 | 7/21/94 | b,d | NO | NO | OK | | | (4) LEA admonished in writing to comply with ALL due dates and CWP dates; Admin. Conf will be held immediately if not. Plan Accepted 1/3/95 |
| Imperial | 3/8/94 | 7/19/94 | a,b,c,d,e,g | YES | 10/5/94 | CWP- non compliance (beyond LEA control at this time) | | | Plan Accepted 11/2/94, Direction letter being prepared |
| San Bernardino | 3/19/94 | 8/31/94 | b,c,d,e | YES | 11/17/94 | | | | Amended Plan Rec'd 2/24/95, accepted 3/21/95 |
| Ventura | 9/12/94 | 1/23/95 | | | | | | | Fulfilling All Respnsibilities |
| City of West Covina | 9/13/94 | 2/2/95 | | | 2/10/95 | | | | Board assumption of CEQA 4/95. |
| Santa Clara | 8/25/94 | 1/30/95 | | | | | | | Fulfilling All Responsibilities |
| Colusa | 10/5/94 | N/A | g, No Staff/Program | | | | | | LEA now in compliance, Board designation approval agenda scheduled for 5/95 |
| Butte | 10/13/94 | 1/9/95 | b,c,d,e | YES | NO | | | | Amended CWP received 4/24/95 |
| | | | | | | | | | |
| Alameda County | 11/22/94 | 3/17/95 | a,b,c,d,e,g | YES | | | | | CWP under review |
| Madera County | 11/29/94 | 2/10/95 | | | 2/10/95 | | | | LEA Decertification lifted when CWP was approved 3/29/95 |
| Tulare County | 11/8/94 | 4/28/95 | b,c,d | | NO | | | | |
| Siskiyou County | 11/15/94 | 5/1/95 | | | | | | | Fulfilling All Responsibilities |
| Tuolumne County | 11/30/94 | 2/10/95 | | | | | | | Fulfilling All Responsibilities |

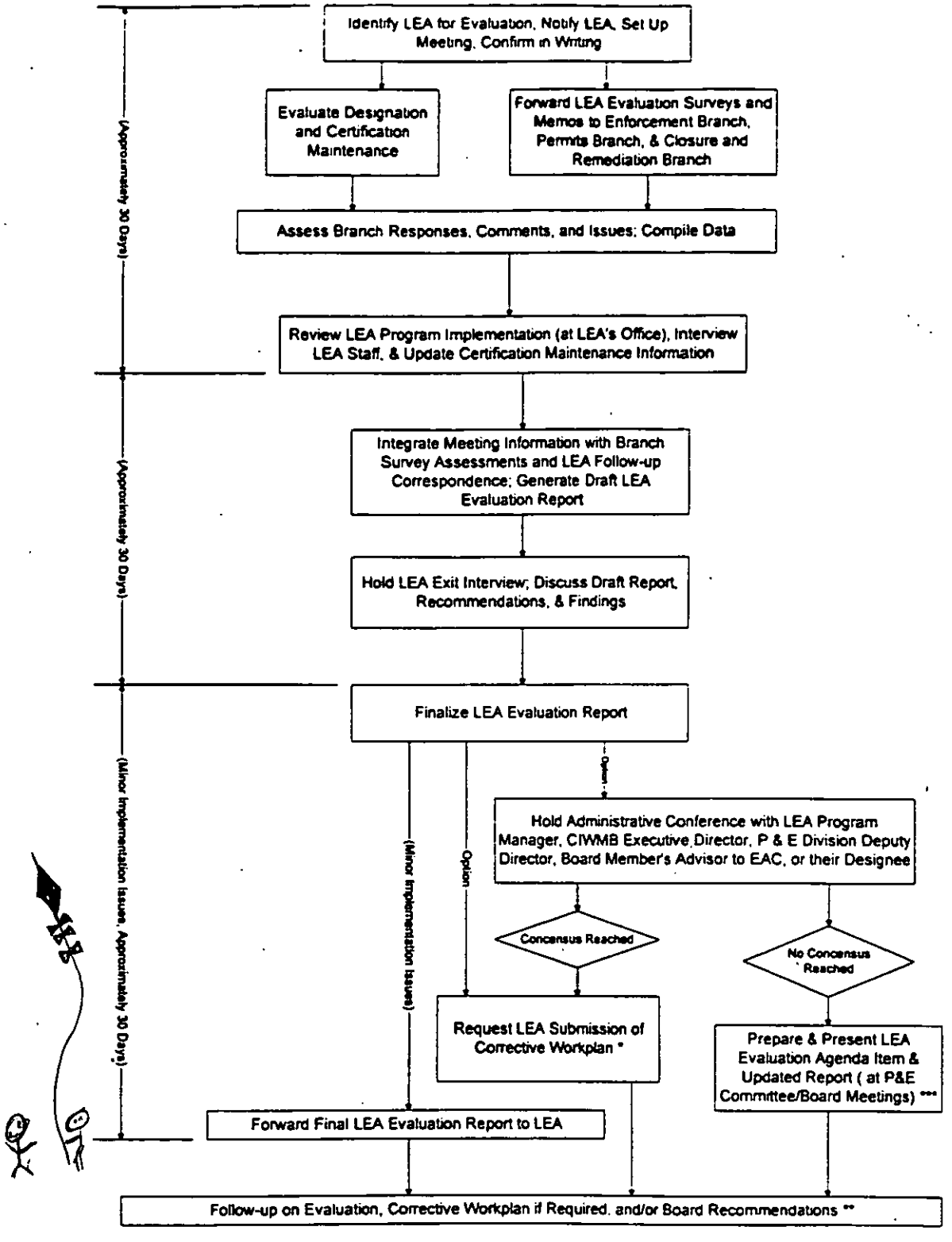
(a) EPP Requirements
(b) Permitting Issues
(c) Inspection Issues
(d) Enforcement Issues
(e) Closure Remediation Issues
(f) Designation Maintenance
(g) Certification Maintenance

| Jurisdiction | (1) Evaluation Begins with LEA Interview | (2) Evaluation Final Mailed Certified | (3) Issues Requiring a Corrective Workplan (CWP) For LEA Not Fulfilling Their Responsibilities | (4) Workplan Submitted On Time | (5) Administrative Conference Required/held *** | (6) 3 Month Monitoring Satisfactory | (7) 6 Month Monitoring Satisfactory | (8) 9 Month Monitoring Satisfactory | Comments |
|---|---|---|---|---|---|---|---|---|---|
| Contra Costa County | 12/21/94 | 3/17/95 | a,b,c,d,e,g | YES | | | | | CWP under review |
| City of San Jose | 12/14/94 | | | | | | | | Exit done, Final underway |
| Calaveras County | 12/24/94 | 3/17/95 | a,b,c,f,g | YES | | | | | CWP under review |
| Santa Barbara County | 12/20/94 | 4/19/95 | | | | | | | Fulfilling All Responsibilities |
| | | | | | | | | | |
| Kern County | 1/25/95 | | | | | | | | Draft underway |
| City of Long Beach | 1/24/95 | 5/1/95 | | | | | | | Fulfilling All Responsibilities |
| Lake County | 2/9/95 | | | | | | | | Draft underway |
| Mono/Alpine Counties | 1/26/95 | | | | | | | | Draft underway |
| Inyo County | 1/19/95 | | | | | | | | Draft mailed |
| | | | | | | | | | |
| El Dorado County | 3/31/95 | | | | | | | | Draft underway |
| | | | | | | | | | |
| Tehama County | 4/4/95 | | | | | | | | Draft underway |
| Orange County | 4/19/95 | | | | | | | | Draft underway |
| Merced County | 4/4/95 | | | | | | | | Draft underway |
| | | | | | | | | | |
| San Joaquin County | 5/2/95 | | | | | | | | |
| San Mateo County | 5/4/95 | | | | | | | | |
| San Luis Obispo County | 5/23/95 | | | | | | | | |
| | | | | | | | | | |
| Humboldt County | 6/20/95 | | | | | | | | |
| Del Norte County | 6/21/95 | | | | | | | | |
| City of Pittsburg | 6/1/95 | | | | | | | | |
| Monterey County | 6/14/95 | | | | | | | | |

(a) EPP Requirements
(b) Permitting Issues
(c) Inspection Issues
(d) Enforcement Issues
(e) Closure Remediation Issues
(f) Designation Maintenance
(g) C[illegible]fication Maintenance

Attachment

# LEA EVALUATION FLOWCHART




* If no Workplan is submitted within 30 days of receipt of final report, LEA Section staff will initiate De-Certification.

** Evaluation follow-up activities will include monitoring of workplan progress at 3, 6, and 9 month intervals. Workplan implementation issues not being met will result in an Administrative Conference or initiation of De-Certification with an agenda item for the P&E Committee/ Board.

*** Agenda item may include recomendations for:
- preparation of a Corrective Workplan
- Withdrawal of Designation approval
- Partial De-Certification
- Full De-certification
- Any other option the Board deems appropriate

April 28, 1995

STATE OF CALIFORNIA

Pete Wilson, Governor

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, California 95826

*Wesley Chesbro, Vice Chairman*
*Sam Egigian, Board Member*
*Robert C. Frazee, Board Member*
*Janet Gotch, Board Member*
*Paul Relis, Board Member*

**Meeting of the**

# CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

## REGULAR MONTHLY BUSINESS MEETING

**Tuesday, May 23, 1995**
**9:00 a.m.**

**City Council Chambers**
**City Hall**
**1000 Webster Street**
**Fairfield, CA 94533**

**AGENDA**

*Note:*
- *Agenda items may be taken out of order.*
- *Persons interested in addressing the Board must fill out a speaker request form and present it to the Board's Administrative Assistant on the date of the meeting.*
- *If written comments are submitted, please provide 20 two-sided copies.*

**Important Notice: The Board intends that Committee Meetings will constitute the time and place where the major discussion and deliberation of a listed matter will be initiated. After consideration by the Committee, matters requiring Board action will be placed on an upcoming Board Meeting Agenda. Discussion of matters on Board Meeting Agendas may be limited if the matters are placed on the Board's Consent Agenda by the Committee. Persons interested in commenting on an item being considered by a Board Committee or the full Board are advised to make comments at the Committee meeting where the matter is first considered.**

**To comply with legal requirements, this Notice and Agenda may be published and mailed prior to a Committee Meeting where determinations are made regarding which items go to the Board for action. Some of the items listed below, therefore, may, upon recommendation of a Committee, be pulled from consideration by the full Board. To verify if an item will be heard, please call Patti Bertram at (916) 255-2156.**

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1. REPORTS OF THE BOARD'S COMMITTEES

2. REPORT FROM THE EXECUTIVE DIRECTOR

3. PRESENTATIONS BY LOCAL OFFICIALS

4. CONSIDERATION OF CONSENT AGENDA ITEMS

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5. CONSIDERATION OF ALTERNATIVES AVAILABLE TO THE BOARD CONCERNING THE PROJECTED FUND CONDITION FOR THE CALIFORNIA TIRE RECYCLING MANAGEMENT FUND IN THE BUDGET YEAR 1995-96 FISCAL YEAR (ADMINISTRATION COMMITTEE) 1

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10. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF DUBLIN, ALAMEDA COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

11. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF EMERYVILLE, ALAMEDA COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

12. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF NEWARK, ALAMEDA COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

13. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF PIEDMONT, ALAMEDA COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

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pulled 88. UPDATE REGARDING THE DEVELOPMENT OF A RIGID PLASTIC PACKAGING CONTAINER (RPPC) RECYCLING RATE METHODOLOGY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

89. STATUS REPORT ON PUC PROPOSAL TO DEREGULATE THE ELECTRIC UTILITIES AND ITS IMPACT ON THE BIOMASS INDUSTRY (POLICY, RESEARCH AND TECHNICAL ADVISORY COMMITTEE)
(Oral presentation)

OTHER

90. OPEN DISCUSSION

91. ADJOURNMENT

**Notice:** The Board may hold a closed session to discuss the appointment or employment of public employees and litigation under authority of Government Code Sections 11126 (a) and (q), respectively.

For further information contact:

INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, CA 95826

Patti Bertram
(916) 255-2156

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34. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF RIVERSIDE, RIVERSIDE COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

35. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF CALIMESA, RIVERSIDE COUNTY(LOCAL ASSISTANCE AND PLANNING COMMITTEE)

36. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE UNINCORPORATED AREA OF RIVERSIDE COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

37. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF GALT, SACRAMENTO COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

38. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF LATHROP, SAN JOAQUIN COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

39. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF RIPON, SAN JOAQUIN COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

40. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE CITY OF STOCKTON, SAN JOAQUIN COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

41. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF TRACY, SAN JOAQUIN COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

42. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE UNINCORPORATED AREA OF SAN JOAQUIN COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

43. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF CUPERTINO, SANTA CLARA COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

44. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF GILROY, SANTA CLARA COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

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46. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE MULTI-JURISDICTIONAL SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE CITIES OF ANDERSON AND REDDING, AND FOR THE UNINCORPORATED AREA OF SHASTA COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

47. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF BENECIA, SOLANO COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

48. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF DIXON, SOLANO COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

49. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF SUISUN CITY, SOLANO COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

50. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF VACAVILLE, SOLANO COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

51. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE UNINCORPORATED AREA OF SOLANO COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

52. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF CERES, STANISLAUS COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

53. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF HUGHSON, STANISLAUS COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

54. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF MODESTO, STANISLAUS COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

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15. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF CHICO, BUTTE COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

16. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE OROVILLE, BUTTE COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

17. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE TOWN OF PARADISE, BUTTE COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

18. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE UNINCORPORATED AREA OF BUTTE COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

19. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF ANGELS CAMP AND THE UNINCORPORATED AREA, CALAVERAS COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

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21. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE CITY OF LOS ANGELES, LOS ANGELES COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

22. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF ANAHEIM, ORANGE COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

23. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF BUENA PARK, ORANGE COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

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26. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF LAGUNA NIGUEL, ORANGE COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

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28. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF SEAL BEACH, ORANGE COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

29. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF WESTMINSTER, ORANGE COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

30. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE CITY OF AUBURN, PLACER COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

31. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF BANNING, RIVERSIDE COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

32. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF BLYTHE, RIVERSIDE COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

33. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS MULTI-JURISDICTIONAL FINAL SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITIES OF CATHEDRAL CITY, INDIAN WELLS, LA QUINTA, PALM DESERT, PALM SPRINGS, AND RANCHO MIRAGE, RIVERSIDE COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

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55. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF NEWMAN, STANISLAUS COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

56. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF OAKDALE, STANISLAUS COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

57. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF PATTERSON, STANISLAUS COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

58. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF RIVERBANK, STANISLAUS COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

59. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF TURLOCK, STANISLAUS COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

60. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF WATERFORD, STANISLAUS COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

61. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT, HOUSEHOLD HAZARDOUS WASTE ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE UNINCORPORATED AREA OF STANISLAUS COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

62. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF EXETER, TULARE COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

63. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF FARMERSVILLE, TULARE COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

64. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF LINDSAY, TULARE COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

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65. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF PORTERVILLE, TULARE COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

66. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT AND NONDISPOSAL FACILITY ELEMENT FOR THE CITY OF VISALIA, TULARE COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

67. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE ADEQUACY OF THE SOURCE REDUCTION AND RECYCLING ELEMENT FOR THE CITY OF WOODLAKE, TULARE COUNTY (LOCAL ASSISTANCE AND PLANNING COMMITTEE)

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71. CONSIDERATION OF STAFF RECOMMENDATIONS ON THE WORK PRODUCTS PREPARED BY ENVIRONMENTAL SCIENCE ASSOCIATES IN FULFILLMENT OF THE INTEGRATED WASTE MANAGEMENT PLANNING STUDY CONTRACT -- LANDFILL CAPACITY STUDY: (POLICY, RESEARCH AND TECHNICAL ASSISTANCE COMMITTEE) 6

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CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, California 95826

esley Chesbro, Vice Chairman
Sam Egigian, Board Member
Robert C. Frazee, Board Member
Janet Gotch, Board Member
Paul Relis, Board Member

# ADDENDUM

**Meeting of the**

## CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

### REGULAR MONTHLY BUSINESS MEETING

**Tuesday, May 23, 1995**
**9:00 a.m.**

**City Council Chambers**
**City Hall**
**1000 Webster Street**
**Fairfield, CA 94533**

THE FOLLOWING ITEM HAS BEEN ADDED TO THE AGENDA AS ADDENDUM ITEM #1:

1. CONSIDERATION OF CONCURRENCE IN THE ISSUANCE OF A NEW SOLID WASTE FACILITIES PERMIT FOR THE MISSION ROAD RECYCLING AND TRANSFER STATION, LOS ANGELES COUNTY

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For further information contact:
INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, CA 95826

Patti Bertram
(916) 255-2156

**LOCAL PLANNING DOCUMENTS:**

IN CONSIDERATION OF THE IN-HOUSE WASTE PREVENTION POLICY, THE MAY 15, 1995 LOCAL ASSISTANCE AND PLANNING COMMITTEE AGENDA ITEMS 6 THROUGH 65 ARE NOT INCLUDED IN THIS BOARD PACKET.

PLEASE SAVE THE LOCAL ASSISTANCE AND PLANNING COMMITTEE PACKET COPIES OF THESE AGENDA ITEMS. THE LOCAL ASSISTANCE AND PLANNING COMMITTEE AGENDA ITEMS SHOULD THEN BE RENUMBERED TO BECOME AGENDA ITEMS 9 THROUGH 67 IN THE BOARD PACKET FOR THE MAY 23, 1995 MEETING.

IF YOU ARE NOT ON THE LOCAL ASSISTANCE AND PLANNING COMMITTEE PACKET MAILING LIST, YOU MAY CONTACT PATTI BERTRAM AT (916) 255-2156 TO OBTAIN A COPY OF THESE AGENDA ITEMS.

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

BOARD MEETING
May 23, 1995

AGENDA ITEM #5

**ITEM:** CONSIDERATION OF ALTERNATIVES AVAILABLE TO THE BOARD CONCERNING THE PROJECTED FUND BALANCE DEFICIT FOR THE CALIFORNIA TIRE RECYCLING MANAGEMENT FUND IN THE BUDGET YEAR 1995-96

## I. SUMMARY

The California Integrated Waste Management Board is charged with implementing the California Tire Recycling Act, established through legislation in Chapter 974, Statutes of 1989. The Act was established by the Legislature to mandate responses and corrective action to the growing problem of used tire disposal. As provided in the Second Quarter Budget Status Report of the Board, the Board of Equalization (BOE) experienced fiscal reporting problems in the recording of Tire revenues for several quarters. These recording errors contributed to overprojections of revenues in the Tire fund. Therefore, actual revenues are now expected to be significantly lower than the amount displayed in the 1995-96 Governor's Budget. This situation coupled with a mandated EPA joint funding project, establishes a projected fund balance of $9,085 for the current year and a $483,915 deficit at the end of the Budget Year, 1995-96. The Budget Year deficit projection requires an approximate savings of $500,000 to ensure a positive fund balance at Budget Year end.

## II. PREVIOUS BOARD ACTION

The item is Agenda Item #1 at the May 16 Administration Committee meeting.

## III. OPTIONS FOR THE BOARD

The Board members may decide to:

1. Utilize the encumbered loan dollars ($850,000) and the projected Budget Year grant dollars ($1,000,000) to balance the projected deficit by funding $600,000 in tire loans and disencumbering the remaining $250,000 and reducing Budget Year grant expenditures by $250,000.

2. Utilize the loan dollars encumbered ($850,000 in FY 1993-94) to balance the entire projected deficit by funding tire loans with $350,000 and disencumbering the balance of $500,000.

3. Utilize the loan dollars ($850,000) for loans. Reduce grants in the Budget year by $500,000 to balance the projected deficit.

* Attached charts display the Tire Fund Condition and the Recycling Market Development Loan Account balances using each Options assumptions.

**IV. STAFF RECOMMENDATIONS**

Staff recommends Option 1 be approved. The resulting impact from the reductions would be placed evenly on both the Tire loan and grant programs.

**V. ANALYSIS**

The Tire Recycling Act includes language imposing restrictions on the types of expenditures which can be made with the revenues collected. Administration cost of the fund are limited to a maximum of five percent of the total revenue deposited in the fund annually. Additionally, costs associated with collecting and auditing the revenues cannot exceed three percent of the total revenue deposited in the fund annually.

Several factors have severely impacted the Tire fund balance. The fund has experienced several sweeps of dollars by the legislature including Pooled Money Investment Fund interest for the 1992-93 and 1993-94 fiscal years totalling $696,000, pursuant to section 13.50 of the 1992 and 1993 Budget Acts. Also in fiscal year 1993-94, $2,223,000 was swept from the fund balance pursuant to Section 13.80 of the 1994 Budget Act. Compounding the situation, revenue projections were overstated versus the amounts displayed in the Governor's Budget due to the accounting errors present at BOE. As provided in the 2nd Quarter Budget Report, BOE experienced fiscal accounting problems due to the reporting forms used and the collection of the Tire fee at the retailer level. Incorrect totals were posted for several months and unknowingly used for Board prepared Tire revenue projections, upon which the budgeted expenditures are established. Upon review and inclusion of the corrected figures, lower actual revenues are expected creating a budget shortfall of $92,000 in the current fiscal year and $585,000 in the Budget Year.

A review of documents set to revert back into the Tire fund on June 30, 1995, revealed four grants, from Fiscal Year 1992-93, totalling $101,085, which will not be expended. These grants were awarded but, for one reason or another, the grantees were unable to perform the work. After verifying the nonexpenditure of these four grants with program staff, the funds have been disencumbered and are displayed on the Fund Condition Reports as a prior year adjustment in 1994/95. An additional amount, anticipated to exceed $100,000, is expected in other reverting grants and contracts from the 1992-93 fiscal year.

The savings received through the disencumbrance of the four nonexecuted grants eliminates the previous current year projected shortfall of $92,000 and results in a balance for the 1994-95 fiscal year of $9,085. This current year adjusted balance projects a Budget year adjusted deficit of $483,915, since there is now a positive carryover amount. Any additional savings as a result of reverting 1992-93 documents would increase the fund balance in the budget year, providing additional dollars for additional grants, contracts, etc.. The exact amount of reverted funds will not be know until the first quarter of the 1995-96 fiscal year.

**VI. APPROVALS**

| | | | |
|---|---|---|---|
| Prepared by: | Rick Beard RB 5/15/95 | | Phone 255-2290 |
| Reviewed by: | Bonnie MacDuffee BLM 5/15/95 | | Phone 255-2710 |
| Reviewed by: | Marie LaVergne MBL 5/15/95 | | Phone 255-2269 |
| Reviewed by: | Dan Gorfain | | Phone 255-2320 |
| Legal Review: | _____ | Date/Time | _____ |

# TIRE RECYCLING MANAGEMENT FUND
## FUND CONDITION REPORT - OPTION 1
### 3rd Quarter Revenue/Expenditure Projections

| | FY 1993/94 | | FY 1994/95 | | FY 1995/96 | |
|---|---|---|---|---|---|---|
| **Prior Year Balance Forward** | | $ 2,120,000 | | $0 | | $9,085 |
| **Prior Year Adjustments** | | $ 67,000 | | $101,085 | | $250,000 |
| **Revenues and Transfers:** | | | | | | |
| Revenues | $ 3,392,000 | | $ 3,555,000 | | $ 3,627,000 | |
| Surplus Money Investment Fund | $ 321,000 | | $ 375,000 | | $ 280,000 | |
| Points and Loan Fees | $0 | | $ 15,000 | | $ 15,000 | |
| Interest from Loans | $ 2,000 | | $ 35,000 | | $ 61,000 | |
| Transfers to Other Funds: | | | | | | |
| Gen Fund - Sec. 13.50 (interest) | $ (321,000) | | $0 | | $0 | |
| Gen Fund - 13.80 (fund balance) | $ (2,223,000) | | $0 | | $0 | |
| Total Revenues and Transfers | | $ 1,171,000 | | $3,980,000 | | $3,983,000 |
| **Total Resources** | | **$ 3,358,000** | | **$ 4,081,085** | | **$ 4,242,085** |
| **Expenditures** | | | | | | |
| Disbursements: | | | | | | |
| CIWMB-State Operations | $ 2,364,000 | | $3,082,000 | | $3,536,000 | |
| CIWMB-Local Assistance | $ 1,000,000 | | $1,000,000 | | $750,000 * | |
| Loan Repayments - Principle | $ (6,000) | | ($10,000) | | ($60,000) | |
| **Total Disbursements** | | **$ 3,358,000** | | **$4,072,000** | | **$4,226,000** |
| **FUND BALANCE** | | **$0** | | **$9,085** | | **$16,085** |

* Fund $600,000 in Loans/Disencumber $250,000 from DEO contract 7/1/95
Reduce Grant expenditures by $250,000

2-May-95

OPTION 1

Allocations and Expenditures
Recycling Market Development Zone Loan Program
as of March 31, 1995
RMDZ Funds

| **Allocations** | **IWMA** | **TIRE** | **TOTAL** |
|---|---|---|---|
| IWMA | | | |
| 1991/92 | $ 5,000,000 | | $ 5,000,000 |
| 1992/93 | $ 5,000,000 | $ 500,000 | $ 5,500,000 |
| 1993/94 | $ 5,000,000 | $600,000 | $ 5,600,000 |
| 1994/95 | $ 5,000,000 | | $ 5,000,000 |
| Accumulated IWMA | $ 20,000,000 | $ 1,100,000 | $ 21,100,000 |
| Points from loans | $ 125,275 | | $ 125,275 |
| Fees from loans | $ 38,486 | $ 474 | $ 38,960 |
| Principle repayments | $ 354,115 | $ 14,939 | $ 369,054 |
| Interest payment | $ 236,911 | $ 8,785 | $ 245,696 |
| Otrher legis transfers and SMIF interest | $ 139,770 | | $ 139,770 |
| AB 1220 transfer | $ 660,000 | | $ 660,000 |
| Total Allocations | $ 21,554,557 | $ 1,124,198 | $ 22,678,755 |
| **Encumbrances** | | | |
| Loans | | | |
| RMDZ Loans Funded | $ 6,563,370 | $ 500,000 | $ 7,063,370 |
| Fiscal 94/95 Projected Fundings | $ 4,992,500 | | $ 4,992,500 |
| Fiscal 95/96 Projected Fundings | $ 896,873 | | $ 896,873 |
| Fundings per March Bd Mtg ** | $ 4,192,000 | $600,000 | $ 4,792,000 |
| | $ 16,644,743 | $ 1,100,000 | $ 17,744,743 |
| Miscellaneous | $ 1,515,000 | | $ 1,515,000 |
| Total Encumbrances | $ 18,159,743 | $ 1,100,000 | $ 19,259,743 |
| **Balance Remaining for Loans** | $ 3,394,814 | $ 24,198 | $ 3,419,012 |

** Assumes that $600,000 of Tire Fund dollars are used for current proposed loans.
Remaining $250,000 disencumbered from DEO contract 7/1/95.

2-May-95

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# TIRE RECYCLING MANAGEMENT FUND
## FUND CONDITION REPORT - OPTION 2
### 3rd Quarter Revenue/Expenditure Projections

| | FY 1993/94 | | FY 1994/95 | | FY 1995/96 | |
|---|---|---|---|---|---|---|
| **Prior Year Balance Forward** | | $ 2,120,000 | | $0 | | $9,085 |
| **Prior Year Adjustments** | | $ 67,000 | | $101,085 | | $500,000 |
| **Revenues and Transfers:** | | | | | | |
| Revenues | $ 3,392,000 | | $ 3,555,000 | | $ 3,627,000 | |
| Surplus Money Investment Fund | $ 321,000 | | $ 375,000 | | $ 280,000 | |
| Points and Loan Fees | $0 | | $ 15,000 | | $ 15,000 | |
| Interest from Loans | $ 2,000 | | $ 35,000 | | $ 61,000 | |
| Transfers to Other Funds: | | | | | | |
| Gen Fund - Sec. 13.50 (interest) | $ (321,000) | | $0 | | $0 | |
| Gen Fund - 13.80 (fund balance) | $ (2,223,000) | | $0 | | $0 | |
| Total Revenues and Transfers | | $ 1,171,000 | | $3,980,000 | | $3,983,000 |
| **Total Resources** | | **$ 3,358,000** | | **$ 4,081,085** | | **$ 4,492,085** |
| **Expenditures** | | | | | | |
| Disbursements: | | | | | | |
| CIWMB-State Operations | $ 2,364,000 | | $3,082,000 | | $3,536,000 | |
| CIWMB-Local Assistance | $ 1,000,000 | | $1,000,000 | | $1,000,000 | |
| Loan Repayments - Principle | $ (6,000) | | ($10,000) | | ($60,000) | |
| **Total Disbursements** | | **$ 3,358,000** | | **$4,072,000** | | **$4,476,000** |
| **FUND BALANCE** | | **$0** | | **$9,085** | | **$16,085** |

* Fund $350,000 in Loans/Disencumber $500,000 from DEO contract 7/1/95
No reduction in Grant expenditures

2-May-95

OPTION 2

Allocations and Expenditures
Recycling Market Development Zone Loan Program
as of March 31, 1995
RMDZ Funds

| **Allocations** | **IWMA** | **TIRE** | **TOTAL** |
|---|---|---|---|
| IWMA | | | |
| 1991/92 | $ 5,000,000 | | $ 5,000,000 |
| 1992/93 | $ 5,000,000 | $ 500,000 | $ 5,500,000 |
| 1993/94 | $ 5,000,000 | $350,000 | $ 5,350,000 |
| 1994/95 | $ 5,000,000 | | $ 5,000,000 |
| Accumulated IWMA | $ 20,000,000 | $ 850,000 | $ 20,850,000 |
| Points from loans | $ 125,275 | | $ 125,275 |
| Fees from loans | $ 38,486 | $ 474 | $ 38,960 |
| Principle repayments | $ 354,115 | $ 14,939 | $ 369,054 |
| Interest payment | $ 236,911 | $ 8,785 | $ 245,696 |
| Otrher legis transfers and SMIF interest | $ 139,770 | | $ 139,770 |
| AB 1220 transfer | $ 660,000 | | $ 660,000 |
| Total Allocations | $ 21,554,557 | $ 874,198 | $ 22,428,755 |
| **Encumbrances** | | | |
| Loans | | | |
| RMDZ Loans Funded | $ 6,563,370 | $ 500,000 | $ 7,063,370 |
| Fiscal 94/95 Projected Fundings | $ 4,992,500 | | $ 4,992,500 |
| Fiscal 95/96 Projected Fundings | $ 896,873 | | $ 896,873 |
| Fundings per March Bd Mtg ** | $ 4,442,000 | $350,000 | $ 4,792,000 |
| | $ 16,894,743 | $ 850,000 | $ 17,744,743 |
| Miscellaneous | $ 1,515,000 | | $ 1,515,000 |
| Total Encumbrances | $ 18,409,743 | $ 850,000 | $ 19,259,743 |
| **Balance Remaining for Loans** | $ 3,144,814 | $ 24,198 | $ 3,169,012 |

** Assumes that $350,000 of Tire Fund dollars are used for current proposed loans.
Remaining $500,000 disencumbered from DEO contract 7/1/95.

2-May-95

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# TIRE RECYCLING MANAGEMENT FUND
## FUND CONDITION REPORT - OPTION 3
### 3rd Quarter Revenue/Expenditure Projections

| | FY 1993/94 | | FY 1994/95 | | FY 1995/96 | |
|---|---|---|---|---|---|---|
| **Prior Year Balance Forward** | | $ 2,120,000 | | $0 | | $9,085 |
| **Prior Year Adjustments** | | $ 67,000 | | $101,085 | | $0 |
| **Revenues and Transfers:** | | | | | | |
| Revenues | $ 3,392,000 | | $ 3,555,000 | | $ 3,627,000 | |
| Surplus Money Investment Fund | $ 321,000 | | $ 375,000 | | $ 280,000 | |
| Points and Loan Fees | $0 | | $ 15,000 | | $ 15,000 | |
| Interest from Loans | $ 2,000 | | $ 35,000 | | $ 61,000 | |
| Transfers to Other Funds: | | | | | | |
| Gen Fund - Sec. 13.50 (interest) | $ (321,000) | | $0 | | $0 | |
| Gen Fund - 13.80 (fund balance) | $ (2,223,000) | | $0 | | $0 | |
| Total Revenues and Transfers | | $ 1,171,000 | | $3,980,000 | | $3,983,000 |
| **Total Resources** | | **$ 3,358,000** | | **$ 4,081,085** | | **$ 3,992,085** |
| **Expenditures** | | | | | | |
| Disbursements: | | | | | | |
| CIWMB-State Operations | $ 2,364,000 | | $3,082,000 | | $3,536,000 | |
| CIWMB-Local Assistance | $ 1,000,000 | | $1,000,000 | | $500,000 * | |
| Loan Repayments - Principle | $ (6,000) | | ($10,000) | | ($60,000) | |
| **Total Disbursements** | | **$ 3,358,000** | | **$4,072,000** | | **$3,976,000** |
| **FUND BALANCE** | | **$0** | | **$9,085** | | **$16,085** |

* Fund entire $850,000 in Loans/Disencumber $0 from DEO contract 7/1/95
Reduce Grant expenditures by $500,000

2-May-95

OPTION 3

Allocations and Expenditures
Recycling Market Development Zone Loan Program
as of March 31, 1995
RMDZ Funds

| **Allocations** | **IWMA** | **TIRE** | **TOTAL** |
|---|---|---|---|
| IWMA | | | |
| 1991/92 | $ 5,000,000 | | $ 5,000,000 |
| 1992/93 | $ 5,000,000 | $ 500,000 | $ 5,500,000 |
| 1993/94 | $ 5,000,000 | $ 850,000 | $ 5,850,000 |
| 1994/95 | $ 5,000,000 | | $ 5,000,000 |
| Accumulated IWMA | $ 20,000,000 | $ 1,350,000 | $ 21,350,000 |
| Points from loans | $ 125,275 | | $ 125,275 |
| Fees from loans | $ 38,486 | $ 474 | $ 38,960 |
| Principle repayments | $ 354,115 | $ 14,939 | $ 369,054 |
| Interest payment | $ 236,911 | $ 8,785 | $ 245,696 |
| Otrher legis transfers and SMIF interest | $ 139,770 | | $ 139,770 |
| AB 1220 transfer | $ 660,000 | | $ 660,000 |
| Total Allocations | $ 21,554,557 | $ 1,374,198 | $ 22,928,755 |
| **Encumbrances** | | | |
| Loans | | | |
| RMDZ Loans Funded | $ 6,563,370 | $ 500,000 | $ 7,063,370 |
| Fiscal 94/95 Projected Fundings | $ 4,992,500 | | $ 4,992,500 |
| Fiscal 95/96 Projected Fundings | $ 896,873 | | $ 896,873 |
| Fundings per March Bd Mtg ** | $ 3,942,000 | $850,000 | $ 4,792,000 |
| | $ 16,394,743 | $ 1,350,000 | $ 17,744,743 |
| Miscellaneous | $ 1,515,000 | | $ 1,515,000 |
| Total Encumbrances | $ 17,909,743 | $ 1,350,000 | $ 19,259,743 |
| **Balance Remaining for Loans** | $ 3,644,814 | $ 24,198 | $ 3,669,012 |

** Assumes that entire $850,000 of Tire Fund dollars are used for current proposed loans.
$0 disencumbered from DEO contract 7/1/95.

2-May-95

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

**Board Meeting**
**MAY 23, 1995**

**AGENDA ITEM #6**

**ITEM: CONSIDERATION OF 1994/95 USED OIL RESEARCH AND DEMONSTRATION GRANT AWARDS**

## I. SUMMARY

In accordance with the Board's Grant Award Process, the Administration Committee makes recommendations for funding based upon the criteria and scoring process established by the Board. Staff has applied these criteria in evaluating the 20 applications for the 1994/95 Used Oil Research & Demonstration Grant (R & D Grants). This item presents Board staff's recommendations for the R & D Grant awards.

## II. PREVIOUS COMMITTEE ACTION

The Administration Committee had not met at the time this agenda item was due.

## III. OPTIONS FOR THE BOARD

Board Members may decide to:

1. Adopt staff recommendations and award grants for the 1994/95 Used Oil R & D Grants as presented in Attachment 1, and adopt Board Resolution Number 95-532; or

2. Provide staff with other directives based on Members' considerations.

## IV. STAFF RECOMMENDATIONS

Staff recommends Option 1: Adopt staff recommendations for award of the 1994/95 Used Oil R & D Grants and adopt Board Resolution No. 95-532.

## V. ANALYSIS

Background

The California Oil Recycling Enhancement Act (Act) mandates the Board to collect $0.16 per gallon from oil manufacturers on sales of new lubricating oil to fund activities discouraging the illegal disposal of used oil. This fee results in approximately $5 million per quarter being deposited into the California Used Oil Recycling Fund to fund program activities.

After monies from the Used Oil Recycling Fund are expended on paying recycling incentive fees, CIWMB administrative costs, and Used Oil Block Grants, the Act allocates the remainder of the Fund to several other program activities. Public Resources Code section 48632(c) authorizes the Board to issue grants for research, testing, or demonstration projects that develop collection technologies and/or uses for recycled or used oil.

On February 27, 1995, the Grant Scoring Criteria and scoring process were approved by the Board. The application package was mailed shortly thereafter to approximately 360 people. The application period extended from February 27, 1995 to April 3, 1995. Staff received 20 applications totalling $4,518,075 in requests for the available $1.5 million (approximate).

**DISCUSSION:**

Eligible applicants for the R & D Grants included individuals, companies eligible to do business in California, local governments and other public agencies, nonprofit organizations, or colleges and universities.

**Application Review Process**

Each application received a preliminary review to ensure that:

1) total funding did not exceed the $300,000 limit;

2) the cover sheet was completed and signed by a fully authorized representative;

3) three copies and an original of the application were provided; and

4) applicants included matching contributions if required.

The applications were then distributed to a review panel for evaluation. The review panel included a chairperson from the Used Oil Grant Program and members from the Used Oil Recycling Analysis Section, Administration Division, and Waste Prevention and Market Development Division. An orientation meeting was conducted with all panel members to review and discuss the scoring criteria and coordinate the review process. The approved scoring criteria used by the review panels to evaluate R & D Grants applications are listed on the following page.

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## 1994/95 USED OIL RESEARCH AND DEMONSTRATION GRANT SCORING CRITERIA

Applicants must score at least 75 out of the 100 General Review Criteria points to qualify for grant funding. Qualifying applicants will be ranked in order of their combined score of General Review Criteria and Preference Criteria and will be funded in order of their score if sufficient funds are not available to fund all applicants.

| Points | Description |
|---|---|
| GENERAL REVIEW CRITERIA (must attain 75 out of 100 possible points) | |
| 25 | 1. Grant Proposal clearly describes and demonstrates the local or statewide need for the project and the benefits and end products resulting from the project. For example:<br>▪ Project will significantly enhance collection of or markets for California-generated used lubricating oil<br>▪ Proposal supported by evidence and avoids unsupported assumptions<br>▪ Proposal describes why a research, testing, or demonstration project approach is necessary<br>▪ Proposal describes specific and measurable goals and the methods to be used to evaluate project results<br>▪ Proposal includes letters of support for the project |
| 25 | 2. Grant Proposal clearly describes and demonstrates the project is technically feasible and that any adverse environmental impacts are minimal. For example:<br>▪ Proposal supported by evidence and avoids unsupported assumptions<br>▪ Proposal includes letters of support or commitment<br>▪ Are permits required and will permit acquisition adversely impact project timing? |
| 15 | 3. Grant Proposal clearly describes and demonstrates the project is economically viable in relation to the location, source, quality, or quantity of used lubricating oil the project will directly address. For example:<br>▪ Proposal specifies per gallon cost for collection or product<br>▪ Quotes, estimates, or other documentation supports claimed costs<br>▪ Proposal provides evidence supporting special conditions leading to higher per gallon costs |
| 15 | 4. Grant proposal provides evidence that the applicant or its contractor(s) have sufficient past experience, financial stability, staff resources, and technical expertise to carry out the proposed project. For example:<br>▪ Proposal addresses ability of the applicant to coordinate contracted activities<br>▪ Proposal includes resumes, endorsements, references, etc. |
| 10 | 5. Work Statement and grant narrative is sufficiently detailed to determine that project objectives can be achieved within the time and resources allocated to the project. |
| 10 | 6. Budget Itemization is sufficiently detailed to determine proposed expenses are reasonable, for example:<br>▪ All budget items supported in the proposal narrative<br>▪ Quotes, estimates, or other documentation supports claimed costs<br>▪ Minimal amounts budgeted for miscellaneous or contingency costs<br>▪ Matching contributions clearly itemized |
| PREFERENCE CRITERIA (50 possible points) | |
| 10 | 7. Project develops a technique, process, or product not already available in California. |
| 10 | 8. Project will significantly enhance or develop commercial or government markets for rerefined oil or products derived from rerefined oil. |
| 10 | 9. Project involves a public/private partnership or multi-jurisdiction approach. |
| 5 | 10. Project demonstrates a strong potential of being successfully replicated by others. |
| 5 | 11. Project significantly decreases the environmental impacts of used lubricating oil. |
| 5 | 12. Project demonstrates a strong potential for commercialization. |
| 5 | 13. Applicant is providing matching funds at least 10% beyond the 0% match required for public agencies and 25% required for other applicants. |

Panel members reviewed and discussed each grant application to reach consensus on a single score for each criteria and a final cumulative score. Scores from each panel member were consolidated into a list ranking applicants by final score. The Board-approved scoring process requires applicants to receive a minimum of 75 points in the General Review Criteria. The results of the review yielded 9 applications that received 75 points or greater. The panel then eliminated ineligible cost and unsubstantiated budget items. Applicants with disqualified costs, program costs not recommended for funding, or other issues were notified prior to the Administration Committee meeting.

**Award of Grants**

Staff has applied the Board-approved criteria to establish a list of recommended R & D grant recipients. Some requested budget information had not been received at the time this agenda item was prepared, therefore, Attachment 1 (Staff Funding Recommendations for the 1994/95 Used Oil Research and Demonstration Program) and Attachment 2 (Board Resolution 95-532: "Award of 1994/95 Used Oil Research and Demonstration Grants") are not complete. Staff anticipate both attachments will be completed and available for the May 16, 1995 Administration Committee meeting.

## VI. FUNDING INFORMATION

**Amount Requested in Item:** $1,500,000

**Fund Source:**

- ☒ Used Oil Recycling Fund
- ☐ Tire Recycling Management Fund
- ☐ Recycling Market Development Revolving Loan Account
- ☐ Integrated Waste Management Account
- ☐ Other _____ (Specify)

**Approved From Line Item:**

- ☒ Consulting & Professional Services
- ☐ Training
- ☐ Data processing
- ☒ Other Local Governmental Jurisdictions (Specify)

**Redirection:**

If Redirection of Funds: $_____

Fund Source: _____

Line Item: _____

**ATTACHMENTS:**

1. Staff Funding Recommendations 1994/95 Used Oil Research and Demonstration Grant Program

2. Board Resolution 95-532: "Award of 1994/95 Used Oil Research and Demonstration Grants"

| | | | |
|---|---|---|---|
| Prepared by: | Fernando Berton F.B. | Phone: | 255-2343 |
| Reviewed by: | Mitch Delmage MD | Phone: | 255-4455 |
| Reviewed by: | Judy Friedman JJF | Phone: | 255-2302 |
| Reviewed by: | Shirley Willd-Wagner | Phone: | 255-2319 |
| Reviewed by: | Marie LaVergne MLV 5/5/95 | Phone: | 255-2269 |
| Legal review: | | Date: | |

Attachment 1

# STAFF FUNDING RECOMMENDATIONS 1994/95 USED OIL RESEARCH AND DEMONSTRATION GRANT PROGRAM

TO BE AVAILABLE AT MAY 23, 1995 BOARD MEETING

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

**RESOLUTION 95-532**
**AWARD OF 1994/95 USED OIL RESEARCH AND DEMONSTRATION GRANTS**

**WHEREAS**, the California Oil Recycling Enhancement Act requires the Board to adopt a used oil recycling program which promotes and develops alternatives to the illegal disposal of used oil; and

**WHEREAS**, Public Resources Code (PRC) Section 48632(c) authorizes the Board to issue grants for research, testing, or demonstration projects that develop collection technologies and/or uses for recycled or used oil ; and

**WHEREAS**, on February 22, 1995, the Board approved the grant scoring criteria for the 1994/95 Used Oil Research and Demonstration Grant; and

**WHEREAS**, a total of 20 grant applications were received by the final filing date of April 3, 1995; and

**WHEREAS**, Board staff reviewed and evaluated all grant proposals based on the aforementioned criteria; and

**WHEREAS**, the Board-approved scoring process requires that an applicant receive a minimum score of 75 points in the General Review Criteria to be eligible for available funding;

**NOW, THEREFORE, BE IT RESOLVED** that the California Integrated Waste Management Board hereby awards the following Research and Demonstration Grants listed below; and

**BE IT FURTHER RESOLVED** that the Board directs staff to pursue and enter into Standard Agreements with each grant recipient.

| APPLICANT | AWARD AMOUNT |
|---|---|
| TO BE AVAILABLE AT BOARD MEETING | |

**CERTIFICATION**

The undersigned Executive Director of the California Integrated 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 Integrated Waste Management Board held on May 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

**Board Meeting**
**MAY 23, 1995**

**AGENDA ITEM #7**

**ITEM: CONSIDERATION OF 1994/95 LOCAL GOVERNMENT USED OIL OPPORTUNITY GRANT FUNDING RECOMMENDATIONS**

## I. SUMMARY

In accordance with the Board's Grant Award Process, the Administration Committee makes recommendations for funding based upon the criteria and scoring process established by the Board. Staff has applied these criteria in evaluating the 74 applications for the 1994/95 Local Government Used Oil Opportunity Grant Program (Opportunity Grants). This item presents Board staff's recommendations for the Opportunity Grant awards.

## II. PREVIOUS COMMITTEE ACTION

The Administration Committee had not met at the time this agenda item was due.

## III. OPTIONS FOR THE BOARD

Board Members may wish to:

1. Adopt staff recommendations and award grants for the 1994/95 Used Oil Opportunity Grant Program as presented in Attachment 1, and approve Board Resolution Number 95-533; or

2. Direct staff to reconsider the proposed Opportunity Grant awards.

## IV. STAFF RECOMMENDATIONS

Staff recommends Option 1: Adopt staff recommendations for award of the 1994/95 Local Government Used Oil Opportunity Grants and approve Board Resolution No. 95-533.

## V. ANALYSIS

Background

The California Oil Recycling Enhancement Act (Act) mandates the Board to collect $0.16 per gallon from oil manufacturers on sales of new lubricating oil to fund activities discouraging the illegal disposal of used oil. This fee results in approximately $5 million per quarter being deposited into the California Used Oil Recycling Fund to fund program activities.

After monies from the Used Oil Recycling Fund are expended on paying recycling incentive fees, CIWMB administrative costs, and Used Oil Block Grants, the Act allocates the remainder of the Fund to several other program activities. Forty percent or more of the remainder is allocated for additional funds to local governments (Public Resource Code (PRC §48656 and §48632[a]). Used Oil Grant Program staff developed these grants into the Opportunity Grants.

At the November 16, 1994 Board Meeting the ranking criteria and scoring process were approved. The Notice of Funding Availability (NOFA) was mailed shortly thereafter to approximately 1700 people. The application period extended from November 28, 1994 to February 17, 1995. Staff received 74 applications totalling $12,053,068.38 in requests for the available $8.5 million (approximate).

**DISCUSSION:**

**Application Review Process**

Each application received a preliminary review to ensure that:

1) Total funding did not exceed the $300,000 limit.

2) The cover sheet was completed and signed by the appropriate person.

3) Three copies and an original of the application were provided, and

4) An authorizing resolution from the jurisdiction's governing body was included in the application or would be submitted by the April 14, 1995 deadline for resolution submittal.

The applications were then randomly sorted and distributed to three review panels for evaluation. The review panels were each comprised of a chairperson from the Used Oil Grant Program staff and two other members from either the Used Oil Recycling Analysis Section or the Administration Division. An orientation meeting was conducted with all panel members to review and discuss the scoring criteria and coordinate the review process. The evaluation criteria approved by the Board in November 1994 and used by the review panels to evaluate Opportunity Grant applications are listed on the following page.

# OPPORTUNITY GRANT EVALUATION CRITERIA

| Points | Description |
|---|---|
| GENERAL REVIEW CRITERIA (must attain at least 70 out of 100 points) | |
| 25 | 1. Grant proposal adequately describes local needs and provides reasonable solutions that effectively address populations most in need of such services |
| 25 | 2. Grant Proposal and Work Statement are sufficiently detailed to determine the program scope and objectives |
| 20 | 3. Budget Summary and Itemization are sufficiently detailed to determine that proposed expenses are reasonable |
| 15 | 4. Grant application is clearly presented and complete as required in the application instructions |
| 15 | 5. Grant proposal demonstrates the grantee or its contractor(s) has sufficient staff resources, technical expertise, and/or experience with similar projects to carry out the proposed project |
| 100 | SUBTOTAL |
| PREFERENCE CRITERIA (60 points possible) | |
| 15 | 6. Applicant eligible for Used Oil Recycling Block Grant funding (see Exhibit J) during Fiscal Year 1994/95 of no more than:<br>$10,000 ($25,000 for regional programs) = 15 points<br>$15,000 ($30,000 for regional programs) = 10 points<br>$20,000 ($35,000 for regional programs) = 5 points |
| 15 | 7. Proposal establishes curbside collection of used oil or expands current curbside service to more residents |
| 10 | 8. Proposal establishes collection programs that address regional (multi-jurisdictional) used oil collection needs |
| 10 | 9. Proposal establishes new used oil collection centers or enhances the availability or convenience of existing centers |
| 5 | 10. Proposal establishes used oil collection for marinas, piers, etc. |
| 5 | 11. Applicant was not a recipient of any CIWMB used oil grant in the 1993/94 Fiscal Year |
| 160 | MAXIMUM POSSIBLE POINTS (total of General Review Criteria and Preference Criteria points) |

Panel members reviewed and discussed each grant application to reach consensus on a single score for each criteria and a final cumulative score. Final scores from each of the three panels were consolidated into a list ranking applicants by final score.

**Award of Grants**

Staff has applied the Board-approved criteria to establish a list of recommended Opportunity Grant recipients. All pertinent budget information was not available at the time the agenda item was due. It is anticipated that this information will be available by the Administration Commitee meeting and will be included in Attachment 1 (Staff Funding Recommendations 1994/95 Local Government Used Oil Opportunity Grant Program) which will also be available at the Administration Committee meeting.

Applicants with disqualified costs, program costs not recommended for funding, or other issues were notified of the results of the review prior to the Administration Committee meeting.

## VI. FUNDING INFORMATION

**Amount Requested in Item:** $8,500,000

**Fund Source:**

- ☒ Used Oil Recycling Fund
- ☐ Tire Recycling Management Fund
- ☐ Recycling Market Development Revolving Loan Account
- ☐ Integrated Waste Management Account
- ☐ Other _____ (Specify)

**Approved From Line Item:**

- ☐ Consulting & Professional Services
- ☐ Training
- ☐ Data processing
- ☒ Other Local Governmental Jurisdictions (Specify)

**Redirection:**

If Redirection of Funds: $_____

Fund Source: _____

Line Item: _____

**ATTACHMENTS:**

1. Staff Funding Recommendations 1994/95 Local Government Used Oil Opportunity Grant Program.

2. Board Resolution: "Award of 1994/95 Local Government Used Oil Opportunity Grants"

Prepared by: Fernando Berton F.B. Phone: 255-2343

Reviewed by: Mitch Delmage MD Phone: 255-4455

Reviewed by: Judy Friedman JJF Phone: 255-2302

Reviewed by: Shirley Willd-Wagner SWW Phone: 255-2319

Reviewed by: Marie LaVergne MMX 5/15/95 Phone: 255-2269

Legal review: _____ Date: _____

Attachment 1

**STAFF FUNDING RECOMMENDATIONS 1994/95 LOCAL GOVERNMENT USED OIL OPPORTUNITY GRANT PROGRAM**

TO BE AVAILABLE AT MAY 23, 1995 BOARD MEETING

Attachment 2

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

**RESOLUTION 95-533**
**AWARD OF 1994/95 LOCAL GOVERNMENT USED OIL OPPORTUNITY GRANTS**

**WHEREAS**, the California Oil Recycling Enhancement Act requires the Board to adopt a used oil recycling program which promotes and develops alternatives to the illegal disposal of used oil; and

**WHEREAS**, Public Resources Code (PRC) Section 48632 authorizes the Board to issue grants to local governments for providing opportunities for used lubricating oil collection, which are in addition to the Used Oil Block Grants; and

**WHEREAS**, at least forty percent of the funds remaining in the Used Oil Recycling Fund after payment of incentive fees, Block Grants, and administrative costs is available for Opportunity Grants as specified in Public Resources Code §48656 and 48632(a);

**WHEREAS**, on November 16, 1994, the Board approved the evaluation criteria and scoring process for the 1994/95 Local Government Used Oil Opportunity Grant; and

**WHEREAS**, a total of 74 grant applications were received by the final filing date of February 17, 1995; and

**WHEREAS**, Board staff reviewed and evaluated all grant proposals based on the aforementioned criteria; and

**WHEREAS**, the Board-approved scoring process requires that an applicant receive a minimum score of 70 points in the General Review Criteria to be eligible for available funding; and

**NOW, THEREFORE, BE IT RESOLVED** that the California Integrated Waste Management Board hereby approves the resulting rankings and funding recommendations of applicants as listed below; and

**BE IT FURTHER RESOLVED** that the Board authorizes the Executive Director, or his designee, to award up to $8,500,000 for the 1994/95 Local Government Used Oil Opportunity Grant to as many of the highest-ranking applicants as funds allow; and

**BE IT FURTHER RESOLVED** that the Board directs staff to pursue and enter into Standard Agreements with each grant recipient.

**APPLICANT** **AWARD AMOUNT**

TO BE AVAILABLE AT BOARD MEETING

**CERTIFICATION**

The undersigned Executive Director of the California Integrated 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 Integrated Waste Management Board held on May 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

May 23, 1995

AGENDA ITEM # 8

**ITEM:** Consideration of new sites for the Solid Waste Disposal and Codisposal Site Cleanup Program (AB 2136)

## I. SUMMARY

Implementation of the AB 2136 program was approved by the Board on February 24, 1994. Approval included the AB 2136 Flow Chart and guidelines for cleanup of sites through matching grants to local governments, loans to responsible parties and local governments, grants to local enforcement agencies (LEA) for cleanup of illegal disposal sites (IDS), and direct site cleanups using Board contracts.

Since the inception of the Solid Waste Disposal and Codisposal Site Cleanup Program, the Board has approved 20 sites for cleanup. Two sites have been cleaned up and the remaining 18 sites are in various stages of the program process. Many of the sites are ready for remediation as soon as the weather improves.

This item presents the following six additional sites for consideration of approval by the Board for cleanup under the AB 2136 program. This item also presents the first loan requests for consideration by the Board for this program. Site descriptions and other important information are provided in Attachments 1 through 6:

| Site Name | County | Est. Cost | Attachment |
|---|---|---|---|
| Greenfield Illegal Disposal Site | Kern | $197,000 | 1 |
| Humboldt Road Burn Dump | Butte | $1,000,000 | 2 |
| Ramona Landfill | San Diego | $547,000 | 3 |
| Poway Landfill | San Diego | $238,000 | 4 |
| Gillespie Landfill | San Diego | $275,000 | 5 |
| Encinitas Landfill | San Diego | $340,000 | 6 |

## II. PREVIOUS COMMITTEE ACTION

At the time of the printing of this item the Permitting and Enforcement Committee had not yet met.

## III. ACTION BEFORE THE BOARD

Board members may:

1. Approve all of the six sites recommended by staff and forward to the full Board for action; or

2. Approve some sites, disapprove others, or direct staff to provide additional information and bring the item back to future meetings of the Permitting and Enforcement Committee and the Board.

## IV. ANALYSIS

Staff Process

The normal staff review process for sites submitted for approval includes the following actions:

A. Research LEA and Board records, and determine site ownership and possible responsible parties.

B. Conduct a site visit with the LEA, take photographs, make a rough determination of quantities of waste and requirements for cleanup or remediation, and prepare a preliminary cost estimate.

C. Coordinate with the LEA for issuance of a Notice and Order, where appropriate.

Site selection is based on many criteria, including the severity of the problems and on surrounding land uses. The sites proposed in this item were selected based on investigation of many sites throughout the state. All of these sites represent a threat to public health and safety or the environment. All of the sites are ranked either using the Solid Waste Ranking System, for landfills, or a simpler ranking system developed for illegal disposal sites.

It should be noted that, if approved by the Board, Greenfield Illegal Disposal Site is to be funded by an LEA grant using 1994/1995 funds. Humboldt Road, Ramona Landfill and Poway Landfill are to be funded as loans using 1994/1995 funds, with Ramona and Poway Landfills funded under one loan. These four sites will almost deplete the $5,000,000 placed in the Solid Waste Disposal and Codisposal Site Cleanup Trust Fund for 1994/1995. The money

remaining in the Trust Fund will be used to fund additional small site cleanups, which will be brought to the Board for consideration in June, 1995.

Gillespie Landfill and Encinitas Landfill, if approved by the Board, would be funded from 1995/1996 funds, providing funds are available after July 1, 1995. These two sites would be funded under one loan.

**V. STAFF RECOMMENDATION**

Staff recommends that the Board approve the six sites described in Attachments 1 through 6 for cleanup or remediation under the AB 2136 program.

**VI. ATTACHMENTS**

1: Greenfield Illegal Disposal Site

2: Humboldt Road Burn Dump

3: Ramona Landfill

4: Poway Landfill

5: Gillespie Landfill

6: Encinitas Landfill

7: Exhibit A --Loan Repayment Schedules

8: Resolution of Approval for Funding Sites

**VII. APPROVALS**

| | | |
|---|---|---|
| Prepared by : | Wes Minderman, Jerry Oberhelman | Phone 255-2347 |
| Reviewed by : | Charlene Herbst, Marge Rouch | Phone 255-2301 |
| Reviewed by : | Douglas Okumura | Phone 255-2431 |
| Reviewed by : | Kathryn Tobias | Phone 255-2188 |

# Greenfield Illegal Disposal Site

Kern County

**Site Description:** A vacant, 130 acre site immediately south of Bakersfield that has been used for several years for illegal disposal of trash, garbage and tires. Refuse is scattered intermittently and in piles throughout the site. Dirt roads randomly cross the site, which is otherwise covered with vegetation. Dumpers, many of whom are migrant workers, have used these roads for access, and wastes now block many of the roads. Some refuse piles are set on fire, igniting surrounding vegetation. Access by fire department and City maintenance is severely restricted by the accumulations of waste. Accumulations of trash, garbage, tires and other debris represent significant health and safety problems due to vector harborage and propagation, exposure to disease, and nuisance attraction. The entire site presents a serious fire hazard.

**Location:** Lots 2, 3, 9 and 10 of Section 4, Township 31S, Range 28E, M.D.B &M except the south 30.75 acres of Lot 3, approximately ¼ mile south of Panama Road and ½ mile east of Cottonwood Road.

**Site Priority:** IDS 3. Residential zoning more than 1000 feet away, with unrestricted site access.

**Owner:** City of Bakersfield

**Cost Recovery:** This site is owned by the City of Bakersfield, which is financing portions of the remediation and deterrents (fencing and berm) against continuance of illegal dumping. As such Board staff does not recommend cost recovery action.

**Proposed Method of Cleanup:** Clean closure of site, with fencing and ditches constructed to prevent illegal access and disposal. Disposal of the tires will be by the Kern County Waste Disposal contractor; other wastes will be collected and transported to an approved landfill. Existing native growth will remain undisturbed to the extent possible and the site returned to its natural, undeveloped condition.

**LEA Grant:** $197,000

**Enforcement Actions:** The Kern County Environmental Health Services Department issued an order, dated November 14, 1994, requiring cleanup of the site.

**Other Staff Comments and Recommendations:** Staff recommend this project for an LEA Grant under AB 2136. The City of Bakersfield has budgeted $50,000 to provide site fencing and ditch construction which would supplement this grant, but does not have sufficient funds to accomplish the site cleanup. A public education program will be implemented through local publications, and multi-language signs will be installed on perimeter fencing to direct potential dumpers to a nearby solid waste disposal site.

# Humboldt Road Burn Dump

Butte County

**Site Description:** One principal burn dump and 12 smaller burn dumps spread over approximately 125 acres. The entire area consists of open grassland with gentle rolling hills. An intermittent stream, Dead Horse Slough, runs the entire length of the overall site roughly through the center.

An estimated 400,000 cubic yards (cy) of burned refuse is contained in the sites, of which 240,000 cy is in the principal 10 acre site which is the former City of Chico Burn Dump. Contaminated areas have been fenced and posted to provide some protection to the public.

**Location:** The site is located approximately two miles east of the intersection of U.S. Highway 99 and State Highway 32 on old Humboldt Road within the easterly city limits of Chico, Butte County, California. The site is situated in Township 22 North, Range 2 East, Section 30 (Mount Diablo Baseline and Meridian).

**Site Priority:** The site has a Solid Waste Ranking System score of 30.4. Dead Horse Slough has banks of burned refuse as high as 10-feet. The surfaces of many areas of waste are exposed directly to rainfall. These conditions contribute to release of undesirable constituents to surface waters and the atmosphere. The principal contaminant of concern is inorganic lead, which occurs in burn ash throughout the site at levels which consistently exceed allowable total threshold concentration level (TTLC) of 1,000 milligrams/kilogram.

**Owner:** Various property owners. However, the entire site is being remediated by the Greater Chico Urban Redevelopment Agency, the loan applicant.

**Proposed Method of Cleanup:** Cleanup will follow the Remedial Action Strategy Plan which has been prepared to provide a roadmap to remediate the site and return the land to beneficial uses. The 160,000 cy of burned refuse in 12 smaller sites will be consolidated with the 240,000 cy in the main burn dump. The final consolidation area will be about 20 acres in size and capped with an approved one foot minimum clay cap. An additional one foot layer of top soil will be placed over the cap to support vegetation.

**Loan Amount:** $1,000,000 The interest rate is based on the Surplus Money Investment Fund, with a 20 year repayment schedule. Cost recovery will be through loan repayment.

**Enforcement Actions:** In 1988 the Regional Water Quality Control Board issued a Cleanup and Abatement Order to isolate and remove contaminated soils in a stockpond levee owned by Mr. Simmons. In 1992 Department of Toxic Substances Control issued Fence and Post Orders to fence the contaminated areas.

**Other Staff Comments and Recommendations:** Staff recommends this project for a $1 million loan under AB 2136. The Redevelopment Agency has demonstrated the ability to repay the loan and to provide for an additional $2.6 million to complete the entire project.

# Ramona Landfill

San Diego County

**Site Description:** A 46 acre landfill owned and operated by the County of San Diego Department of Public Works (DPW). Nearby land use consists of rural, public/semipublic land, estate, and agriculture. Monitoring indicated off site gas migration and surface emissions in excess of Rule 59 limits. Subsequently, DPW submitted an application for a Permit to Operate landfill gas collection, monitoring, and flare systems in 1992 and was granted an Authority to Construct in 1993. Financial difficulties forced construction of gas control system to stop with approximately 45 percent of the system complete.

**Location:** Approximately 2.5 miles north of Ramona at 20630 Pamo Road. Legal description of the parcel is N½, SE¼, of Section 34, Township 12 South, Range 1 East, San Bernardino Baseline and Meridian (Assessor Parcel Numbers 244-100-02).

**Owner:** County of San Diego
Department of Public Works
5555 Overland Drive
San Diego, California 92123

Tom Garibay, Director
(619) 974-2212

**Proposed Method of Cleanup:** Completion of the gas collection system and landfill gas flare station and controls.

**Loan:** $547,000 (Fiscal Year 94/95 funds) The interest rate is based on the Surplus Money Investment Fund with a 20 year repayment schedule. Cost recovery will be through loan repayment.

**Enforcement Actions:** A Notice of Violation has been issued by the San Diego County Air Pollution Control District (APCD) for landfill gas emissions at this site. Ramona Landfill is currently under a variance from Rule 59 granted by the APCD which expires on July 14, 1995.

**Other Staff Comments and Recommendations:** Staff recommend this project for a loan under AB 2136. Failure to complete the installation of the landfill gas control system will result in threats to the public health and safety and the environment and ongoing violations of APCD Rule 59 and possibly APCD Rule 51 (Nuisance).

# Poway Landfill

San Diego County

**Site Description:** A closed landfill which was operated by the County of San Diego as a burn dump from 1949 to 1966 and as a conventional municipal landfill until 1975. Although records regarding the total amount of refuse deposited at the site are not available, the total amount of waste disposed is estimated to be 165,000 tons. Nearby land use consists of residential to the north, south, and west. In 1992, monitoring indicated off site gas migration and surface emissions in excess of Rule 59 limits. Subsequently, the Department of Public Works (DPW) submitted applications for Permits to Operate landfill gas collection, monitoring, and flare systems at each site in 1992 and was granted Authorities to Construct in 1993. Financial difficulties forced construction of gas control system to stop with approximately 45 percent of the system complete at the Poway Landfill.

**Location:** 14600 Poway Road, Poway, California

**Owner:** County of San Diego
Department of Public Works
5555 Overland Drive
San Diego, California 92123

Tom Garibay, Director
(619) 974-2212

**Proposed Method of Cleanup:** Completion of the gas collection system and landfill gas flare station and controls.

**Loan:** $238,000 (Fiscal Year 94/95 funds) The interest rate is based on the Surplus Money Investment Fund with a 20 year repayment schedule. Cost recovery will be through loan repayment.

**Enforcement Actions:** The Poway Landfill is currently under a variance from Rule 59 granted by the San Diego County Air Pollution Control District (APCD) which expires on July 14, 1995.

**Other Staff Comments and Recommendations:** Staff recommend this project for a loan under AB 2136. Failure to complete the installation of the landfill gas control system will result in threats to the public health and safety and the environment and ongoing violations of APCD Rule 59 and possibly APCD Rule 51 (Nuisance).

# Gillespie Landfill

San Diego County

**Site Description:** A closed landfill operated by the County of San Diego as a burn dump from 1945 to 1953 and as a conventional municipal landfill until 1964. The property covers an area of 25 acres of which approximately 20 acres were utilized for refuse disposal operations. Although records regarding the total amount of refuse deposited at the site are not available, the total amount of waste disposed is estimated to be 500,000 tons. Nearby land use consists of low-density residential to the west and south and an air field which includes an industrial park to the east and north. In 1992, monitoring indicated off site gas migration and surface emissions in excess of Rule 59 limits. Subsequently, the Department of Public Works (DPW) submitted applications for Permits to Operate landfill gas collection, monitoring, and flare systems at each site in 1992 and was granted Authorities to Construct in 1993. Financial difficulties forced construction of gas control system to stop with approximately 45 percent of the system complete at the Gillespie Landfill.

**Location:** 1780 Gillespie Way, El Cajon, California. One quarter mile west of the intersection of Cuyamaca Street and Mitchell Drive in El Cajon. The site is located in the southwest portion of the Gillespie Field Airport property. Access to the site is via Billy Mitchell Drive. Legal description is within an unspecified Section, Township 15S, Range 1W of the San Bernardino Baseline and Meridian.

**Owner:** County of San Diego
Department of Public Works
5555 Overland Drive
San Diego, California 92123

Tom Garibay, Director
(619) 974-2212

**Proposed Method of Cleanup:** Completion of the gas collection system and landfill gas flare station and controls.

**Loan:** $275,000 (Fiscal Year 95/96 funds) The interest rate is based on the Surplus Money Investment Fund with a 20 year repayment schedule. Cost recovery will be through loan repayment.

**Enforcement Actions:** A Notice of Violation has been issued by the San Diego County Air Pollution Control District (APCD) for landfill gas emissions at this site. Gillespie Landfill is currently under a variance from Rule 59 granted by the APCD which expires on July 14, 1995.

**Other Staff Comments and Recommendations:** Staff recommend this project for a loan under AB 2136. Failure to complete the installation of the landfill gas control system will result in threats to the public health and safety and the environment and ongoing violations of APCD Rule 59 and possibly APCD Rule 51 (Nuisance).

# Encinitas Landfill

San Diego County

**Site Description:** A closed landfill operated by the County of San Diego as a burn dump from 1944 to 1966 and as a conventional municipal landfill from 1967 to 1977. The property covers an area of 37.85 acres of which approximately 30 acres were utilized for refuse disposal operations. Although records regarding the total amount of refuse deposited at the site are not available, the total amount of waste disposed is estimated to be 581,450 tons. In 1992, monitoring indicated off site gas migration and surface emissions in excess of Rule 59 limits. Subsequently, the Department of Public Works (DPW) submitted an application for Permit to Operate landfill gas collection, monitoring, and flare systems at each site in 1992 and was granted an Authority to Construct in 1993. Financial difficulties forced construction of gas control system to stop with approximately 45 percent of the system complete at the Encinitas Landfill.

**Location:** Approximately 2.5 miles east of the City of Encinitas and one quarter mile west of the intersection of Encinitas Boulevard and Manchester Boulevard.

**Owner:** County of San Diego
Department of Public Works
5555 Overland Drive
San Diego, California 92123

Tom Garibay, Director
(619) 974-2212

**Proposed Method of Cleanup:** Completion of the gas collection system and landfill gas flare station and controls.

**Loan:** $340,000 (Fiscal Year 95/96 funds) The interest rate is based on the Surplus Money Investment Fund with a 20 year repayment schedule. Cost recovery will be through loan repayment.

**Enforcement Actions:** The Encinitas Landfill is currently under a variance from Rule 59 granted by the San Diego County Air Pollution Control District (APCD) which expires on July 14, 1995.

**Other Staff Comments and Recommendations:** Staff recommend this project for a loan under AB 2136. Failure to complete the installation of the landfill gas control system will result in threats to the public health and safety and the environment and ongoing violations of APCD Rule 59 and possibly APCD Rule 51 (Nuisance).

Attachment 8

## CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

## RESOLUTION # 95-536

## FOR APPROVAL OF CLEANUP OF SITES UNDER THE SOLID WASTE DISPOSAL AND CODISPOSAL SITE CLEANUP PROGRAM - AB 2136

**WHEREAS**, Public Resources Code (PRC) Sections 48020 et seq. provide for implementation of the Solid Waste Disposal and Codisposal Site Cleanup Program; and

**WHEREAS**, the Board has approved guidelines and policies for this program to cleanup sites.

**NOW THEREFORE, BE IT RESOLVED** that the Board approves Greenfield Illegal Disposal Site, Humboldt Road Burn Dump, Ramona Landfill, and Poway Landfill for immediate funding for remediation under the Solid Waste Disposal and Codisposal Site Cleanup Program. Gillespie Landfill and Encinitas Landfill will be funded for remediation from 1995/1996 allocation of the Trust Fund, if funds are available after July 1, 1995. The Board directs staff to implement remediation measures and to encumber the funding for the cleanup of these sites.

## CERTIFICATION

The undersigned Executive Director of the California Integrated 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 Integrated Waste Management Board held on May 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
MAY 23, 1995

AGENDA ITEM 68

**ITEM: CONSIDERATION OF APPROVAL OF A CONTRACT CONCEPT AND AWARD OF AN INTER-AGENCY AGREEMENT (IAA) WITH THE STATE FIRE MARSHALL'S OFFICE**

## I. SUMMARY

A main component of the Board's Used Oil Recycling Program is the certification of used oil collection centers and registration of industrial generators, curbside programs and electric utility entities. Since the implementation of the California Used Oil Recycling Enhancement Act (Act) in 1992, about 1,200 collection centers had been certified, and over 300 industrial generators, 50 curbside programs, and one electric utility had been registered.

Board staff has identified auto-part distributors and repair facilities as good candidates for becoming certified collections centers. This is because auto-parts stores and local repair shops are often frequented by do-it-yourselfers. However, one significant barrier in getting these entities to participate is the varying interpretation and enforcement of the fire code and regulations by local fire districts. The State Fire Marshall's Office and the auto parts industry recognize that enforcement of the fire code ranges from "overzealous" to "non-existent" across the state.

## II. PREVIOUS COMMITTEE ACTION

The Administration Committee did not meet prior to the submittal of this item.

## III. PREVIOUS BOARD ACTION

There is no previous Board action.

## IV. OPTIONS FOR THE BOARD

Board members may decide to:

1. Accept the Committee recommendation and adopt Resolution 95-534; or

2. Provide further direction to staff.

## V. STAFF RECOMMENDATION

Staff recommends Option 1: approve the contract concept and award an IAA with the State Fire Marshall's Office. This recommendation is consistent with the October 1994, Board-approved contract procedure for use of year end funds and also addresses the need to encumber funds in the current fiscal year.

## VI. ANALYSIS

### Background

Approximately 130 million gallons of used oil are generated in California every year. Used oil represents the largest volume of hazardous waste generated in the state. Staff estimates that only 60% of this oil is currently being recycled. This means that as much as 52 million gallons may be improperly disposed of in storm drains, released to the soil, thrown into the trash eventually ending up in landfills. These improper disposal methods endanger both the public health and the environment.

### Key Issues

A concern of many auto part distributors and repair facilities is the varying interpretation and enforcement of the fire code and regulations by local fire districts in regard to the collection and storage of used oil. As a result, this concern will be discussed and evaluated by the workshop participants via a hypothetical collection and code enforcement problem.

### Fiscal Impacts

$137,293.50 to be funded from the education line item of the used oil fund ($1.5M allocated for FY 1994-1995 and $1.2M encumbered to date). These funds are available in the current fiscal year. This is not a request from the next fiscal year's budget.

**FUNDING INFORMATION**

Amount Requested in Item: $137,293.50

Fund Source:

- ☒ Used Oil Recycling Fund
- ☐ Tire Recycling Management Fund
- ☐ Recycling Market Development Revolving Loan Account
- ☐ Integrated Waste Management Account
- ☐ Other _____ (Specify)

**Approved From Line Item:**

- ☐ Consulting & Professional Services
- ☐ Training
- ☐ Data processing
- ☒ Other Education Line Item (Specify)

**Redirection:**

If Redirection of Funds: $_____

Fund Source: _____

Line Item: _____

Findings

The proposal, funded through an IAA, will result in the development of a workshop curriculum including: student manuals; instructor's guide; table-top display; and a video. Travel expenses and delivery of ten instructional workshops statewide will also be funded. The workshops are expected to facilitate the uniform application and interpretation of the fire code concerning storage, handling, and transportation of used oil.

**VII. ATTACHMENTS**

1. State Fire Marshall's Office project proposal
2. Resolution 95-534

**VIII. APPROVALS**

Prepared By: Leandro Ramos Phone: 255-2703

Reviewed By: Steven Hernandez S.H. Phone: 255-2388

Reviewed By: Mitch Delmage MD Phone: 255-4455

Reviewed By: Judith Friedman JJF Phone: 255-2302

Reviewed By: Marie LaVergne MBL 5/15/95 Phone: 255-2269

Legal Review: _____ Date/Time: _____

STATE OF CALIFORNIA - STATE AND CONSUMER SERVICES AGENCY

PETE WILSON, Governor

**STATE FIRE MARSHAL**
OFFICE OF THE CHIEF
7171 BOWLING DRIVE, SUITE 700
SACRAMENTO, CA 95823-2034

(916) 262-2010
CALNET 8-469-2010

STATE FIRE MARSHAL

Attachment I

April 10, 1995

Robert Boughton,
Senior Waste Management Specialist
Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, California 95826

Dear Mr. Boughton,

I am pleased to resubmit this detailed proposal for the Used Oil Workshop. The California State Fire Marshal's Office is a primary link for fire service training in California. I have the authority to execute a binding contract on behalf of the State Fire Marshal's Office. In addition to myself, I authorize the following individual to sign payment request and other official correspondence relating to this program:

Rodney Slaughter
4 Williamsburg Lane, Suite A
Chico, California 95926
(916) 895-4018 Fax (916) 895-4349

By submitting this application for the Used Oil Workshop, I am making a commitment to the proposed project, work statement, and budget. I certify that this document and all attachments were prepared under my direction and that the information is true and accurate to the best of my knowledge.

Sincerely,

Ronny J. Coleman
State Fire Marshal
(916) 262-1883

RJC:RAS



FAX (916) 262-1942
IChiefs Network - SFMCA

TELECOMMUNICATION DEVICE FOR THE DEAF (916) 262-1890

# USED OIL WORKSHOP

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*A TRAINING PROPOSAL PRESENTED BY*

---

*RONNY J. COLEMAN*
*April 6, 1995*

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## USED OIL WORKSHOP

**APPLICANT:**

Ronny J. Coleman, California State Fire Marshal
7171 Bowling Drive, Suite 600
Sacramento, California 95823
(916) 262-1883 FAX (916) 262-1942

**ADMINISTRATOR & PROGRAM DIRECTOR:**

Rodney Slaughter
4 Williamsburg Lane, Suite A
Chico, California 95926
(916) 895-4018 FAX (916) 895-4349

**NAME OF FINANCE OFFICER:**

Jan Sorci
7171 Bowling Drive, Suite 600
Sacramento, California 95823

**FUNDS REQUESTED:** $137,293.50

## ABSTRACT

The funding of $137,293.50, provided by the California Integrated Waste Management Board (CIWMB), will adequately provide for an instructional workshop regarding the enforcement, safe handling, storage, and transport of used and industrial oil. The California State Fire Marshal's Office (CSFM) proposes to host 10 four hour workshops around the State.

The proposal will fund development of the workshop curriculum including student manuals, instructors guide, table-top display, and video. Funding will also sponsor the travel expense and delivery of 10 instructional workshops.

The workshops will be an opportunity for fire prevention personnel and industry organizations to discuss and share problems and concerns with used oil collection, code requirements and enforcement. The workshops will also become an opportunity to distribute regulatory and certification information developed by CIWMB.

## BACKGROUND

Approximately 130 million gallons of used oil is generated in California every year. Used oil represents the largest volume of hazardous waste generated in the State. It is estimated that only 60% of this oil is recycled, leaving over 50 million gallons unaccounted for. The "missing" oil is suspected to be improperly disposed of- dumped in storm drains, released to the soil, incinerated, thrown into the trash eventually ending up in landfills. These improper disposal methods endanger both the public health and the environment.

The California State Legislature addressed these concerns with the passage of the California Oil Recycling Enhancement Act which became effective on January 1, 1992. The primary purpose of the law is to discourage the illegal disposal of used oil and encourage recycling centers. The CIWMB oversees the program by providing financial incentives for recycling and the certification of used oil recycling centers.

## PROBLEM

Chain auto-part distributors and repair facilities have recognized that the enforcement of codes and regulations, with regard to used oil, run between overzealous to non-existent, depending on fire jurisdiction. The success of the oil recycling program is in part dependent on a uniform application and interpretation of the code.

## PROPOSAL

The CSFM proposes to encourage uniform code enforcement between the fire service and the collection industry through an instructional workshop. The workshop is the most effective means to develop a shared understanding between the fire service and industry organizations.

Participants will be given regulatory and environmental background information. After receiving initial regulatory information participants will be broken up into workgroups and ask to solve a hypothetical collection and enforcement problem. Each group will then report on their solutions. At the end of the workshop participants will then review the video produced for this program recapping the relevant points of the workshop. The objective of the workshop is to develop a shared understanding between the fire service and oil collection operators. The workshop will facilitate communication between the two groups.

These workshops will also be a point of distribution of literature provided by CIWMB to promote oil recycling centers. At the conclusion, everyone should understand their obligation and responsibility to used oil recycling. Each participant will receive a certificate of participation from the CSFM.

### Program Development

The workshop will include a complete curriculum-- instructors guide, student pamphlet, instructional video, and table top display. The research and development will include, but is not limited to:

- Code and regulatory review
- Environmental impact of used oil
- Storage, handling, and transportation of used and industrial oil
- Trends and general location of used oil collection

Research for this program will become a synthesis of existing literature and will include the collaboration of subject matter experts. Invitations to participate in the programs development will be extended to fire service organizations and industry groups. Industry contacts will be provided by CIWMB.

**Program Delivery**

The CSFM will host ten instructional workshops in separate locations around the state. These locations would draw on participants from surrounding communities and would include; San Diego, Orange, Los Angeles, Fresno, Merced, Sacramento, Alameda, San Francisco, Butte, and Shasta Counties.

In addition to these classes, the CSFM coordinator will introduce the workshop at the Instructors Workshop in San Jose. This conference represents the largest fire service conference in California drawing participation from fire service instructors all over the state. The workshop will also be presented at the Continuing Challenge, Hazardous Materials Conference in Sacramento. This conference attracts a large cross-section of emergency response and code enforcement officials from a variety of state and local agencies.

**Program Deliverables**

With the funding provided by California Integrated Waste Management Board, the California State Fire Marshal's Office will accomplish the following within one year of funding:

- Review Literature
- Collaborate with Subject Matter Experts
- Publish Curriculum (instructors guide, and student pamphlet)
- Script and Produce an Instructional Video
- Schedule and Deliver 10 Workshops
- Attend Fire Service Meeting and Conferences

## PROGRAM BUDGET

| | |
|---|---|
| **STAFF SALARY & BENEFITS (9 MONTHS)** | **$50,017.50** |
| | |
| **STAFF OPERATING EXPENSE** | |
| MISCELLANEOUS OFFICE EXPENSE | $890.25 |
| FURNISHINGS | $1,350 |
| REPRODUCTION | $745.50 |
| COMMUNICATION | $1,125 |
| POSTAGE | $480 |
| IN-STATE TRAVEL | $5,425.50 |
| TRAINING | $195 |
| DATA PROCESSING | $465 |
| FACILITIES OPERATION | $3,717 |
| **SUBTOTAL** | **$14,393** |
| | |
| **SERVICE & EQUIPMENT** | |
| VIDEO PRODUCTION | $25,000 |
| PUBLICATION EXPENSE | $15,000 |
| TABLE TOP DISPLAY | $1,200 |
| **Subtotal** | **$41,200** |
| | |
| **OVERHEAD** | |
| RECEPTION | |
| CLERICAL | |
| ACCOUNTING | |
| BILLING | |
| MAIL/STOCK | |
| **SUBTOTAL(30% OF $105,610.50)** | **$31,683** |
| | |
| **TOTAL PROPOSAL** | **$137,293.50** |

## WORK SCHEDULE

| ACTIVITY | MONTHS | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| REVIEW LITERATURE | | | | | | | | | | | | |
| DRAFT INST. GUIDE | | | | | | | | | | | | |
| COLLECT INFO FROM S.M.E. | | | | | | | | | | | | |
| REWRITE INST. GUIDE | | | | | | | | | | | | |
| SCHEDULE CLASSES | | | | | | | | | | | | |
| PRODUCE VIDEO | | | | | | | | | | | | |
| PREPARE GRAPHICS | | | | | | | | | | | | |
| DRAFT STUDENT GUIDE | | | | | | | | | | | | |
| DELIVER CLASSES | | | | | | | | | | | | |

## STAFF OVERVIEW

### RODNEY SLAUGHTER

Mr. Slaughter has served in the fire service for twenty years. He spent 14 years as a military and civilian fire fighter for the United States Air Force, with assignments in Florida, Hawaii, and California. He came to the State Fire Marshal's Office in 1988 as a Deputy State Fire Marshal working field assignments in West Covina, Fresno, Sacramento, and the Chico branch office, providing code enforcement in nine Northern California counties.

His most recent assignment was as Project Coordinator for the State Fire Marshal's Tire Fire Program. He authored the text "Rings of Fire", and is the producer of a 40 minute training video on the same subject. He has lectured statewide and was a featured speaker at the Continuing Challenge, Hazardous Materials Workshop, Sacramento and the California Fire Instructors Workshop, San Jose. Rodney studied Fire Science at Honolulu Community College, and has a Bachelor of Arts Degree in Anthropology from the California State University, Sacramento.

### TIRE FIRE PROGRAM

The proposal for the Used Oil Workshop is predicated on the success of the recently completed Tire Fire Program. The contract for the Tire Fire Program included literature review, 2,500 text books, subject matter expert meetings, complete instructors guide, and 40 minute video. The program was completed on time and within budget. In addition to this project, Mr. Slaughter also directed scientific research through the University of California, Berkeley.

The Tire Fire Program was established in the Fire Service Training and Educational Program (FSTEP), with 10 train-the-trainer classes and 115 participating instructors. This training program has drawn students from Alaska, American Samoa, Arizona, Kansas, Nevada, New Jersey, and Washington State. The exposure of our program is also international. The video "Rings of Fire", was reviewed by international fire interest at a film festival in Spain, entitled Video Fuego. The Governments of Kuwait and Great Britain have requested copies of the training program.

The Tire Fire Program has also been requested by the New York State Fire Marshal's Office, University of West Virginia, University of Missouri, the Environmental Protection Agency, International Association of Fire Chiefs, Idaho State Division of Environmental Quality, and is also installed in the N.F.P.A. Library.

## STATE FIRE MARSHAL

The Mission of the California State Fire Marshal's Office is to protect life and property through the application of fire prevention engineering, enforcement, and education. The Used Oil Workshop matches the mission of the California State Fire Marshal's Office with the goals and objectives of the California Integrated Waste Management Board.

Mr. Slaughter will coordinate the Used Oil Workshops. As a Deputy of the California State Fire Marshal, he will have the complete support of the Department and access to all its resources. These include research and information from Technical Services Division, Legislation and Regulations Division, as well as the California Fire Incident Reporting System (CFIRS) and Fire Facts (The Official Fire Service Census). The California State Fire Marshal's Office also relies on the input and support of the California Fire Service in the development and support for all our training programs.

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

**RESOLUTION 95-534**

**APPROVAL OF IAA WITH THE STATE FIRE MARSHAL'S OFFICE**

**WHEREAS,** Public Resources Code (PRC) §48650 requires oil manufacturers to pay to the Board $0.16 for every gallon of lubricating oil sold or transferred in the state ; and

**WHEREAS,** PRC §48653 requires the Board to deposit all amounts paid pursuant to PRC §48650 into the California Used Oil Recycling Fund for expenditure on the implementation of the Used Oil Recycling Program; and

**WHEREAS,** PRC §48631(c) requires the Board to include in its Used Oil Recycling Program an information and education program for the promotion of alternatives to the illegal disposal of used oil; and

**WHEREAS,** Board staff have reviewed the proposal for Used Oil Workshops to be conducted through an Interagency Agreement with Office of the State Fire Marshal and found that the proposal falls within the requirements of PRC §48631(c);

**NOW, THEREFORE, BE IT RESOLVED,** that the Board hereby approves the award of the Interagency Agreement with the Office of the State Fire Marshal as described in Attachment 1 (Used Oil Workshop)

**CERTIFICATION**

The undersigned Executive Director of the California Integrated 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 Integrated Waste Management Board held May 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

Board Meeting
May 23, 1995

**AGENDA ITEM** 69

**ITEM:** CONSIDERATION TO AUGMENT THE DDB NEEDHAM CONTRACT #IWMC3063 FOR $100,000

**COMMITTEE ACTION:** At the time this item went to print, the Administration Committee had not taken action.

## I. SUMMARY

On April 27, 1994, the Board approved a sole source contract with DDB Needham, Worldwide, Inc. for $1,000,000 to assist the Board with the "roll out" for the Waste Prevention Education Project as part of a public education program. This agenda item would request that the contract under this task would be augmented by $100,000 to expand the Board's ability through this contractor to support the request of the City of Anaheim in providing a public/private partnership that supports the Board's public education program.

## II. PREVIOUS COMMITTEE ACTION

This item has not come before this committee before.

## III. OPTIONS FOR THE COMMITTEE

Committee members may decide to:

1. Forward a recommendation to the Board to augment the contract in the amount of $100,000.

2. Direct staff to redirect existing funds from other tasks within the current contract to support the City of Anaheim request.

3. Direct staff to develop a contract concept for 95/96 as another alternatives in providing funds for this project.

## IV. STAFF RECOMMENDATION

Staff recommends approval of Resolution 95-537 to augment the contract in the amount of $100,000 and directs DDB Needham to sub-contract with the City of Anaheim for said amount in support of a public/private partnership.

## V. ANALYSIS

### BACKGROUND

The City of Anaheim, is seeking a public/private partnership with the Board in the development of a state-of-the-art learning center. More and more frequently Board staff have encountered opportunities to enter into meaningful partnerships with private industry. The Disney "Environmentality" project is an example of how public agencies can work hand-in-hand with private industry to effect programs that both educate and increase participation in waste management activities.

This contract provided for several tasks in support of the public education program, one task included providing "to solid waste industry organizations the information kits for use in their information/education programs." However, only $15,000 was allocated to perform activities under this task category.

The City of Anaheim is developing an integrated waste management learning center that could serve as a model for similar facilities in other parts of the state. Housed at the local materials recovery facility (MRF) in Anaheim, this learning center would offer teachers and students in the surrounding counties opportunities to learn about the principles and practices of waste management at an operational facility in their community.

This project will offer educators and their students more than a simple tour of a MRF, the partnership will fund interactive displays and learning centers on themes of waste prevention, recycling, and composting. Partnership dollars from the Board will do more than fund information kits, they will also be used to develop inter-active activities and displays. Board education staff will act as advisors in the development and production of these interactives. In addition, the facility will serve as a centralized location for conducting teacher training workshops for the Board's curriculum *Closing the Loop*. This project represents an opportunity to get the community into the classroom and the classroom into the community through a partnership of state and local government, and private industry.

### FISCAL CONSIDERATION

The funds for augmentation of this contract in support of this project come from a redirection of anticipated current year savings (IWMA) from Operating Expense and Equipment.

**ISSUES FOR CONSIDERATION**

* This project provides the Board with the opportunity to go beyond the miminal support of providing materials for an education program.

* This facility, once in place, would augment in practice and in concept multiple programs that have been significant players in the hierarchy of waste management practices including the long term need for an on-going public education effort.

* Though the funds provided by the Board would be a one time expenditure, this joint public/private industry venture would have significant long term benefits beyond the contract period.

* Not funding this project could be a missed opportunity to develop a model program that involves the cooperation and support of a public/private entity.

* A redirection of dollars within the existing contract would significantly impact current projects already ongoing and identified under other tasks.

**V. ATTACHMENTS**

1. Funding Information

2. Contract: DDB Needham, World Wide, Inc. #IWM-C3063

3. Resolution 95-537

**VII. APPROVALS**

Prepared by: Phil Moralez PM 5/9/95 Phone: 255-2345

Reviewed by: Judy Friedman JF Phone: 255-2302

Reviewed by: Marie LaVergne MBL 5/10/95 Phone: 255-2269

Legal review: _____ Date/Time _____

## V. FUNDING INFORMATION

**Amount Requested in Item:$** 100,000

**Fund Source:**

- ☐ Used Oil Recycling Fund
- ☐ Tire Recycling Management Fund
- ☐ Recycling Market Development Revolving Loan Account
- ☒ Integrated Waste Management Account
- ☐ Other _____ (Specify)

**Approved From Line Item:**

- ☐ Consulting & Professional Services
- ☐ Training
- ☐ Data processing
- ☐ Other _____ (Specify)

**Redirection:**

If Redirection of Funds: $ 100,000

Fund Source: IWMA

Line Item: From within current year Operating Expense and Equipment Budget

ATTACHMENT 2

# STANDARD AGREEMENT — APPROVED BY THE ATTORNEY GENERAL

STD. 2 (REV.5-81)

| CONTRACT NUMBER | AM. NO. |
|---|---|
| IWM-C3063 | |
| TAXPAYER'S FEDERAL EMPLOYER IDENTIFICATION NUMBER | |
| 13-3355855 | |

THIS AGREEMENT, made and entered into this 27th day of June, 1994, in the State of California, by and between State of California, through its duly elected or appointed, qualified and acting

TITLE OF OFFICER ACTING FOR STATE: Executive Director
AGENCY: Calif. Integrated Waste Management Board, hereafter called the State, and

CONTRACTOR'S NAME: DDB Needham, Worldwide, Inc., hereafter called the Contractor.

WITNESSETH: That the Contractor for and in consideration of the covenants, conditions, agreements, and stipulations of the State hereinafter expressed, does hereby agree to furnish to the State services and materials as follows: *(Set forth service to be rendered by Contractor, amount to be paid Contractor, time for performance or completion, and attach plans and specifications, if any.)*

Contractor agrees to assist the Board with the "roll out" for the Waste Prevention Education Project, as more fully described in Exhibit A, Scope of Work.

Contractor will be paid in accordance with Exhibits B and C. The total amount of this contract will not exceed $1,000,000.

The State will withhold payment equal to 10 percent of each invoice until completion of all work and other requirements to the satisfaction of the State in accordance with this contract.

THe term of this agreement will be approximately 18 months, commencing on June 27, 1994, and terminating on December 31, 1995.

The following Exhibits are attached to this agreement and incorporated by reference:

| | |
|---|---|
| Exhibit A | Scope of Work |
| Exhibit B | Budget |
| Exhibit C | Contract Payment Request Instructions |

CONTINUED ON _____ SHEETS, EACH BEARING NAME OF CONTRACTOR AND CONTRACT NUMBER.

The provisions on the reverse side hereof constitute a part of this agreement.

IN WITNESS WHEREOF, this agreement has been executed by the parties hereto, upon the date first above written.

| STATE OF CALIFORNIA | CONTRACTOR |
|---|---|
| AGENCY: Calif. Integrated Waste Management Board | CONTRACTOR (If other than an individual, state whether a corporation, partnership, etc.): DDB Needham Worldwide, Inc. |
| BY (AUTHORIZED SIGNATURE): Marie LaVergne | BY (AUTHORIZED SIGNATURE): |
| PRINTED NAME OF PERSON SIGNING: Ralph E. Chandler | PRINTED NAME AND TITLE OF PERSON SIGNING: David Park, Chairman, DDB Needham, Los Angeles |
| TITLE: Executive Director | ADDRESS: 11601 Wilshire Blvd., Los Angeles, CA 90025 |

| | | | | | |
|---|---|---|---|---|---|
| AMOUNT ENCUMBERED BY THIS DOCUMENT: $ 1,000,000 | PROGRAM/CATEGORY (CODE AND TITLE) | | FUND TITLE: IWM Clearing Acct. | | Department of General Services Use Only |
| PRIOR AMOUNT ENCUMBERED FOR THIS CONTRACT: $ 0 | (OPTIONAL USE) | | | | DB |
| TOTAL AMOUNT ENCUMBERED TO DATE: $ 1,000,000 | ITEM: 3910-001-387 | CHAPTER: 55 | STATUTE: 1993 | FISCAL YEAR: 93/94 | |
| | OBJECT OF EXPENDITURE (CODE AND TITLE): 6300-20000-418 | | | | |
| I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above. | T.B.A. NO. | | B.R. NO. | | |
| SIGNATURE OF ACCOUNTING OFFICER: Shirley Lomo | | | DATE: 6-28-94 | | |

☐ CONTRACTOR ☐ STATE AGENCY ☐ DEPT. OF GEN. SER. ☐ CONTROLLER ☐

## EXHIBIT A

### Scope of Work

The Contractor shall assist the Board with the coordination of the "roll out" for the previously developed Waste Reduction Educational Campaign.

The roll out activities shall be conducted beginning July 1994 and end no later than December 1995.

All work performed by the Contractor shall be coordinated with, directed, reviewed and approved by the Contract Manager in cooperation with the Board.

The Contractor shall perform the following tasks:

Task A: Development of a 1994/5 themeline and message refinements.

Task B: Initial training of League of California Cities (League) and California Association of Counties (CSAC) principals and coordinators on implementation of the Waste Prevention Education Kits previously developed. Contractor will assist in regional training programs conducted by the League and CSAC.

Task C: Develop target list and 12 initial solicitations to result in five (5) key education partnerships with large retail chains or manufacturers. Includes concept materials for presentations and in-store/retail promotion materials for all five partnerships.

Task D: Monitor media placement conducted by California Broadcasters Association and evaluate value of and schedule for the media placement. Provide a summary report of placement and value to the Contract Manager.

Task E: Develop a questionnaire to survey all cities and counties regarding the translation of educational materials. Coordinate with the League and CSAC to distribute survey; compile results; and provide recommendations regarding translation needs for local jurisdictions to Contract Manager.

Task F: Provide to interested solid waste industry organizations the information kits for use in their information/education programs.

Task G: Contract Manager will develop and provide an evaluation for Contractor to distribute to jurisdictions to assess consumer attitudes, behavioral changes and impact of local education programs. Contractor will compile the results of the evaluation and produce a summary of the findings.

Task H: Develop options for post-program direction.

Reporting Requirements. On the first working day of each month, Contractor shall submit a progress report indicating accomplishments during the reporting period, any obstacles impeding Contractor's ability to complete work on schedule, and work planned over the next month. These reports will be evaluated on a quarterly basis by Contract Manager for the purpose of determining if the Contractor is fulfilling contract commitments. Contractor shall be available, when requested, to provide status reports on the project at meetings of the Board and its Legislative and Public Education Committee.

Contractor shall prepare an annual progress report, describing the current status of the roll out activities, including results of tracking research and evaluations conducted to measure the campaign's effectiveness.

**EXHIBIT B**

**Budget**

The following budget summary recaps the itemized budget presented in the Contractors proposal. All rates quoted in the proposal for hourly salaries, wages, general and administrative expenses and overhead shall be fixed for the full term of the contract, including the additional term of any renewals that may be approved by the Board, subject to any annual adjustments specified in the proposal.

| TASK | COST |
|---|---|
| Task A: Development of themeline, message refinements and materials | $300,000 |
| Task B: Training of City and County Personnel | $ 48,750 |
| Task C: Solicitation of 12 and securing of five (5) partnerships with retailers or manufacturers and development of promotion materials | $222,000 |
| Task D: Monitoring of Media Placement | $ 10,000 |
| Task E: Multi-cultural information, technical assistance and materials | $180,000 |
| Task F: Provide information kits to solid waste industry organizations | $ 15,000 |
| Task G: Analyses of local programs; consumer attitudes and behavioral changes; final evaluation of rollout | $165,000 |
| Task H: Develop options for post-program directions | $ 59,250 |
| Total: | $1,000,000 |

Attachment 3

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

**RESOLUTION 95-537**

**CONSIDERATION TO AUGMENT THE DDB NEEDHAM CONTRACT #IWMC3063 FOR $100,000**

**WHEREAS**, on April 27, 1994, the California Integrated Waste Management Board (Board) approved a sole source contract with DDB Needham, Worldwide, Inc. for $1,000,000 to assist the Board with the "roll out" for the Waste Prevention Education Project as part of a public education program; and

**WHEREAS**, the Board has in the past supported joint public and private industry programs that both educate and increase participation in waste management activities; and

**WHEREAS**, the City of Anaheim is developing an integrated waste management learning center that could serve as a model for similar facilities in other parts of the state; and

**WHEREAS**, augmenting the existing contract to provide funds in support of this project is consistent with the intent and tasks identified in this current agreement;

**NOW, THEREFORE, BE IT RESOLVED** that the California Integrated Waste Management Board hereby approves an augmentation in the amount of $100,000 of DDB Needham, contract #IWMC3063, and directs said contractor to sub-contract with the City of Anaheim in support of a public/private partnership consistent with the Board's education program.

**CERTIFICATION**

The undersigned Executive Director of the California Integrated 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 Integrated Waste Management Board held on May 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

**BOARD MEETING**
**MAY 23-24, 1995**

**AGENDA ITEM 71**

**ITEM:** CONSIDERATION OF STAFF RECOMMENDATIONS ON THE WORK PRODUCTS PREPARED BY ENVIRONMENTAL SCIENCE ASSOCIATES IN FULFILLMENT OF THE INTEGRATED WASTE MANAGEMENT PLANNING STUDY CONTRACT - LANDFILL CAPACITY STUDY:

A) THE REPORT ENTITLED, "TOWARDS ENSURING ADEQUATE LANDFILL CAPACITY;"

B) THE REPORT ENTITLED, "DETERMINING REMAINING PERMITTED CAPACITY OF CALIFORNIA'S SANITARY LANDFILLS;" AND

C) THE CALIFORNIA LANDFILL SYSTEM (CALF).

## I. SUMMARY

In accordance with the provisions of the Integrated Waste Management Planning Study -- Landfill Capacity Study, several work products are presented for your consideration and approval. Specifically, the reports entitled, "Towards Ensuring Adequate Landfill Capacity" and "Determining Remaining Permitted Capacity of California's Sanitary Landfills" were prepared by Environmental Science Associates (ESA) in fulfillment of the contract.

## II. PREVIOUS COMMITTEE ACTION

The Policy, Research and Technical Assistance Committee did not meet prior to the submittal of this item.

## III. PREVIOUS BOARD ACTION

There has been no previous Board action on this item.

## IV. OPTIONS FOR THE COMMITTEE

Committee members may wish to:

1. Accept the report(s) prepared by the contractor, ESA, in fulfillment of the Integrated Waste Management Planning Study -- Landfill Capacity Study, direct staff to proceed as indicated in Staff Recommendations and forward to the Board for approval; or

2. Direct staff to revise specific sections of the report(s) and bring the report(s) back to the Committee upon revision.

## V. STAFF RECOMMENDATIONS

Staff recommends the Committee direct staff complete each of the following actions:

1. Direct the contractor and staff to publish information contained in the report concerning landfill capacity and distribute that information;

2. Direct staff to proceed in further defining and developing an action plan to implement specific recommended solutions as delineated in the report "Towards Ensuring Adequate Landfill Capacity" and return to the Committee with the results of that work; and

3. Distribute the report "Determining Remaining Permitted Capacity of California's Sanitary Landfills" to public and private landfill operators.

## VI. ANALYSIS

BACKGROUND

In April 1992, the Board approved the Interim Landfill Capacity Report prepared by staff which summarized remaining statewide landfill capacity. The report was a compilation of the AB 939 required Local Task Force findings concerning countywide remaining landfill capacity as of January 1, 1990. The Board and Policy, Research and Technical Assistance Committee (Committee) indicated during the preceding months their desire to proceed with a contract to conduct a variety of tasks in order to gain more specific landfill capacity data.

On June 24, 1992, the Board entered into a contract with Environmental Science Associates to conduct this work. The Landfill Capacity Study, Part C of the Integrated Waste Management Planning Study (Contract Number IWM-C1089), was designed to accomplish a number of interrelated tasks. Among these tasks the collection and verification of remaining capacity on a landfill specific basis was integral to the contract work to be performed.

The contract called for specific research to be conducted and reports to be prepared. The overall purpose of the contract was to determine remaining landfill capacity which is landfill specific, aggregated by county or region as well as statewide to suggest strategies for assisting local governments in achieving the mandated 15 years of disposal capacity. Further, an augmentation to the original contract called for the contractor to utilize the survey information in order to ascertain the

methods being used by landfill to determine remaining capacity and suggest one or more standardized methods to do so.

In response to the requirement to compile, tabulate and graphically represent information on remaining capacity, the contractor developed a database with a geographic information system (GIS) application. In determining remaining capacity, the contractor, in accordance with contract requirements, began with data readily available in Board files. The Solid Waste Information System (SWIS) list of landfills was used to generate survey materials which were mailed to every permitted landfill within the state of California. Staff provided some of the information on the survey forms with existing in-house information prior to being mailed to landfill owner/operators. The surveys were mailed to over 300 landfills listed on the SWIS list. Through the first series of landfill surveys 160 landfills responded.

The contract called for graphic representations of landfill capacity under a variety of scenarios. In order to fulfill this portion of the contract, a Geographic Information System (GIS) application was developed. The data collected through the survey effort was utilized in this system in order to produce maps reflecting remaining capacity.

In June 1994, two workshops, one in Long Beach and one in Sacramento, were conducted in order to gain feedback on the preliminary data and report. In response to concerns raised at the two workshops and written comments received, and to modify the report based on the comments received, the data gathering exercise was enhanced and the report language was modified.

The following is a brief summary of the comments received at the workshops and in writing:

* The number of landfill owner/operators returning surveys was low, causing many data gaps.
* Local Enforcement Agents (LEAs) had little involvement with providing landfill capacity data.
* There was a perception that staff and the contractor had not utilized existing Board data.

In response to the first two identified concerns, staff attended a series of LEA Roundtable meetings throughout the state in the fall of 1994 to facilitate LEA input. Through this effort, many of the identified "data gaps" were eliminated. In response to the last concern listed, the surveys which were sent out to landfill owner/operators and the LEAs had been completed to the extent possible with in-house data, the contractor and staff also reviewed hardcopy information such as the Closure Post-Closure

Maintenance Plans, Facility Files, and Report of Disposal Site Information. Through these combined efforts, staff believes the database and CALF contains a reliable capacity figure for each active landfill in the state.

Since the first unveiling of the CALF at the two workshops, a considerable amount of effort has been taken in order to improve the functionality of the system. Concerns expressed at the workshops centered around the perception versus the reality of the availability of remaining capacity. Therefore, in response to this valid concern, footnotes identifying that capacity which is in some way restricted has been accomplished.

Also, the mapping abilities of the system have been enhanced. The system contains a geographic location very specific to the landfill unlike other existing systems which either use zipcode centroid or place location. In order to improve the location information, LEAs were given detailed maps in which to identify the location of the landfill. The contractor then used this map to lift the longitudinal and latitudinal information to enter into the GIS. This system now more accurately portrays landfill locations throughout the state.

The results of the first preliminary report were criticized as not having a solid foundation given the number of non-responding landfills. Now with virtually all landfills responding, the resulting scenarios concerning remaining landfill capacity can be more readily relied upon. Additional sources of data were used in the final version of the report to determine remaining capacity in terms of ranges. This was done in response to some comments voiced at the workshop. It was stated that determining remaining capacity on a countywide basis is an inexact science. Therefore adding remaining capacity in terms of a range was suggested. The range provides an estimate of remaining capacity determined two different ways. One estimate uses the statewide generation rate and reflects achievement of the statewide diversion mandates as well as remaining capacity from each landfill in the county to calculate remaining countywide capacity. The second portion of the range estimate on remaining countywide capacity utilizes the Board of Equalization (BOE) historical disposal data in combination with remaining capacity from each landfill in the county to determine countywide remaining capacity. In this way, an estimate more reflective of the uncertainties inherent in utilizing landfill capacity is given.

On May 5th, the Board approved an augmentation of the Integrated Waste Management Planning Study. The purpose of the augmentation was to analyze existing methodologies employed in the state used to determine remaining landfill capacity. The contractor was to

develop or present one or more standard methodologies for calculating remaining capacity. The report "Determining Remaining Permitted Capacity of California's Sanitary Landfills" represents that effort.

DISCUSSION

The following highlights from the report "Towards Ensuring Adequate Landfill Capacity" represent the major findings of the landfill capacity study. Please note that there are specific limitations to these findings and they should be considered within the context given in the report.

* The amount of solid waste disposed per person has declined. Using the Board of Equalization data for 1993, Californian's disposed of 5.9 lbs per person. This compares to 7.9 lbs per day, as of January 1, 1990 (Interim Landfill Capacity Report), 8.1 lbs per day, as of January 1990, (Interim Database from Preliminary Draft Source Reduction and Recycling Elements) and 7.4 lbs per day as of June 1985.

* The amount of solid waste disposed declined approximately 20 percent between 1990 and 1993, from a rate of 42.5 million tons per year as of January 1, 1990 (Interim Landfill Capacity Report) to 34 million tons in 1993 (Board of Equalization). This percentage reduction is consistent with the results of other analyses undertaken by this Board, including the analysis conducted by Dr. Eugene Tseng, UCLA.

* The total amount of remaining permitted disposal capacity in California has increased from one (1) billion cubic yards, as of January 1, 1990 to approximately 1.6 billion cubic yards, as of January 1, 1993.

* By simply dividing the remaining landfill capacity by the 1993 rate of disposal, the state may have as much as 27 years of remaining capacity. However, this may not accurately portray localized restrictions on remaining capacity.

* There are 21 counties representing 41% of the state's population that have less than 15 years of remaining in-county landfill capacity.

The following are highlights from the report "Determining Remaining Permitted Capacity of California's Sanitary Landfills."

* Nearly all of the state's large publicly and privately owned landfills use accepted engineering practices to determine their remaining permitted capacity.

* The report recommends three standard methods for determining a landfill's remaining permitted capacity: topographical surveys, weight-to-volume conversion, and trench volume calculations.

* Nearly 90 percent of the state's remaining capacity is determined using the topographical survey method.

The report on remaining landfill capacity also includes suggestions for lengthening existing landfill life as well as acquiring new capacity. Valuable assessments of these strategies were given through the workshop process as well as the written comments received.

Most of the feedback to date regarding the preliminary report "Towards Ensuring Adequate Landfill Capacity" centered around the data concerning remaining landfill capacity. At the time the preliminary report was released and the workshops conducted, data had been gathered for about two-thirds of the state's active landfills. Therefore, the conclusions based upon the gathered data was not considered reliable. Due to the efforts of the contractor and staff, capacity data has been gathered for every active landfill in the state and the conclusions in the report modified.

The contractor identified several problems in the siting and permitting processes and proposed solutions for resolving them. The report focuses on issues and problems that commonly occur when local governments attempt to site a new landfill or expand an existing one. To provide clarity, the report is organized into a series of "Problems" with several suggested "Solutions" that follow. These solutions are intended to provide an outline of a proposal that the Board may wish to consider directing further work be conducted.

The "Problems" identified include:

A. Public Opposition to Proposed Landfill Sites
B. Short-Term Decision Making vs. Long-Term Solutions and Planning
C. Lack of Flow Control Authority
D. Potential Limited Resources and Limited Local Jurisdiction Expertise
E. High Cost or Scarcity of Land Suitable for a Landfill

The strategies or "Solutions" contained within the report include:

1. Assistance Establishing Siting Criteria Committees
2. Development of a Mediation Protocol
3. Information and Education Programs
4. Assistance Negotiating Compensation for Host

Communities
5. Preparation and Distribution of a Siting Manual and Holding Siting Workshops
6. Assistance Negotiating Flexible Export Contracts
7. Technical Assistance Program
8. Encouraging Formation of Regional Agencies
9. Encouraging Land Reservation or Acquisition for Future Needs

At the workshop there appeared to be almost unanimous support for the Board to act as a clearinghouse of public information and to provide technical assistance. Also voiced was support for the Board to look into mediation protocol development, particularly in regards to suggesting mediation principles which could be developed and available to assist local siting criteria committees. The idea of the Board developing a siting manual was met with favor as well.

**ATTACHMENTS:**

1. Report entitled, "Towards Ensuring Adequate Landfill Capacity"

2. Report entitled, "Determining Remaining Permitted Capacity of California's Sanitary Landfills"

Prepared by: Tracey M. Harper Phone: 255-2392

Reviewed by: Dianne Range Phone: 255-2400

Reviewed by: Judith J. Friedman Phone: 255-2302

Legal review: _____ Date/Time _____

# TOWARD ENSURING ADEQUATE LANDFILL CAPACITY

*Prepared as Part of the Integrated Waste Management Planning Study*

*Contract #C1089*

*May 9, 1995*

*Submitted by:*
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## BACKGROUND

The California Integrated Waste Management Act of 1989 (Act), as specified in Public Resources Code (PRC) Section 41701(b), requires that each county prepare a Countywide Siting Element to be part of a Countywide Integrated Waste Management Plan. The Siting Element shall include "an estimate of the total transformation or disposal capacity in cubic yards that will be needed for a 15-year period to safely handle solid wastes generated within the county that cannot be reduced, recycled, or composted."

This report examines the adequacy of remaining permitted landfill disposal capacity in California, and methods for ensuring the conservation of existing landfill capacity and the development of additional capacity for waste which cannot be reduced, recycled, or composted. This report builds upon an earlier report prepared by the California Integrated Waste Management Board, *Reaching the Limit, An Interim Report on Landfill Capacity in California (CIWMB 1992a).* The conclusions of that report stated that as of January 1, 1990, counties representing approximately 70 percent of the state's population indicated that they would be facing a landfill capacity shortage within the next 15 years. More importantly, at that time almost 40 percent of the state's population resided in ten counties that indicated they had less than five years remaining landfill disposal capacity. The purpose of the contract was to compile information on remaining capacity on a landfill specific basis.

The contract for this report involves collection of landfill capacity and disposal information in order to estimate the amount of remaining capacity as of January 1, 1993. As part of this contract, a Geographic Information System (GIS) was designed to allow the Board to store updated capacity information about each active landfill in the state, and provide data reports and maps that display the information in a variety of ways. The GIS provides this information in reports and thematic maps. Board staff now have a tool to quickly analyze areas facing critical landfill shortages. The GIS can quickly identify all the landfills in a region and provide information on the remaining capacity and tons per day (TPD) limits. Furthermore, the GIS contains county population information and has data layers to display highways and railroads so that transportation routes can be analyzed.

A draft of this report was released in May 1994. That draft report contained landfill information received at that time, and identified problems and solutions to the development and conservation of landfill capacity in California. Two public workshops were convened (one in Long Beach on June 1, 1994, and one in Sacramento on June 7, 1994) to discuss the draft report and to receive feedback about the problems and solutions identified in the draft report. Through the workshops and written responses, it became apparent that workshop participants agreed with some of the proposed solutions and disagreed with others. Workshop participants also identified other problems and recommended enhancements to the GIS. That feedback helped the preparers of this report to identify solutions that have support from the public, from county staff and waste haulers that rely upon disposal facilities, and from operators of landfills in California.

## METHODOLOGY AND LIMITATIONS

This report identifies 1) the remaining capacity of landfills in California that received solid wastes as of January 1, 1993, and 2) the counties that may now have less than 15 years of remaining landfill capacity for the wastes currently disposed of in the county. The data were collected by a variety of methods:

- two rounds of surveys to the landfill operators;
- a review of the data by Local Enforcement Agencies (LEAs) of about 35 counties;
- a review of facility files; and
- a review of landfill Certification of Initial Cost Estimates and Financial Assurances for Closure and Postclosure.

The methodology for determining years of remaining capacity was to divide the cubic yards of remaining capacity in a county by the estimated annual disposal rate. The GIS system takes into account the most likely landfills to receive county waste and their reported or default waste compaction rates. The GIS also routes county waste when counties have ongoing export agreements.

There was considerable criticism of the preliminary findings of this report when it was released as a draft in May 1994. Much of the criticism dealt with issues beyond the scope for this contract. A strong criticism of the June 1994 draft report that was relevant was that the draft report overestimated the remaining capacity in some counties because it is simplistic to assume that all landfill capacity in a county is available to receive all the wastes generated in a county. This point and others from the workshops were incorporated into this report and the reader should be aware that even counties with more than 15 years of capacity do experience critical capacity shortages. This can occur because of restrictions in the types of wastes received at

various landfills, restriction on the jurisdictions using certain landfills, prohibitive tipping fees, competition between companies, and high transportation costs. Wastesheds within a county can face a critical shortage of affordable landfill capacity even when the county mathematically has more than 15 years of landfill capacity. There are several counties with more than 15 years of landfill capacity in which the solid waste system operators are trying to permit new or expanded landfills or are exporting wastes to nearby counties or even out of state.

The landfill owners and operators who attended the workshops and/or submitted written responses also indicated a need for the Board to educate the public on the key role of landfills in the integrated waste management systems.

## SUMMARY OF FINDINGS

### STATEWIDE

#### Daily Disposal

Based on disposal information from the Board of Equalization (BOE) in Appendix A, the amount of solid waste disposed in California each day was 5.9 lbs. per person throughout 1993. This compares to 7.9 lbs. per day as of January 1, 1990, and 7.4 lbs. per day as of June 1985. The reduction in disposal amount is generally believed to be the result of the start-up of many new recycling programs and the reduction in generation amounts because of a prolonged recession in California.

#### Annual Disposal

The BOE information indicates the total amount of solid waste disposed annually in California during 1993 was approximately 34 million tons. This is a 20 percent reduction from the rate of 42.5 million tons per year as of January 1, 1990 (CIWMB, 1992a).

#### Remaining Permitted Landfill Disposal Capacity

As reported by landfill operators and LEAs and data obtained from the CIWMB landfill records, disposal capacity in California as of January 1, 1993, was approximately 1.61 billion cubic yards. This compares to 1.12 billion cubic yards as of January 1, 1990, and 985 million cubic yards, as of January 1, 1987. Since 1990, estimated landfill capacity increased by approximately 490 million cubic yards.

## ACTIVE LANDFILLS, NUMBER AND SIZE

BOE information indicates that the number of landfills in the state paying fees has dropped from 234 in 1990 to 201 in 1994. This indicates an approximate 14 percent reduction in the number of landfills between 1990 and 1994. There has been a concern that the Federal Subtitle D regulation for landfills will result in additional closures. Since many of the surveys returned by the smaller landfills indicated they planned to close sooner because of Subtitle D, the inability of landfills to meet the requirements of Subtitle D probably is the main reason for the reduced number of active landfills.

The BOE information was sorted by the amount of wastes received in landfills in the most recent year, 1994 (see Appendix B). A summary of the amount of wastes received by landfills is shown below:

- Seven (7) landfills received more than 1,000,000 tons of waste in 1994.
- Eight (8) landfills received between 500,000 and 1,000,000 tons of waste in 1994.
- Fifty-four (54) landfills received between 100,000 and 500,000 tons of waste in 1994.
- The remaining one hundred thirty-two (132) landfills received less than 100,000 tons of waste in 1994.
- The sixty-nine (69) landfills that received the most waste in 1994 (all receiving >100,000 tons) received a total of 30,916,675 tons, about 91 percent of all solid wastes disposed in 1994.

## BY REGION

### Remaining Permitted Landfill Disposal Capacity

To make this report as current as possible in terms of estimating the years of remaining capacity, years of remaining capacity has been estimated as of January 1, 1995. Twenty-one (21) counties in California potentially have less than 15 years of estimated disposal capacity as of January 1, 1995 (see Table 1). Remaining landfill capacity is distributed regionally as shown in Figures 1 through 4.

Although many areas of the state have easy access to reasonably priced landfills, there continue to be counties and sub-county wastesheds with poor access to disposal capacity. As one would expect, areas with poor access to disposal capacity occur in many counties with less than 15

TABLE 1: YEARS OF REMAINING PERMITTED LANDFILL DISPOSAL CAPACITY FOR COUNTIES BY REGION AS OF JANUARY 1, 1995 /1,2/

| REGION 1: NORTHERN CALIFORNIA | |
|---|---|
| Alpine | - /3/ |
| Amador | 29 - 38 years |
| Butte | 32 - 28 years |
| Colusa | 144 - 297 years |
| Del Norte | 1 - 8 years |
| El Dorado | 3 - 11 years |
| Glenn | 34 - 31 years |
| Humboldt | 16 - 16years |
| Lake | 4 - 10 years |
| Lassen | 51 - 71 years |
| Mendocino | 3 - 6 years |
| Modoc | 3 - 35 years |
| Nevada | /3/ |
| Placer | 39 - 29 years |
| Plumas | 4 - 7 years |
| Sacramento | 84 - 74 years |
| Shasta | 25 - 22 years |
| Sierra | 148 - 143 years |
| Siskiyou | 37 - 65 years |
| Tehama | 7 - 13 years |
| Trinity | 30 - 37 years |
| Yolo | 152 - 119 years |
| Sutter/Yuba | 4 - 5 years |

| REGION 2: BAY AREA | |
|---|---|
| Alameda | 21 - 15 years |
| Contra Costa | 66 - 107 years |
| Marin | 9 - 5 years |
| Napa /4/ | 25 - 12 years |
| San Francisco | /3/ |
| San Mateo | 30 - 21 years |
| Santa Clara | 36 - 30 years |
| Solano | 38 - 34years |
| Sonoma /4/ | 16 - 12 years |

| REGION 3: CENTRAL CALIFORNIA | |
|---|---|
| Calaveras | 131 - 174 years |
| Fresno | 33 - 32 years |
| Inyo | 95 - 178 years |
| Kern | 25 - 19 years |
| Kings | 3 - 5 years |
| Madera | 1 - 2 years |
| Mariposa | 102 - 110 years |
| Merced | 9 - 8 years |
| Mono | 110 - 256 years |
| Monterey | 84 - 58 years |
| San Benito | 50 - 59 years |
| San Joaquin | 134 - 85 years |
| San Luis Obispo | 21 - 22 years |
| Santa Barbara | 44 - 47 years |
| Santa Cruz | 31 - 26 years |
| Stanislaus | 21 - 109 years |
| Tulare | 33 - 28 years |
| Tuolumne | 2 - 7 years |

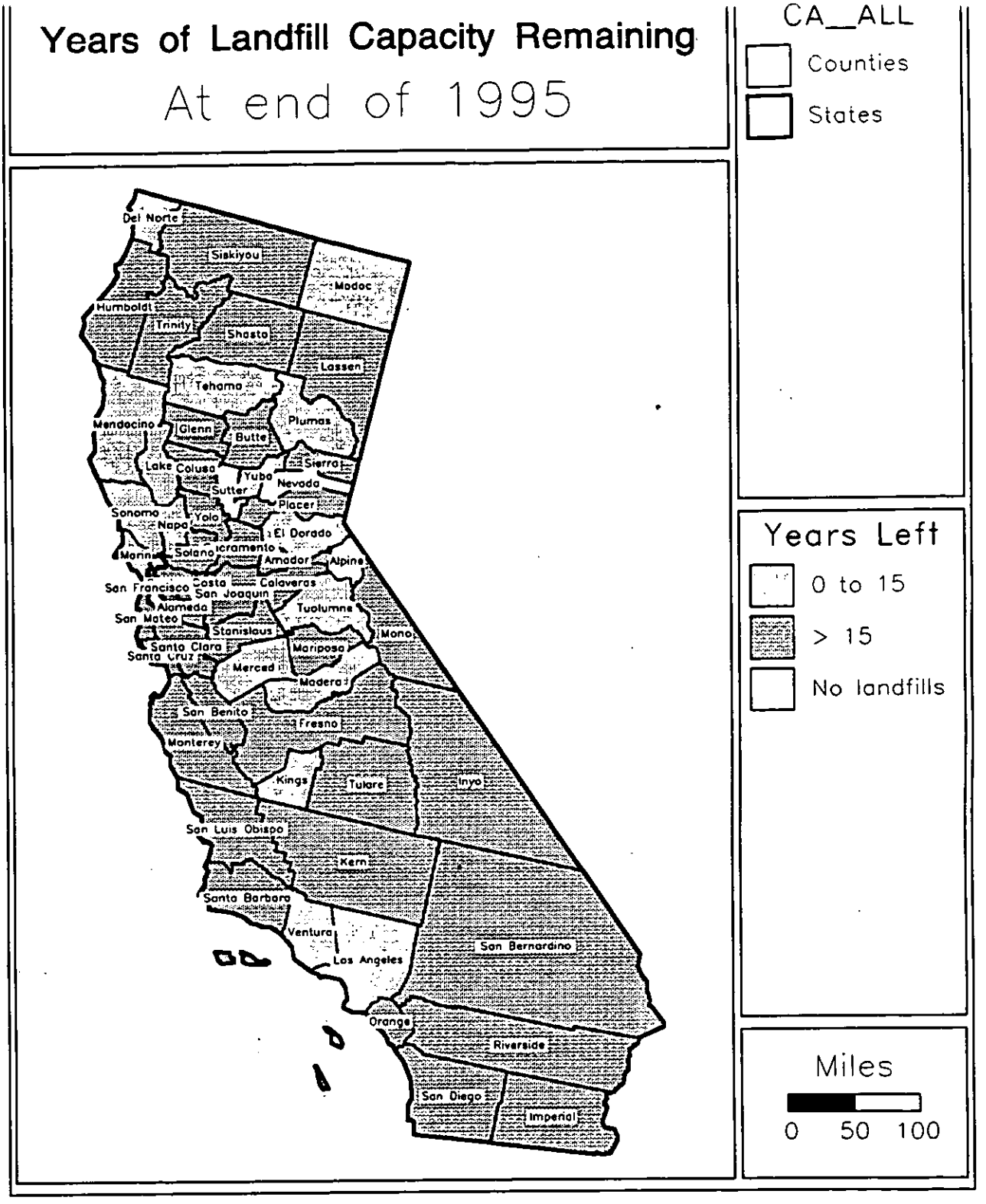
| REGION 4: SOUTHERN CALIFORNIA | |
|---|---|
| Imperial | 106 - 69 years |
| Los Angeles /4/ | 17 - 13 years |
| Orange | 69 - 44 years |
| Riverside | 26 - 20 years |
| San Bernardino | 35 - 30 years |
| San Diego | 30 - 24 years |
| Ventura /4/ | 17 - 14 years |

/1/ A range of years is given. The first estimate is from the CIWMB GIS, and is based on generation rates of 1 ton per person per year in all counties and diversion rate of 20% in 1993, 22% in 1994 and 25% for 1995 and future years. The second estimate uses the same cubic yard (CY) capacity, but uses average county disposal rates reported by BOE for 1993 and 1994.

/2/ Estimates are provided as preliminary planning tools for board staff and may vary greatly from estimates that rely on an indepth understanding of a particular county. These estimates will become more accurate as the GIS modifies assumptions on the basis of disposal counting reports and County Siting Elements.

/3/ 100% of waste exported.

/4/ Counties that have less than 15 years of capacity when BOE disposal rates (1994) are used.



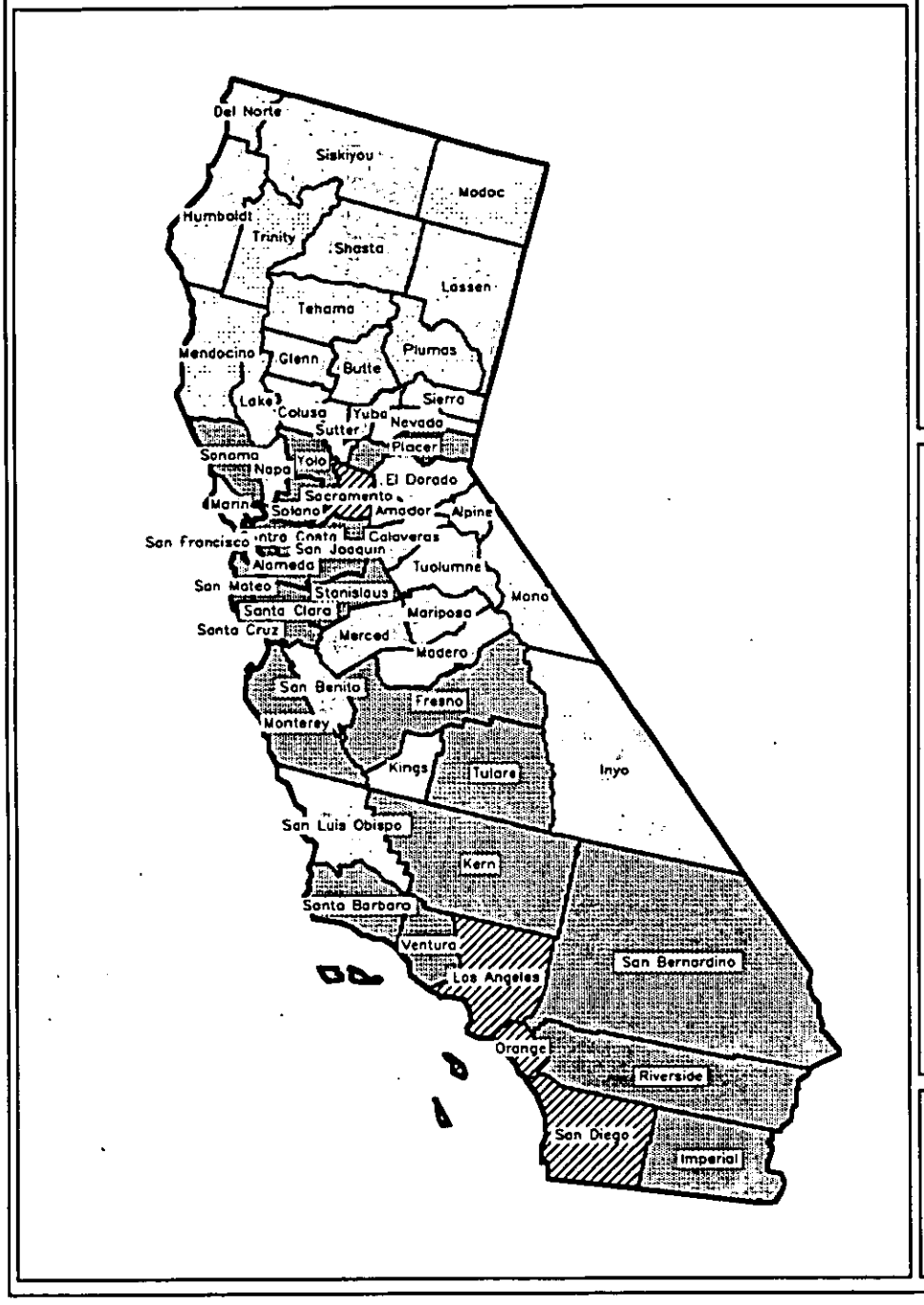

SOURCE: Environmental Science Associates

*Toward Ensuring Adequate Landfill Capacity / 920279*

**Figure 1**
Estimated Years of
County Landfill Capacity

**This figure shows the minimum years from the ranges provided in Table 1.**

# 1993 Remaining Capacity




CA_ALL

Counties

States

Capacity (cy)

0 to 1,000,000

1,000,001 to 10,000,000

10,000,001 to 100,000,000

> 100,000,000

No Landfills

Miles

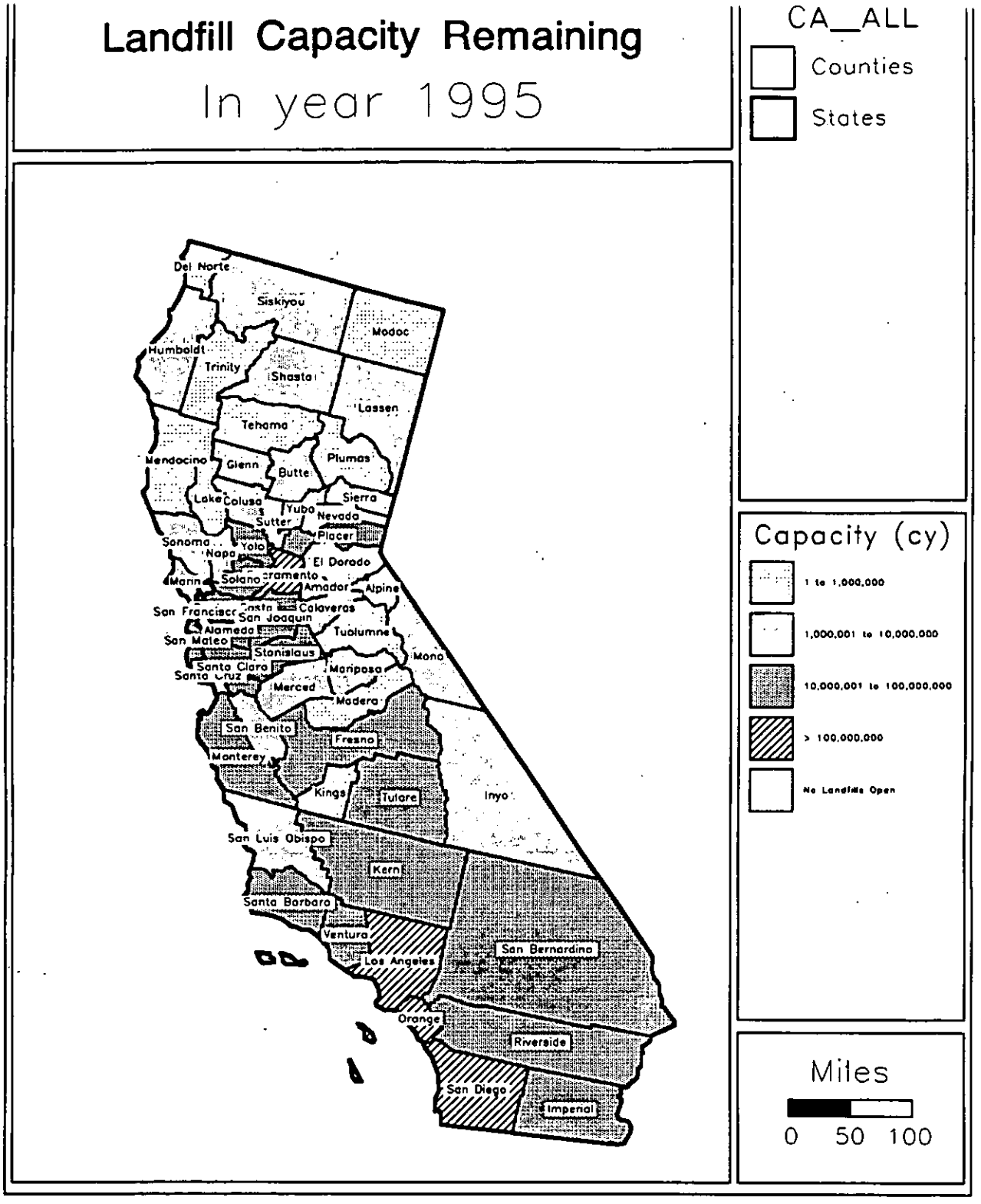
0 50 100

*Toward Ensuring Adequate Landfill Capacity / 920279*

SOURCE: Environmental Science Associates

**Figure 2**
Landfill Remaining Capacity
in Cubic Yards, 1993

**The capacities for each county are from the totals shown in Appendix D.**




SOURCE: Environmental Science Associates

*Toward Ensuring Adequate Landfill Capacity / 920279*

**Figure 3**
Projected Landfill Remaining Capacity in Cubic Yards, 1995

**Projected capacity for 1995 uses the initial capacities (Appendix D) and factors in population growth and continued progress in attainment of the AB 939 goals of 25% diversion by 1995 and 50% diversion by 2000.**

# 1.0 REPORT PURPOSE, APPROACH, AND CONTENT

## 1.1 PURPOSE

The purpose of this report is to provide the California Integrated Waste Management Board (CIWMB) with current information on the state's remaining landfill capacity and to suggest strategies for assisting local governments in achieving their mandate to have 15 years of disposal capacity permitted or identified. The report identifies those counties with less than 15 years remaining capacity, delineates circumstances that create an acute shortage of landfill capacity, and identifies steps that should be considered to address acute shortages. The report identifies obstacles to timely and cost-effective landfill siting and permitting, and proposes strategies that the CIWMB, local governments, and prospective landfill operators should consider to overcome these obstacles.

The landfill siting and permitting processes involve a spectrum of interested parties: local government planning departments and commissions, boards of supervisors or city councils, local enforcement agencies, public or private landfill operators, neighbors of proposed landfill sites, environmental and community activists, and several state and federal agencies. Furthermore, landfill siting and permitting are to some extent separate, but overlapping processes. Landfill siting is primarily a matter of local land use planning. Permitting, on the other hand, typically involves a number of state and federal agencies.

This report is intended to complement recent reports of the CIWMB and other state agencies dealing with streamlining the permitting process, by focusing on means of facilitating the siting process. This report finds that the siting process, like the permitting process, has potential for conflict, misunderstanding, and costly delay. The chances for success of a siting process may be improved, however, through a carefully coordinated and open planning process that involves all interested parties from the beginning, and through increased assistance or resources from the CIWMB to local government agencies and others involved in landfill siting.

## 1.2 APPROACH

The approach used to perform the necessary research for this report included:

- a review of reports by the California Integrated Waste Management Board, the former California Waste Management Board, Cal/EPA, the Office of Permit Assistance, and the Council on California Competitiveness;
- an evaluation of comments on published reports and printed testimony in public hearings on permit processing and Cal/EPA recommendations on permit streamlining;
- discussions with staff of CIWMB, Cal/EPA, and the Office of Permit Assistance;
- telephone interviews with local government planning experts, local enforcement agencies, citizen advocates, and permit applicants for new landfills or landfill expansions;
- surveys were sent to every landfill in the state to determine remaining capacity as of January 1, 1993 (160 surveys were returned);
- verification of returned landfill surveys by the Local Enforcement Agency (LEA) -- these were distributed at LEA roundtables in the fall of 1994, at which time the Board presented an overview of the data collection efforts to that time;
- receiving comments from public workshops that were held at Long Beach and Sacramento in June 1994 to review the Draft Report -- participants included experts in landfill siting and development, Board members and staff, the contractor, and interested public;
- review of CIWMB landfill records to verify and supplement remaining landfill capacity data; and
- written comments that followed the public workshops.

# 2.0 OVERVIEW OF THE LANDFILL SITING AND PERMITTING PROCESS

## 2.1 RELEVANT LEGISLATION AND REGULATIONS

Section 44001 of the *California Public Resources Code* requires permits for the operation of solid waste facilities; Section 44004 requires that permits be revised if there is a significant change in the design or operation of a solid waste facility. Procedures for administering solid waste facilities permits are specified in *California Code of Regulations*, Title 14, Chapter 5, Article 3.1, 18200 et seq.

Current law requires the preparation of Countywide or Regional Agency Siting Elements for solid waste disposal facilities under *California Public Resources Code*, Sections 41700 et seq. These requirements are further clarified in *California Code of Regulations*, Title 14, Division 7, Chapter 9, Article 6.5. This legislation is intended to ensure that each county has planned for adequate safe disposal capacity for a minimum of 15 years. When a county determines that existing capacity will be exhausted within 15 years, then an area or areas for the location of new solid waste disposal facilities, or existing facilities that will be expanded, must be identified.

## 2.2 COUNTYWIDE AND REGIONAL AGENCY SITING ELEMENTS

The Countywide or Regional Agency Siting Elements identify areas throughout the county or region for locating landfills and/or transformation facilities. The area(s) must be consistent with the applicable City or County General Plan, unless the county determines that existing capacity will be exhausted within 15 years, or additional capacity is desired, but there is no area available that is consistent with the applicable General Plan(s). In this case, the statutes allow counties to "tentatively reserve" sufficient land area until such time as it is made consistent with the applicable General Plan. Counties and regional agencies have until the first 5-year revision of the siting element to revise general plans to incorporate "tentatively reserved" sites, or to disapprove and remove them from further consideration.

## 2.3 MAJOR STEPS IN THE CURRENT LANDFILL PERMITTING PROCESS

According to the *Permit Desk Manual* (CIWMB, 1992b), a new or revised Solid Waste Facility Permit (SWFP) represents the last of a series of approvals necessary before operations can begin or be modified at a landfill. As a minimum, the following additional permits or certifications are almost required.

- Certification of compliance with the California Environmental Quality Act (CEQA).
- Local land use permit.
- Findings of consistency and conformance with appropriate City or County General Plan and County Integrated Waste Management Plan (CIWMP).
- Waste Discharge Requirements (WDRs) issued by the Regional Water Quality Control Board (RWQCB).

In some cases, other permits or approvals may be required: Permits to Construct and Operate from the local Air Quality Management District or the local Air Pollution Control District; Wetlands Fill Permit from the U.S. Army Corps of Engineers; Streambed Alteration agreements from the California Department of Fish and Game; a Habitat Conservation Plan from the California Department of Fish and Game, or; a Coastal Development Permit from the California Coastal Commission. If the landfill will handle hazardous wastes, a permit or variance may be required from the California Department of Toxic Substances Control.

Following is a summary of the key steps in obtaining a landfill permit for a new facility; certain variations exist for permit revisions.

1. The initial application will be for a local land use permit, land use zoning change, local General Plan amendment, or a combined application for all three. The applicant submits the application to the appropriate local agency, depending on local regulations and requirements. Where multiple agency approvals are required, the agency that issues the first of these approvals is generally designated as the lead agency.

2. As required by CEQA, the lead agency prepares required environmental documents for an Initial Study, followed by a Negative Declaration, a Mitigated Negative Declaration, or an Environmental Impact Report.

3. Air quality permit approvals vary from district to district, but generally require a request for Authority to Construct and a Permit to Operate. This application must contain detailed project information regarding the nature and estimated quantities of emissions.

4. Water Discharge Requirements (WDRs) are necessary for all new landfills and the WDRs may have to be revised for changes in landfill construction or operations. The applicant submits a Report of Waste Discharge (ROWD) to the Regional Water Quality Control Board (RWQCB). This report describes in detail the geologic and hydrologic setting of the proposed landfill and the facility features designed to prevent infiltration of surface water and to prevent leachate from contaminating surface or groundwater resources.

5. A wetlands permit is required for landfill projects that fill wetlands. The permit program is administered by the U.S. Army Corps of Engineers, with oversight by the U.S. Environmental Protection Agency.

6. The *California Fish and Game Code* requires an agreement if development of a landfill will substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake, or if the development uses materials from a streambed.

7. When all other approvals have been obtained, the proponent submits an application for a Solid Waste Facility Permit (SWFP) to the Local Enforcement Agency (LEA). The LEA is required to provide public notice of the SWFP application and accept public comments.

8. If the LEA determines the application is complete, they will prepare a proposed permit and forward it to the CIWMB.

9. Within 60 days of its receipt, the CIWMB will concur with or object to the proposed permit. An appeals process is available in the event a permit is denied. If the CIWMB concurs, the LEA will then present the SWFP to the applicant (CIWMB, 1992b).

Prior to this project there has been no computer database at the CIWMB that contains estimates of remaining capacity for individual landfills. That information is available at CIWMB in various places such as the Closure Postclosure Financial Assurance Files, and the Facility files. But in each case the capacity information is not compiled in a way to obtain easy access to remaining capacity information. To find remaining information on a particular landfill requires pulling that landfill file from one of the sources and reviewing it. Landfills are required to update information annually in the Closure Postclosure Financial Assurance Files, but this does not require stating the remaining capacity.

As one of the primary goals of this project was to assemble remaining capacity data by individual landfill, using January 1, 1993 as the reference point, several steps were taken to obtain the capacity information, and other pertinent information. Appendix E contains copies of the letters and survey forms mailed as part of this project. The first task involved designing a survey form that would be mailed to each landfill operator. Approximately 300 surveys were mailed. The intent of the form was to collect all pertinent information to understand remaining capacity at each landfill and also information about how remaining capacity was determined. When the responses to the first survey stopped slowed dramatically (about 130 responses were received) a second round of surveys was sent to landfills that did not respond, and finally additional follow-up phone calls were made by CIWMB staff to encourage landfills to complete and return the surveys. One hundred and sixty (160) active landfills returned the surveys.

At the suggestion of the June 1994 workshop participants, the next step was to request information from the Local Enforcement Agency (LEA) about landfills that had not returned surveys and to verify the information that was received. The LEA were also asked to provide information about landfill restrictions by material type and jurisdictions (see letter and form in Appendix E).

If the landfill operator did not return either survey and the LEA did not provide remaining capacity data, the next step was to review the capacity information in the Closure Postclosure Financial Assurance files. ESA used this data to establish an known capacity, which was adjusted to January 1, 1993 using information from the Board of Equalization (BOE) about tons

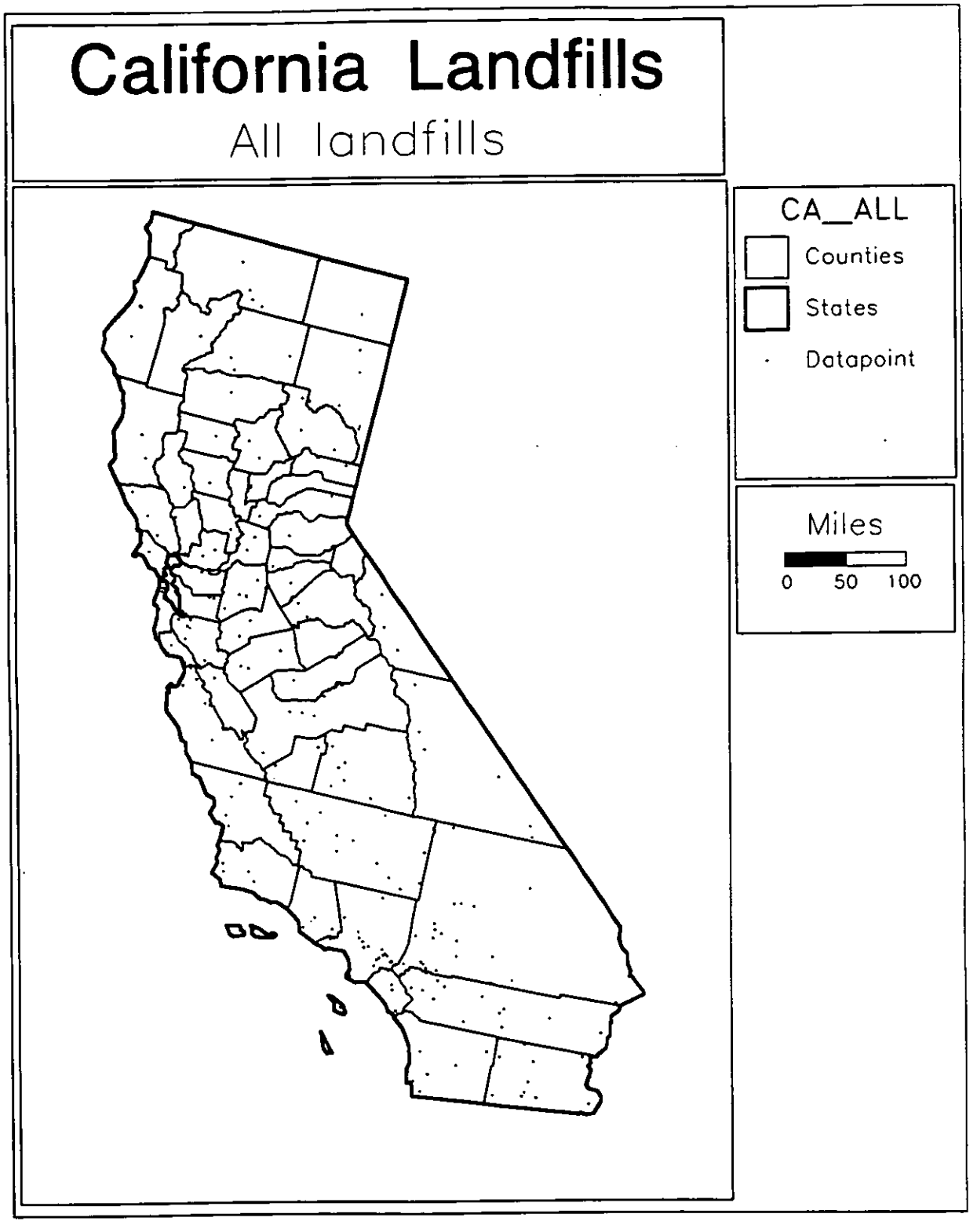
of solid waste disposed during 1990 - 93. About 40 landfills were reviewed using this method, of which about 10 were calculated to have negative capacity. The final data collection for these 10 landfills was to call the LEAs and to review facility files at the Board.

The Landfill Initial Data Report is presented as Appendix D. This report is 9 pages in length and gives additional detail about all of the landfills in the system. Appendix D provides information on all the landfills now being tracked by the GIS system. These are the landfills that seem to be actively receiving wastes on the basis of the returned surveys, information from the LEAs and information from the BOE. More information about this landfills is stored in text files within the GIS system, including all responses to the surveys.

The remaining capacity for the state as of January 1, 1993 was estimated to be 1,612,097,876 cubic yards (cy). Although a detailed review of the conversion factor of tons per cubic yard was not undertaken as part of this report, a common conversion factor in the surveys was 0.6 tons per cubic yard. If this factor is applied to the total cubic yards shown above, the remaining capacity as of January 1, 1993 would be approximately 967,258,725 tons. This exceeds by about 40% the total capacity of 1,123,757,000 cy (669,060,000 tons) as of January 1, 1990, as reported in *Reaching the Limit, An Interim Report On Landfill Capacity in California* (CIWMB, 1992a).

The CIWMB plans to integrate the disposal reporting data collected from individual landfills into the system, thereby resulting in further verification and updates of these results. The system will allow the CIWMB to track disposal capacity in a consistent manner and make model runs to determine the effects of certain actions on the remaining capacity of any county.

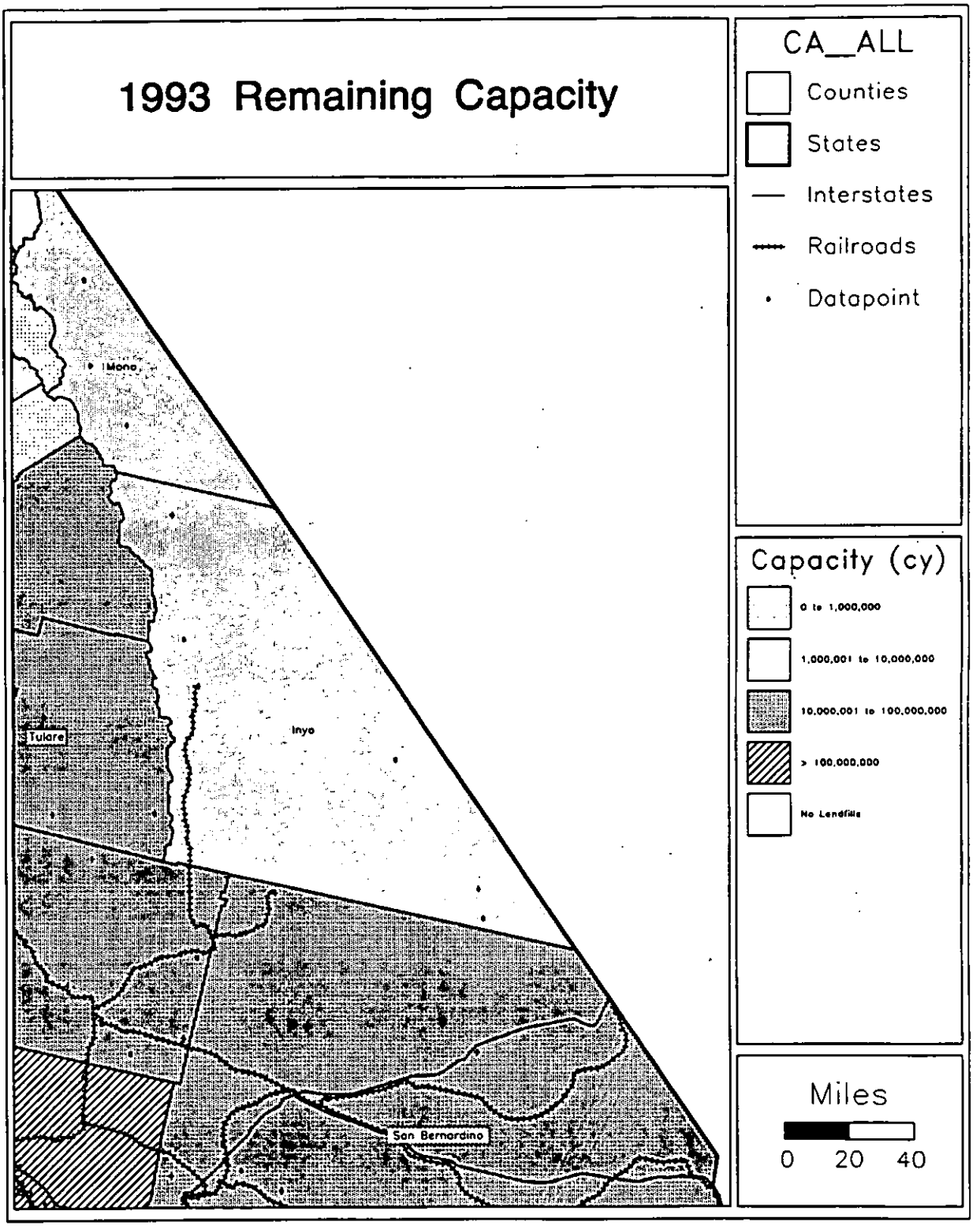
Figures 1-4 in the Executive Summary show the overview of the landfill capacity situation in maps that are output of the GIS. Figures 7 and 8 which follow show other outputs from the GIS.




SOURCE: Environmental Science Associates

*Toward Ensuring Adequate Landfill Capacity / 920279*

**Figure 7**
California Landfill Locations




SOURCE: Environmental Science Associates

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**Figure 8**
Examples of GIS Detail (Inyo County)

## 4.0 IDENTIFYING AND RESOLVING ACUTE SHORTAGES OF LANDFILL CAPACITY

The California Integrated Waste Management Act of 1989 (AB 939) places responsibility on counties or regional agencies to demonstrate that they have, or are planning for, 15 years of disposal capacity for all anticipated disposal needs for all of the member agencies or jurisdictions within their boundaries. The vehicle for demonstrating this capacity is the County or Regional Agency Siting Element. The siting element identifies remaining disposal capacity, projects disposal capacity needs, and determines whether a shortage of landfill capacity will occur within 15 years of submittal of the Countywide Integrated Waste Management Plan. If a shortage is anticipated, the Siting Element must specify possible sites for a new landfill (or transformation site), and criteria and an evaluation method for selecting appropriate sites.

The Board's 1992 report, *Reaching the Limit*, based estimates of remaining capacity on reports from County Local Task Forces as of January 1, 1990. At that time, 29 of California's 58 counties reported 15 years or less of remaining landfill capacity (CIWMB, 1992). About 70 percent of the state's residents live in these counties. Since 1990, there may have been some easing of the state's landfill capacity shortage, due to a combination of freer flow of waste across county and state lines, siting of new or expanded landfills in areas formerly acutely short of permitted capacity, the positive effects of implementation of new or expanded recycling, composting, source reduction programs, transformation, and the recession, which has reduced the flow of materials, especially commercial materials, to landfills. Nevertheless, many counties still have less than 15 years capacity (see Table 1), and several others may, due to other circumstances, find 15 years of capacity an insufficient buffer. In the workshops held on the draft of this report, it became apparent that although mathematically a county has 15 years of remaining capacity, parts of the county can face an acute shortage of disposal capacity. Furthermore, natural disasters and other sudden events may cause immediate shortages of landfill capacity. For counties and regional agencies suffering local shortages, for those who predict shortages occurring within the foreseeable future, and for those without disaster or contingency plans, concerted planning is required to ensure that wastes are handled in the most cost-effective and the most environmentally safe manner.

This section first defines acute shortage of landfill capacity. It then reviews the basic means (diversion, extension of landfill life, new capacity, and export) available to resolve acute

shortages, and finally, it discusses constructive roles and actions that may be taken by the agencies, organizations, and individuals involved in local integrated waste management to resolve an acute shortage situation.

## 4.1 DEFINITION OF ACUTE SHORTAGE

### 4.1.2 ACUTE

The term "acute" is not synonymous with "crisis." Rather, the determination that there is an acute shortage of landfill capacity within a county or region should be taken to mean that the county, regional agency, and individual jurisdictions should begin to take steps to ensure that a crises is avoided. An "acute" shortage of landfill capacity can perhaps be best defined as a situation where the remaining amount of *existing* landfill capacity will be depleted in less time than is needed to create *new* or expanded disposal capacity.

In addition to predictable shortages that are or may soon become acute, localities may experience sudden changes in the amount of waste they generate or in the availability of disposal capacity. Situations that may result in a sudden and acute shortage include:

- natural disasters, such as earthquakes, that produce large amounts of debris;
- early closure of landfills because of Subtitle D requirements;
- errors discovered in measurement of remaining capacity, in calculation of current disposal levels, or in diversion projections;
- existing landfills becoming inaccessible or unusable, due to landfill fires, bridges or roads becoming impassable, or other catastrophic events;
- sudden loss of a market for a recovered material; and
- abandonment or denial of a landfill siting or expansion project in the latter stages of the siting and permitting process.

These situations may result in a sudden and acute shortage of capacity, or may result in an unexpectedly rapid depletion of landfill capacity.

A determination of a situation as an acute shortage indicates that immediate actions should be taken to increase diversion from landfills, to extend the life of existing landfills, to site or expand disposal facilities, or to arrange for export to landfills in other jurisdictions. These efforts should

involve many parties: local jurisdictions, interested citizens and community groups, private sector providers of source reduction, recycling, and composting services, and operators of existing disposal facilities.

### 4.1.3 SHORTAGE

The determination of whether a jurisdiction is suffering a shortage of landfill capacity should be based on several factors. The first and foremost is whether the county or regional agency has 15 years of permitted disposal capacity identified for projected disposal needs from the date of submission of the CIWMP. This capacity does not have to be in-county capacity but can also be committed capacity outside the county. This should be determined by the county or regional agency in the Siting Element (if not before), based on the projections in the Facility Capacity components of the SRREs. Other factors may, however, determine whether 15 years of capacity is insufficient, or, on the other hand, if less than 15 years capacity is adequate.

Situations that may lead a county or regional agency to determine that 15 years capacity is insufficient include the following:

- unexpected population growth or increase in economic activity;
- difficulties with new diversion programs, such as implementation being behind schedule, programs achieving lower diversion than projected, unforeseen conflicts or technical difficulties, problems in financing or siting new processing facilities, or difficulty in marketing recovered materials;
- history of difficulty in siting landfills or other controversial facilities;
- lack of suitable sites for new landfills;
- lack of access to landfills in other jurisdictions that accept imported wastes; and
- lack of public funds and private interest to develop a new landfill.

Situations in which a county or regional agency may determine that less than 15 years capacity does not constitute a shortage may include the following:

- diversion programs more effective than projected;
- the CIWMP has as an objective to extend diversion goals beyond 50 percent;
- a new or expanded facility is in the latter stages of the permitting process, and there are no major foreseen obstacles;

- landfill operators are taking steps to extend existing capacity; and
- there are new export agreements in effect that could cover the shortage.

Individual jurisdictions should determine whether they are experiencing a shortage. The basic test is whether there is a current and implementable plan to ensure adequate disposal capacity for the projected generation of wastes.

## 4.2 METHODS FOR ENSURING ADEQUATE LANDFILL CAPACITY

This section presents a brief overview of methods that counties, regional agencies, and cities may consider in order to extend or increase landfill capacity.

AB 939 establishes a hierarchy of waste management practices, placing source reduction as the first and best method of dealing with solid wastes, followed by recycling and composting, and finally landfilling or transformation. With modifications, this hierarchy can be applied to strategies for dealing with an acute shortage of landfill capacity. Within the context of the hierarchy, increased source reduction, recycling, and composting should first be considered as a means to extend the life of existing landfills. Second, local jurisdictions should seek means of more efficiently utilizing the capacity of existing landfills. Third, jurisdictions should attempt to site a new landfill within the county or region. Finally, jurisdictions may be compelled to seek and establish either short-term or long-term agreements for exportation of wastes to another jurisdiction. Following this hierarchy as a general guide for dealing with an acute shortage of landfill capacity will ensure that jurisdictions plan for their long-term disposal needs in a manner that is both environmentally preferable, and that places emphasis on finding local solutions to local problems.

Local agencies experiencing a sudden acute shortage of landfill capacity, or wanting to avoid depleting their long-term disposal capacity to resolve a sudden acute situation should also consider their options in reference to the hierarchy. For example, after an earthquake, a local agency should first explore means of reusing or recycling the demolition debris produced. If debris has to go to a landfill, local agencies may find it expedient to seek short-term export agreements to avoid depleting limited remaining landfill capacity, even if they receive permission to exceed their permitted daily capacity.

### 4.2.1 SOURCE REDUCTION

Most of the Source Reduction and Recycling Elements place little emphasis on source reduction. This may be understandable in the context of the old method of counting diversion (the diversion-based method) and the difficulty in defining what specific activities could be truly described as source reduction. Since AB 2494 (Statutes of 1992, c. 1292, PRC Section 41780.2 et seq) established disposal-based counting, local jurisdictions are no longer obligated to quantify the results of all source reduction programs. Within this new context, local governments may find it easier to justify increasing source reduction programs.

The most ambitious source reduction plans have projected reductions of 6 to 10 percent of the waste stream (see SRREs for City of El Cerrito, City of Berkeley, City of Pacifica, Solano County cities and unincorporated County) and, because most source reduction programs involve minimal investment in capital equipment and have few ongoing operational costs, it is often the least expensive method per unit of diversion. The most successful local government-sponsored source reduction programs have sought to establish common goals with individuals and businesses, and to assist them in making the changes necessary to reduce the generation of wastes. The CIWMB is aiding in this endeavor through conducting a state-wide media campaign, and through its waste prevention clearinghouse, which provides information to local jurisdictions, businesses, and individuals on a wide variety of source reduction programs (CIWMB, 1993a).

### 4.2.2 RECYCLING AND COMPOSTING

Counties and regional agencies with acute shortages of landfill capacity could consider increasing their efforts to divert materials through recycling and composting. These methods, while taking second place in the hierarchy after source reduction, are capable of diverting large portions of the waste stream. Where landfill costs are low, recycling and composting may not appear cost-effective. However, when compared to long-term trends in landfill costs, particularly with the cost of developing new landfills under Subtitle D regulations, recycling and composting generally are less expensive than landfilling (CIWMB, 1991). In addition to the short-term benefits of reducing dependence on landfills, recycling and composting offer the long-term benefits of conservation of energy and natural resources.

Jurisdictions facing competition for recycling and composting services from low-priced landfills may wish to consider surcharging disposal to subsidize recycling and composting, as Alameda

County has done with Measure D. This citizen initiative places a $6 surcharge on all wastes going to landfills located in the unincorporated areas of the county, and mandates that the county spend funds on development and maintenance of source reduction, recycling, composting, and market development programs. In effect, this surcharge makes landfilling more expensive and source reduction, recycling, and composting more affordable, thus adjusting market forces in favor of preferred management methods.

### 4.2.3 MORE EFFICIENT USE OF EXISTING LANDFILL CAPACITY

Several non-diversion methods exist for extending the useful life of existing landfills, such as landfill mining, use of alternative daily cover material (ADCMs), increasing the density of emplaced material, and transformation of selected materials. These are reviewed here briefly.

#### 4.2.3.1 Landfill Mining

Most landfills are likely to have a store of recoverable materials that could be salvaged, as provided for in 14 CCR Section 18687. Also referred to as landfill mining, the regulations permit extraction of materials such as metal, paper and glass. Removal of marketable or usable materials can reclaim space in existing landfills and, depending on volumes extracted, defer closing of a landfill that is near capacity.

Landfill mining efforts can be designed to segregate wastes into recyclable material, combustible material, soil/compost material, and residual wastes. Mined materials can be marketed to recyclers, used or sold as fuel, or used as daily cover. Sale of mined materials may not produce significant income, but landfill operators may benefit from reducing remediation and closure costs of older landfills, and from creation of additional space. East coast landfill mining operations costs in the range of $9-$16.75 per ton of excavated material (Bader, 1994).

#### 4.2.3.2 ADCMs as a Space-Saving Option

Maximum space savings can be obtained from use of an alternative material that would end up in a landfill anyway, such as yard and other green wastes, paper slurries, and auto shredder fluff; that takes up no air space, such as a fabric cover; or that uses less than six inches of material daily (U.S. EPA, 1992a; CIWMB, 1990). Examples of each of these options are discussed below.

1. Green Waste: In 1990, only 8.5 percent of yard wastes and 21.4 percent of paper were being diverted (CIWMB, 1994). Use of green waste or slurry made from recycled paper has the additional benefit of providing a market for currently unsalable materials, and, having an economic development benefit through creation or expansion of a local (or regional) industry to process materials for use as alternative daily cover (Yolo County, 1992). At its January 25, 1995 meeting, the CIWMB recently adopted a policy to allow use of green waste as alternative daily cover (ADC), under certain conditions, to count toward disposal reduction goals. Specific limitations apply, such as the maximum thickness of green material as ADC is limited to 12 inches.

2. Geosynthetic Textiles: Fabric tarpaulins, made from such materials as polypropylene and polyethylene, can be used to cover the working face at the end of each day. These covers are weather-proof, chemically inert, and can be re-used for periods ranging from three weeks to one year, depending on the material and its composition. Such covers can be treated for fire retardance; some are repairable and can be recycled. A typical fabric cover nearly could save all of the space annually consumed when soil is used as daily cover.

3. Synthetic Foam: Products are applied over the compacted landfill face and have proven to be effective at a depth of only two inches.

#### 4.2.3.3 Compaction

Baling and shredding solid waste prior to placement in landfills, and increased compaction after placement, are methods for preserving space in landfills. These methods can effectively double the amount of material that can be placed in landfills compared to low compaction levels. For example, using heavier compaction equipment and making more passes over emplaced wastes can increase density of in-place material from 800 lbs. per cubic yard to 1,600 lbs. per cubic yard (ESA, 1992). Baling at transfer stations or landfills prior to placement can result in densities as high as 1,400 lbs. per cubic yard (ESA, 1992). Shredding bulky items prior to landfilling, such as furniture, tires, and yardwaste, can greatly reduce the volume of these materials, and add significantly to compaction rates and landfill life.

#### 4.2.3.4 Transformation of Selected Materials

Transformation may be used where markets do not exist and cannot be developed for material types with high Btu values. Currently, this would include, in some areas of the state, wood waste and tires. While recycling markets for these materials are weak, fuel markets are quite strong, particularly for wood waste. Rerouting of these materials from landfill to transformation facilities can increase a jurisdiction's AB 939 diversion rate, and significantly increase landfill life. Ground wood waste derived from wood products, landscaping, pallets, and construction and

demolition debris can be separated into fines, which are a valuable soil amendment, and coarse material, which has a ready market as boiler fuel.

An estimated 21 million tires are generated in California each year. According to a feasibility report of the CIWMB, use of tires as an energy source in some types of manufacturing is very practical because "locked in the chemistry of each passenger tire is the equivalent of two and one-half gallons of recoverable petroleum" (CIWMB, 1992).

The CIWMB's study concluded that use of tires as an energy source in cement plants alone has the potential to utilize all of the waste tires accumulated annually. Capital investments of $500,000 to $1 million per plant would be paid back in about one year (CIWMB, ibid). Tires also can be used as fuel by lumber and paper mills, other factories, and power plants that have the proper pollution control equipment, without extensive design changes.

A letter received on the draft of this report from Stanislaus County wanted to stress that this report seriously consider all options including waste-to-energy. The letter assured the "horror stories [about waste-to-energy] are simply not true." The positive aspects are noted in the paragraph below: (Shuler, 1994)

> "In Stanislaus County our Waste-to-Energy facility transforms waste and produces enough electricity to supply 25,000 homes; enough to replace the need for more than one half million barrels of crude oil. In terms of waste volume, the facility annually processes about 300,000 tons. Without transformation, this waste would occupy a pile of garbage three city blocks across and 37 stories high or a two land road for more than 25 miles -- piled six feet deep. Every year, the facility recovers enough ferrous metal to make more than 4,300 automobiles."

### 4.2.4 DEVELOPING NEW CAPACITY

The county or regional agency Siting Element must include development of criteria for evaluating prospective landfill sites, as well as a methodology for applying these criteria by the public agency. All counties and regional agencies that have determined that they have an acute shortage of landfill capacity, including those that have 15 years of capacity, should evaluate new sites based on the system to be used for the siting element.

### 4.2.5 EXPORT

Exporting can be a short-term solution until planned landfills come on line, or a long-term solution that avoids additional landfill development in the community altogether.

Exporting is not a viable alternative for all counties and regional agencies with an acute shortage of landfill capacity. Exporting counties must find landfills willing to take the waste, obtain all necessary environmental documentation, and be able to afford the extra costs associated with hauling wastes long distances and surcharges on tipping fees. A county or regional agency may also lose control over future rates when the export agreement expires or is canceled.

## 4.3 RESOLVING ACUTE SHORTAGES OF LANDFILL CAPACITY

### 4.3.1 INVOLVED PARTIES

Resolving an acute landfill capacity shortage is a long-term, complex process that affects many aspects of the integrated waste management system and the region as a whole. The California Integrated Waste Management Act specifies that the establishment of an integrated system is to be a joint effort of the state and local agencies, and is to include the input of interested citizens and incorporate the private sector (see Section 40001(a) et seq., and Section 40900(b) et seq. of the PRC). All of these parties have an interest in resolving landfill capacity shortages, and all should be included in the process.

In general, the roles of these parties may be delineated as follows:

1. Local agencies (counties, regional agencies, and incorporated cities) control land use, and are responsible for compliance with environmental and other regulations and for fulfilling integrated waste management planning requirements. It is the responsibility of local agencies to ensure that the planning process is conducted in an open manner, and involve and be responsive to the interests of citizens, groups, and businesses.

2. The CIWMB is bound by statute to oversee and either object or concur in local planning and permitting, and to provide assistance to local agencies to increase the effectiveness of their diversion programs, especially with assistance on source reduction and market development (see Section 40911a of the PRC).

3. Local jurisdictions should work with citizens and community groups interested in ensuring that waste management projects do not result in adverse environmental and social impacts. Local jurisdiction need to ensure that environmental and social impacts are mitigated or minimized.

4. Local jurisdictions should work with source reduction, recycling, and composting and transformation service providers to maximize diversion from landfills.

5. Landfill operators should use diligence in using permissible means to extend the useful life of existing landfills.

### 4.3.2 ACTIONS AND METHODS

This section provides suggestions on roles, actions, and methods that each of the above parties may consider in addressing acute shortages of landfill capacity through each of the means discussed above.

#### 4.3.2.1 Increase Source Reduction

*Local jurisdictions* place increased emphasis on implementation of the source reduction programs selected in the SRREs, and plan to increase the role of source reduction in the first revision of the SRRE. Work to implement programs that produce the greatest reduction for each dollar spent by involving the private sector and individuals in source reduction efforts.

*CIWMB* assist local jurisdictions, through technical assistance programs, continued development of the waste prevention clearinghouse, and continued state-wide mass media campaigns to effect changes in public and corporate behavior that will result in source reduction.

*Citizens and community groups* advocate for increased attention paid to source reduction; serve as role models for source reduction practices; assist in implementation of programs.

*Service Providers* seek means of expanding source reduction as a business venture, both through providing waste prevention services to others, and through development of products or marketing strategies that result in less waste. Work with local jurisdictions to devise programs using private sector service providers as intermediaries for instituting source reduction practices.

*Landfill operators* use long-term analysis to determine the benefits of reduced flow and increased landfill life over short-term gain from higher volumes of waste entering the facility.

#### 4.3.2.2 Recycling and Composting

*Local jurisdictions* place increased emphasis on implementation of recycling and composting programs planned in the SRREs. Where costs for development of new processing facilities have

proven prohibitive, consider alternatives such as expanding existing recycling processing facilities; relying on existing private sector commercial service providers rather than capitalizing new programs; and seeking low-cost alternatives that rely on source separation, such as drop-off centers. Place increased emphasis on market development to stabilize long-term markets.

*CIWMB* continue market development activities for recycled materials; place greater emphasis on developing markets for compost products; increase technical and financial assistance to local jurisdictions experiencing difficulties in achieving diversion objectives.

*Citizens and community groups* work with local jurisdictions to resolve problems with delivery of services; work to increase participation in programs.

*Service Providers* process materials to highest standards to ensure maximum marketability of product; demonstrate willingness to expand programs to include other types of generators, new materials, and new geographic areas; cooperate with other service providers to strengthen marketability of product.

*Landfill operators* investigate salvage opportunities; install drop-off boxes for recyclables before scales, if feasible and appropriate; explore feasibility of compost or recyclables processing operations at the landfill site.

4.3.2.3 Extension of Landfill Life

*Local jurisdictions* evaluate and, if applicable, support use of landfill extension measures, such as use of ADCMs, increasing compaction, and landfill mining; work with CIWMB and landfill operator to test and implement these methods.

*CIWMB* streamline the process for approval of ADCMs, provide technical assistance for use of ADCMs to jurisdictions with acute shortages; lend technical assistance on increasing compaction; conduct feasibility studies of landfill mining; prepare how-to manual on landfill mining.

*Citizens and community groups* support and use of ADCMs; increased density, and landfill mining, if they present a viable alternative to siting a new facility.

*Service Providers* work to comply with changing requirements of landfill operators; investigate sources and processes for producing ADCMs from recycled or composted materials; work with landfill operators on feasibility of landfill mining; expand collection and processing of low-value materials, such as wood waste and tires, for transformation in cogeneration facilities.

*Landfill operators* investigate feasibility of using ADCMs, increased compaction, and landfill mining, consisting either of materials previously landfilled, such as composted yard debris or auto shredder fluff, or of low-volume materials, such as foam or geotextiles; consider separating tires, wood waste, and yard debris for transformation.

4.3.2.4 Developing New Capacity

*Local jurisdictions* identify appropriate sites for new landfills or expansion of existing landfills; work with community groups from the start of the project; through zoning and land use designation, preserve areas around future landfill sites from incompatible land uses.

*CIWMB* provide technical assistance with siting permitting and environmental review process; continue to streamline the permitting process, while still ensuring highest environmental standards.

*Citizens and community groups* work with local jurisdictions to evaluate sites and identify best, most agreeable site or area for a new landfill; advocate for reasonable host community compensation.

*Service Providers* advocate for strong support of diversion programs to extend the useful life of any new landfills.

*Landfill operators* explore possibilities for expansion of existing sites.

4.3.2.5 Export

*Local Jurisdictions* consider long-term costs and benefits of exporting as opposed to siting new landfill capacity.

*CIWMB* for counties and regional agencies with no local siting options, assist in identifying neighboring jurisdictions with excess capacity, provide model export agreements.

*Citizens and community groups* consider environmental and other effects of the receiving community before advocating for export; consider effects of loss of control of the wastestream.

*Service Providers* point out that increased cost of exports and the true cost of landfilling makes diversion more cost-competitive.

*Landfill operators* explore role in export, e.g., developing transfer station on site of closed landfill.

## 5.0 RECENT EXPERIENCE WITH LANDFILL SITING

When a jurisdiction identifies an imminent local landfill capacity shortfall, the jurisdiction generally has three options to develop additional capacity, it can:

- expand existing landfills;
- contract for out-of-jurisdiction landfill space (this often involves enhancement of existing recycling and source reduction programs and the development transfer stations, which may be associated with large-scale Material Recovery Facilities (MRFs)); or
- develop a new landfill.

Of these three options, the development of a new landfill is perceived by most jurisdictions to be the path of greatest resistance and highest uncertainty. The length of time, costs, and uncertainty of ever opening a new landfill have resulted in many California jurisdictions (counties, cities, or regional agencies) abandoning any immediate plans for developing new landfills. Expansion of existing landfills, however, is generally a more straightforward process. Although new design requirements necessitated by Subtitle D have added increasing costs and engineering complexity to horizontal landfill expansions, the success of proposed vertical or horizontal expansions for existing sites seems to be several times more likely than the success of proposed new landfills. Based on the construction of many new MRF/transfer stations in California since 1990, the success in developing these facilities is also far greater than the success of proposed new landfills.

As part of this Integrated Waste Management Planning Study, individuals throughout the state were interviewed by telephone to discuss their recent experiences in siting and permitting landfills. Five new landfill projects and five landfill expansions projects were included, covering large and small, public and private landfills located in both rural and urban areas. The interviews indicated that permitting a new landfill in California can take seven to ten years or longer. One project in particular had been through a siting process lasting 13 years, followed by five years for the Environmental Impact Report (EIR) and permitting. The interviews indicated that landfill expansions and re-permitting seem to require approximately two and a half to three years on the average.

In general the interviews confirmed that developing a new landfill is a difficult and uncertain process. The following is a review of major barriers in the process.

Elapsed Time - throughout the process there are several steps that may take years longer than anticipated. These include finding a site, preparing the EIR, receiving permits from CIWMB, the Regional Water Quality Control Board (RWQCB), other agencies, and litigation.

California Environmental Quality Act (CEQA) Issues - the interviews indicated that EIRs seldom were completed without problems that caused delays and increased costs. CEQA is the primary vehicle for informing local decision makers, the public, and other responsible agencies (those that issue other permits for the project) of the significant environmental effects of the project and impacts that can lessen the effects. Because new landfill projects generally result in a greater change of the environment than landfill expansions or the development of a MRF/transfer station, the EIR for a new landfill project will usually be more costly, take longer, and have a higher chance of being litigated than an EIR for a MRF/transfer station or a landfill expansion.

In 1989 Mitigation Monitoring and Reporting Plans (MMRP) were required for all projects that would have a significant impact on the environment if mitigations are not implemented. These plans require monitoring of all of the mitigation measures adopted as part of the approval of a project. The MMRP is developed at the end of the EIR process and results in another set of requirements for the project applicant. Many of the monitoring requirements of the MMRP for new landfills will be similar to requirements in the Solid Waste Facility Permit (SWFP). Ideally, the CIWMB should strive to coordinate the requirements of the SWFP with the monitoring requirements of the MMRP whenever possible.

Landfill Litigation - lawsuits have emerged as a major barrier to the siting and permitting of landfills. Lawsuits are filed not only by the public but by public agencies as well. A major issue of litigation is the adequacy of the EIR. This is often challenged in court.

A new litigation issue is environmental racism. In one case that was investigated, neighbors of a recently permitted new landfill filed a lawsuit based on "environmental racism." The suit was filed in Federal Court on very broad grounds, given the county's assertion that the immediately adjacent census tracts are white and middle class.

Coordination Issues - There is an overall belief that there is considerable inefficiency in the interactions between various agencies in developing a new landfill site. With so many agencies potentially involved and having different responsibilities, this is not an unexpected finding. One of the counties interviewed indicated that agencies should be able to permit simultaneously with the EIR process.

Recommendations presented in the next section suggest that CIWMB assistance with the siting process would probably be helpful. This support might include assistance to jurisdictions to aid their preparation and planning for a new landfill, and after a site is identified, to assist with obtaining permits.

# 6.0 FACILITATING THE SITING PROCESS

This section identifies and discusses several problems in the siting and permitting processes identified in this report, and proposes solutions for resolving them. In general, the siting and permitting process can be divided into three distinct, but overlapping phases: siting, which is primarily a local concern; environmental review (CEQA compliance); and permitting, which involves local, regional, state, and federal agencies. Permitting issues have recently been examined elsewhere (CIWMB/SWRCB, 1993), and CEQA is largely outside the scope of this report. This section, therefore, focuses primarily on issues and problems that commonly occur when local government agencies attempt to site a new landfill or expand an existing landfill. While the Board has limited authority in local land use planning, it may be possible and appropriate for the Board to lend technical and other assistance to help facilitate the local siting process. Most of the solutions presented in this section, therefore, take the form of suggestions that the Board may wish to consider that involve outreach, mediation, assistance, and information programs directed at local governments, interested and concerned members of the public, and prospective landfill operators. The section is organized as a series of "Problems" followed by several suggested "Solutions." Solutions are intended to be outline proposals of actions that the Board may wish to consider in order to facilitate siting processes in counties, regional agencies, and cities.

## 6.1 PROBLEMS

### PROBLEM A: PUBLIC OPPOSITION TO PROPOSED LANDFILL SITES

Almost any proposed new or expanded landfill can be expected to encounter opposition from site neighbors, local community groups and community activists, and environmental organizations. While state-of-the-art landfills minimize environmental impacts, they are major industrial facilities that permanently alter the landscape and the character of their environs. Interested citizens may oppose a landfill project for a number of reasons:

- potential destruction of the natural environment;
- perception that emphasis is on developing new landfill capacity, rather than on new diversion programs that could pre-empt the need for additional landfill capacity;

- charges of environmental injustice for facilities planned in or near low-income and minority communities;
- potential for devaluation of property through aesthetic degradation;
- traffic and other secondary environmental impacts; and
- inducement of other development, due to infrastructure improvement.

People opposed to landfill projects have several avenues for delaying or stopping a project, including the CEQA process, public hearings for permits, ballot initiatives, working through elected officials, and collaborating with developers of alternative sites.

## PROBLEM B: SHORT-TERM DECISION MAKING VS. LONG-TERM SOLUTIONS AND PLANNING

Local decision makers working on landfill siting are often caught in a dilemma. They must answer to their constituents for unpopular decisions on siting a new facility, even if they believe that the site is sound and represents the best long-term strategy. CIWMB's best approach may be to provide assistance to local governments as a clearinghouse for issues related to facilitating the siting, environmental review, and permitting processes.

## PROBLEM C: LACK OF FLOW CONTROL AUTHORITY

Two recent Supreme Court decisions have severely limited the ability of states and local governments to control the flow of wastes in or out of their jurisdictions. In addition, recent technological advances, such as rail-haul, have allowed for the development of landfills capable of serving remote wastesheds. These legal and technical changes have contributed to a much more dynamic movement of waste, and have led to many jurisdictions signing or planning to sign long-term contracts to use distant landfills. In this climate, the lengthy and costly process of siting, permitting, and constructing a new landfill may seem unwise, when a city or county might instead contract for long-term disposal outside of the jurisdiction at relatively low cost. Furthermore, the lack of certainty regarding an adequate flow of waste to a new landfill may inhibit efforts to site and permit a new facility, and jurisdictions that are seeking long-term disposal contracts may not want to commit their wastestream to a facility that still has numerous hurdles to clear.

PROBLEM D: POTENTIAL LIMITED RESOURCES AND LIMITED LOCAL JURISDICTION EXPERTISE

Since few new landfills have been sited in California in recent years, there may be a general lack of experience and expertise in landfill siting procedures at the local level. In many cases, most or all of the parties involved in the siting process have no prior experience in siting a landfill, and the first several years of the process may involve considerable expenditure of time and effort for all parties to understand the process and technical issues, and to overcome prejudices and misconceptions. Furthermore, to be legally defensible, the review, scoring, and ranking of sites must be done accurately and thoroughly. Some local jurisdictions may need assistance in evaluating landfill specific issues.

PROBLEM E: HIGH COST OR SCARCITY OF LAND SUITABLE FOR A LANDFILL

In some areas of the state, either land costs are very high, or there are few if any suitable sites for a new landfill. Even if the political will exists to site and construct a new landfill, the lack of inexpensive or available land may thwart these efforts.

## 6.2 SOLUTIONS

PROBLEM A: PUBLIC OPPOSITION TO PROPOSED LANDFILL SITES

In many instances, public opposition to a landfill project may be minimized if interested members of the public are brought into the siting process from the beginning. All too often, interested members of the public are not involved in the early stages of the siting process, leaving them offended and public officials in the position of having to defend an unpopular project. If, however, public agencies set up a forum for the public to air their concerns about a new or expanded landfill, and for public agencies to incorporate these concerns into the siting process, then siting a new landfill stands a better chance of success.

The CIWMB may be able to employ several strategies to assist local agencies in including interested members of the public in the critical early stages of the siting process, for assisting public agencies in responding to public concerns, and for resolving conflicts between parties with opposing views.

Solution A1 - Assistance With Establishment of a Local Siting Committee

The Board could lend assistance to the Local Task Force (LTF) charged with preparing the Countywide or Regionwide Siting Element, and may consider encouraging the LTF to make the siting process as open and inclusive as possible. One recent effort in which interested members of the public were included in the siting process occurred in Ventura County, where the LTF established a Community Advisory Committee made up of environmental organization representatives, prospective landfill operators, and other interested members of the public. The LTF also established a Technical Advisory Committee made up of City and County staff. These two committees jointly formed a Landfill Siting Criteria Committee to establish criteria for siting a new landfill, in the context of the Countywide Siting Element. While the process was not always smooth or free from strife, it did result in a set of criteria that the committee, the LTF, the cities, and the County agreed to, and which are now being applied to determine appropriate sites throughout the County.

The Board could consider establishing a program within the Local Assistance Branch to assist counties and regional agencies in establishing institutions and processes for including interested members of the public in the siting process.

Solution A2 - Development of a Mediation Protocol

The strategy would be to develop a framework to implement alternative dispute resolution (ADR). In consultation with mediation experts, the CIWMB would develop a mediation protocol in order to explain the parameters of ADR. The Office of Local Assistance could then develop a guidance document and hold workshops with local governments on the issue in order to bring this option to their attention. Implementation of an ADR program would seek to develop consensus between various parties who would otherwise be engaged in protracted and costly litigation. Many courts now order the parties involved in civil suits to engage in ADR prior to taking up the court's valuable time. When a dispute can be resolved through ADR, the potential is for all parties to win, since needs can be met more quickly at far less expense. This strategy would include a review of successful mediation protocols in other states.

Solution A3 - Information and Educational Programs

This strategy would have the CIWMB create an information program that could be tailored by the local government for specific landfill projects. The program could include various types of

communication tools (pamphlets, videos, public meeting forums, etc.) to illustrate the safeguards of the landfills currently being constructed and operated. Furthermore, this strategy could involve a statewide public information campaign to promote an understanding of solid waste disposal issues, and how landfills fit into the hierarchy of waste management practices.

The Board could assist landfill operators and local governments in instituting social and educational activities at existing state-of-the-art landfills, in order to educate the public about landfills, waste disposal, and integrated waste management in general. Landfills often have considerable visual and emotional impact, and can serve as an effective tool to learn about where garbage goes, what happens once it gets there, and the reasons to practice source reduction and recycling. One successful example of using social activities at a public waste-related facility to bolster the facility's public image is the Los Angeles County Sanitation District's sewage treatment plant, where social events, including weddings, are held.

Solution A4 - Compensation for Impacted Communities

Negotiating host community compensation or Host-Community Benefits (HCBs) is often an essential component in the process of siting a new landfill. Host communities may reasonably expect some form of financial or other compensation for hosting a regional facility with significant environmental and social impacts. Compensation may ease the pain of a host community by allowing them to accomplish other desired projects, such as civic improvements or to mitigate some of the specific impacts of the facility. This has occurred in a number of localities, such as a midwestern community that has used the compensation they receive for hosting a regional landfill to build a community center and a new city hall, fund a symphony, and institute other rather costly improvements that the entire community enjoys.

Some states have legislation to encourage or require some form of compensation; Massachusetts, Minnesota, Maine, New Jersey, Wisconsin, and Tennessee. In some cases, in the process of siting privately owned landfills, some local governments have been legally required to set up local negotiating committees. These committees have been limited in scope in order to not involve the environmental and technical matters. If no contract is struck, outside mediation has been involved. According to the Reason Foundation Policy Report, in almost all cases involving this process, the signing of an agreement has resulted. According to the report, "Negotiated compensation enhances efficiency, perceived fairness, and the changes for successful landfill siting."

The report goes on further in concluding:

> "HCBs (Host-community benefits) help to reduce externalities associated with landfill siting, institutionalize citizen choice and negotiation at the outset of the process, and smooth the siting process in the long run. Absent HCBs, landfill-siting activities largely ignore compensation and the result is increased NIMBYism as people react to costs imposed on them."

Santa Barbara County's Coastal Resources Enhancement Fund (CREF) project is intended to help mitigate the negative impacts of continued oil exploration and drilling in the Gulf of Carpenteria. Funds may be used to mitigate impacts in four areas: recreation, tourism, aesthetics, and coastal resources. The County administers the funds, which are distributed through a competitive grant process to local government agencies and non-profit organizations. CREF has funded marine resource preservation and educational projects, capital acquisition and improvement for parks, wildlife preserves, and recreation areas, and other projects. The funds originate from the oil companies engaged in exploration and drilling, and are negotiated based on a valuation of the impacts of specific projects and activities. All exploration and drilling projects are reevaluated every five years in order to re-set the compensation level.

The LA County Sanitation District negotiated an agreement with California Polytechnical Institute in Pomona to expand the La Spadra Landfill onto Cal Poly land. In exchange for the land, Cal Poly received funds from the LACSD for the new Institute for Regenerative Studies. This institute is devoted to the study of sustainable development and restoration of damaged environments, and uses the area around the La Spadra landfill for field studies.

The CIWMB could facilitate host community compensation negotiations by providing information to local governments on model compensation packages.

## PROBLEM B: SHORT-TERM DECISION MAKING VS. LONG-TERM SOLUTIONS AND PLANNING

### Solution B1 - Preparation and Distribution of a Siting Manual

The CIWMB could prepare and distribute a siting manual similar to the existing Permit Desk Manual. The Permit Desk Manual is used by the LEA's, the Siting Manual would be used more by local jurisdictions. The siting manual would incorporate the Guidelines and Model for Preparation of the Regional or Countywide Siting Element, adding non-regulatory strategies for facilitating the siting process. These may include:

- how to establish a local Siting Committee;
- strategies for identifying potential sites;
- suggestions for soliciting public input on consideration and establishment of siting criteria; and
- mechanisms for funding the siting process.

The siting manual could become the principal tool of Local Assistance Branch efforts to assist local agencies in facilitating the siting of new landfill capacity. The siting manual should emphasize long-term solutions.

PROBLEM C: LACK OF FLOW CONTROL AUTHORITY

Solution C1 - Assistance Negotiating Flexible Export Contracts

Flow control is an issue largely outside the control of the CIWMB. CIWMB might consider encouraging local governments to explore the option of short-term, flexible export contracts. Features of such an export agreement would include option clauses allowing or requiring the local agencies to cancel the export agreement and direct materials to a local landfill, when and if one is eventually constructed.

Solution C2 - Technical Assistance for Local Agencies

CIWMB could actively develop, promote, and implement the other solutions identified in this section so that the siting and development of a new landfill becomes less intimidating for counties and regional agencies that have an interest in developing a local landfill.

PROBLEM D: POTENTIAL LIMITED RESOURCES AND LIMITED LOCAL JURISDICTION EXPERTISE

Solution D - Technical Assistance Program

The CIWMB could establish a technical assistance program within the Local Assistance Branch to assist local agencies with landfill siting. The program could include a multidisciplinary team of experts from around the Board versed in Subtitle D compliance, State minimum standards, planning and capacity requirements, public input processes, and CEQA. The program could lend technical assistance to Local Task Forces and siting criteria committees, and could help assess the suitability of potential sites in terms of geology, hydrology, biology, traffic, land-use

compatibility, and socioeconomics. The program could hold workshops around the state, become directly involved in particular siting processes upon request, and could develop the siting manual discussed above.

PROBLEM E: HIGH COST OR SCARCITY OF LAND SUITABLE FOR A LANDFILL

Solution E1 - Encouraging Formation of Regional Agencies

The CIWMB could actively encourage those jurisdictions with a lack of inexpensive or available land to form regional agencies with neighboring jurisdictions that do have available land. The resulting regional agency might have a larger rate base, more resources to devote to the siting and permitting process, and suitable, affordable sites for a new landfill. The CIWMB can draw on this study's Analysis of Regional Integrated Waste Management Systems (Task A; CIWMB, 1994a), and the development of a model for regional cooperation now proceeding in the Counties of Butte, Colusa, and Glenn as an example, and perhaps a model, for the advantages of regional cooperation in program planning, as well as siting and permitting facilities.

Solution E2 - Encouraging Land Reservation or Acquisition for Future Needs

The CIWMB would encourage jurisdictions with rapidly rising land costs and expansion of populated areas to reserve land as quickly as possible for future landfill needs. This may be done through tentatively reserving sites, purchasing options on parcels, or purchasing and holding suitable sites.

## 6.3 SUMMARY OF APPROACHES

1. Assistance Establishing Siting Criteria Committees
2. Development of a Mediation Protocol
3. Information and Education Programs
4. Assistance Negotiating Compensation for Host Communities
5. Preparation and Distribution of a Siting Manual and Holding Siting Workshops
6. Assistance Negotiating Flexible Export Contracts
7. Technical Assistance Program
8. Encouraging Formation of Regional Agencies
9. Encouraging Land Reservation or Acquisition for Future Needs



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# APPENDIX A. SOLID WASTE DIPOSED (1990-94)

## APPENDIX A: SOLID WASTE DISPOSED (1990-94)

| | | | Tons Disposed | | | | | Total Disposed (County Total) | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| SWIS ID | SITE NAME | COUNTY | 1990 | 1991 | 1992 | 1993 | 1994 | 1990 | 1991 | 1992 | 1993 | 1994 |
| 01-AA-0008 | DURHAM ROAD SANITARY LANDFILL | ALAMEDA | 492,254 | 331,757 | 329,445 | 294,981 | 283,547 | | | | | |
| 01-AA-0009 | ALTAMONT SANITARY LANDFILL | ALAMEDA | 1,980,768 | 1,810,422 | 1,513,657 | 1,537,907 | 1,508,100 | | | | | |
| 01-AA-0010 | VASCO ROAD SANITARY LANDFILL | ALAMEDA | 589,255 | 499,652 | 465,118 | 429,204 | 390,668 | 3,062,277 | 2,641,831 | 2,308,220 | 2,262,092 | 2,182,315 |
| 03-AA-0001 | AMADOR CO SANITARY LANDFILL | AMADOR | 53,707 | 40,194 | 42,714 | 25,022 | 19,939 | 53,707 | 40,194 | 42,714 | 25,022 | 19,939 |
| 04-AA-0002 | NEAL ROAD LANDFILL | BUTTE | 119,906 | 124,223 | 117,984 | 168,470 | 168,832 | | | | | |
| 04-AA-0009 | OROVILLE LANDFILL | BUTTE | 19,199 | 7,787 | 8,070 | 3,778 | 13,665 | 139,105 | 132,010 | 126,054 | 172,248 | 182,497 |
| 05-AA-0014 | RED HILL SANITARY LANDFILL | CALAVERAS | 30,970 | 0 | 0 | 0 | 0 | | | | | |
| 05-AA-0015 | CALAVERAS CEMENT-DIV OF FLINTKOTE | CALAVERAS | 0 | 0 | 0 | 0 | 0 | | | | | |
| 05-AA-0023 | ROCK CREEK LANDFILL | CALAVERAS | 5,841 | 40,673 | 26,182 | 25,530 | 25,025 | 36,811 | 40,673 | 26,182 | 25,530 | 25,025 |
| 06-AA-0001 | EVANS RD LANDFILL AP #18-160-46 | COLUSA | 16,259 | 15,610 | 17,108 | 14,013 | 0 | | | | | |
| 06-AA-0002 | STONYFORD DISPOSAL SITE | COLUSA | 0 | 0 | 0 | 0 | 0 | 16,259 | 15,610 | 17,108 | 14,013 | 0 |
| 07-AA-0001 | WEST COUNTY LANDFILL | CONTRA COSTA | 322,044 | 264,270 | 225,799 | 251,239 | 281,707 | | | | | |
| 07-AA-0002 | ACME LANDFILL | CONTRA COSTA | 20,752 | 7,865 | 139,472 | 52,967 | 24,167 | | | | | |
| 07-AA-0003 | CONTRA COSTA SANITARY LANDFILL | CONTRA COSTA | 202,847 | 182,933 | 58,068 | 0 | 0 | | | | | |
| 07-AA-0025 | C AND H SUGAR DISPOSAL SITE | CONTRA COSTA | 14,673 | 14,076 | 15,488 | 10,860 | 9,375 | | | | | |
| 07-AA-0032 | KELLER CANYON LANDFILL | CONTRA COSTA | 0 | 0 | 483 | 63,299 | 169,899 | 560,316 | 469,144 | 439,310 | 378,365 | 485,148 |
| 08-AA-0006 | CRESCENT CITY LANDFILL | DEL NORTE | 11,178 | 11,881 | 10,815 | 11,697 | 12,257 | 11,178 | 11,881 | 10,815 | 11,697 | 12,257 |
| 09-AA-0003 | UNION MINE DISPOSAL SITE | EL DORADO | 34,337 | 40,493 | 67,592 | 67,888 | 68,448 | 34,337 | 40,493 | 67,592 | 67,888 | 68,448 |
| 10-AA-0002 | CHATEAU FRESNO LANDFILL | FRESNO | 349,068 | 344,798 | 362,513 | 371,880 | 318,731 | | | | | |
| 10-AA-0004 | CITY OF CLOVIS LANDFILL | FRESNO | 33,332 | 32,838 | 36,737 | 39,106 | 38,030 | | | | | |
| 10-AA-0006 | COALINGA DISPOSAL SITE | FRESNO | 15,490 | 16,152 | 16,488 | 16,593 | 17,484 | | | | | |
| 10-AA-0009 | AMERICAN AVE DISPOSAL SITE | FRESNO | 34,457 | 30,471 | 34,581 | 99,590 | 262,268 | | | | | |
| 10-AA-0011 | SOUTHEAST REGIONAL SLD WSTE DIS S | FRESNO | 39,974 | 0 | 0 | 0 | 0 | | | | | |
| 10-AA-0013 | ORANGE AVENUE DISPOSAL INC | FRESNO | 12,007 | 20,967 | 9,654 | 14,868 | 20,226 | | | | | |
| 10-AA-0025 | CHESTNUT AVE SANITARY LANDFILL | FRESNO | 158,943 | 185,907 | 181,767 | 122,523 | 0 | 643,271 | 631,133 | 641,740 | 664,560 | 656,739 |
| 11-AA-0001 | GLENN COUNTY LANDFILL SITE | GLENN | 21,955 | 21,856 | 21,532 | 22,700 | 25,060 | 21,955 | 21,856 | 21,532 | 22,700 | 25,060 |
| 12-AA-0005 | CITY GARBAGE COMPANY LANDFILL | HUMBOLDT | 140,064 | 132,002 | 124,218 | 116,156 | 94,572 | | | | | |
| 12-AA-0017 | SOMOA LANDFILL SITE | HUMBOLDT | 8,073 | 5,661 | 893 | 2,339 | 135 | 148,137 | 137,663 | 125,111 | 118,495 | 94,707 |
| 13-AA-0001 | WORTHINGTON CUT AND FILL SITE | IMPERIAL | 4,208 | 4,721 | 4,485 | 2,775 | 2,948 | | | | | |
| 13-AA-0004 | CALEXICO SOLID WASTE DSPSL SITE | IMPERIAL | 16,429 | 19,150 | 22,907 | 25,373 | 18,764 | | | | | |
| 13-AA-0005 | OCOTILLO CUT AND FILL | IMPERIAL | 0 | 0 | 0 | 0 | 0 | | | | | |
| 13-AA-0006 | HOLTVILLE DISPOSAL SITE | IMPERIAL | 10,365 | 9,463 | 6,917 | 6,242 | 5,228 | | | | | |
| 13-AA-0007 | PALO VERDE CUT AND FILL SITE | IMPERIAL | 0 | 0 | 0 | 0 | 0 | | | | | |
| 13-AA-0008 | BRAWLEY DISPOSAL SITE | IMPERIAL | 15,409 | 16,442 | 19,794 | 19,969 | 13,746 | | | | | |
| 13-AA-0009 | NILAND CUT AND FILL SITE | IMPERIAL | 0 | 0 | 0 | 0 | 0 | | | | | |
| 13-AA-0010 | HOT SPA CUT AND FILL SITE | IMPERIAL | 0 | 0 | 0 | 0 | 0 | | | | | |
| 13-AA-0011 | SALTON CITY CUT AND FILL SITE | IMPERIAL | 0 | 0 | 0 | 0 | 0 | | | | | |
| 13-AA-0012 | PICACHO CUT AND FILL SITE | IMPERIAL | 1,878 | 2,223 | 3,417 | 3,830 | 4,017 | | | | | |
| 13-AA-0019 | IMPERIAL COUNTY SANITATION | IMPERIAL | 36,065 | 46,680 | 44,980 | 49,500 | 52,818 | | | | | |
| 13-AA-0022 | DESERT VALLEY COMPANY LANDFILL | IMPERIAL | 0 | 0 | 51,067 | 52,107 | 52,006 | 84,354 | 98,679 | 153,567 | 159,796 | 149,527 |
| 14-AA-0003 | LONE PINE DISPOSAL SITE | INYO | 3,619 | 4,003 | 3,932 | 2,282 | 0 | | | | | |
| 14-AA-0004 | INDEPENDENCE DISPOSAL SITE | INYO | 0 | 0 | 0 | 0 | 0 | | | | | |
| 14-AA-0005 | BISHOP SUNLAND | INYO | 8,843 | 15,683 | 13,862 | 4,406 | 7,812 | | | | | |
| 14-AA-0006 | SHOSHONE DISPOSAL SITE | INYO | 0 | 0 | 0 | 0 | 0 | | | | | |
| 14-AA-0007 | TECOPA DISPOSAL SITE | INYO | 0 | 0 | 0 | 0 | 0 | | | | | |

| | | | Tons Disposed | | | | | Total Disposed (County Total) | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| SWIS ID | SITE NAME | COUNTY | 1990 | 1991 | 1992 | 1993 | 1994 | 1990 | 1991 | 1992 | 1993 | 1994 |
| 14-AA-0016 | FURNACE CREEK | INYO | 2,400 | 2,786 | 2,312 | 1,905 | 580 | | | | | |
| 14-AA-0017 | HOMEWOOD CANYON DISPOSAL SITE | INYO | 0 | 0 | 0 | 0 | 0 | | | | | |
| 14-AA-0021 | DEEP SPRINGS COLLEGE DISPOSAL ST | INYO | 0 | 0 | 0 | 0 | 0 | | | | | |
| 14-AA-0022 | OLANCHA-CARTAGO DISPOSAL SITE | INYO | 0 | 0 | 0 | 0 | 0 | 14,862 | 22,472 | 20,106 | 8,593 | 8,392 |
| 15-AA-0045 | BORON SANITARY LANDFILL | KERN | 16,746 | 15,224 | 13,575 | 8,207 | 7,232 | | | | | |
| 15-AA-0047 | BUTTONWILLOW SANITARY LANDFILL | KERN | 3,884 | 3,816 | 5,543 | 4,758 | 3,397 | | | | | |
| 15-AA-0048 | CHINA GRADE SANITARY LANDFILL | KERN | 313,396 | 318,332 | 119,737 | 0 | 0 | | | | | |
| 15-AA-0050 | ARVIN SANITARY LANDFILL | KERN | 219,136 | 229,068 | 263,201 | 231,149 | 182,408 | | | | | |
| 15-AA-0051 | GLENNVILLE LANDFILL | KERN | 1,392 | 762 | 0 | 0 | 0 | | | | | |
| 15-AA-0052 | LOST HILLS SANITARY LANDFILL | KERN | 3,156 | 4,632 | 6,108 | 3,218 | 2,922 | | | | | |
| 15-AA-0055 | KERN VALLEY LANDFILL | KERN | 23,216 | 22,156 | 27,379 | 24,287 | 17,870 | | | | | |
| 15-AA-0056 | LEBEC SANITARY LANDFILL | KERN | 19,336 | 15,936 | 0 | 0 | 0 | | | | | |
| 15-AA-0057 | SHAFTER-WASCO SANITARY LANDFILL | KERN | 61,268 | 76,666 | 96,798 | 75,353 | 71,273 | | | | | |
| 15-AA-0058 | MOJAVE-ROSAMOND SANITARY LANDFILL | KERN | 30,216 | 44,216 | 41,067 | 26,276 | 16,029 | | | | | |
| 15-AA-0059 | RIDGECREST-INYOKERN SANITARY LF | KERN | 78,220 | 67,588 | 66,789 | 52,844 | 42,276 | | | | | |
| 15-AA-0061 | TAFT SANITARY LANDFILL | KERN | 58,324 | 48,264 | 60,078 | 39,371 | 23,762 | | | | | |
| 15-AA-0062 | TEHACHAPI SANITARY LANDFILL | KERN | 40,364 | 50,772 | 31,578 | 22,666 | 21,113 | | | | | |
| 15-AA-0063 | MCFARLAND-DELANO SANITARY LNDFL | KERN | 68,072 | 50,900 | 30,334 | 0 | 0 | | | | | |
| 15-AA-0067 | NRTH BELRIDGE SOLID WSTE DIS SITE | KERN | 464 | 0 | 0 | 0 | 0 | | | | | |
| 15-AA-0150 | EDWARDS AFB | KERN | 16,747 | 8,507 | 24,094 | 15,212 | 13,732 | | | | | |
| 15-AA-0151 | EDWARDS AFB | KERN | 0 | 0 | 0 | 0 | 0 | | | | | |
| 15-AA-0153 | VALLEY TREE & CONST DISPOSAL SITE | KERN | 77 | 123 | 10 | 160 | 1,075 | | | | | |
| 15-AA-0273 | BAKERSFIELD S.L.F. (BENA) | KERN | 0 | 0 | 129,097 | 274,698 | 224,495 | | | | | |
| 15-AA-0286 | E.O.D. NO. 2 | KERN | 0 | 0 | 0 | 0 | 0 | 954,014 | 956,962 | 915,388 | 778,199 | 627,584 |
| 16-AA-0001 | HAROLD JAMES INC TIRE DIS SITE | KINGS | 0 | 0 | 0 | 0 | 0 | | | | | |
| 16-AA-0004 | AVENAL LANDFILL | KINGS | 11,891 | 12,086 | 9,135 | 10,059 | 7,703 | | | | | |
| 16-AA-0005 | NAS, LEMOORE SANITARY LANDFILL | KINGS | 0 | 0 | 0 | 0 | 0 | | | | | |
| 16-AA-0009 | HANFORD SANITARY LANDFILL | KINGS | 78,816 | 86,133 | 82,564 | 85,885 | 85,952 | | | | | |
| 16-AA-0012 | WEAVERS TREE SERVICE | KINGS | 0 | 0 | 0 | 0 | 0 | | | | | |
| 16-AA-0012 | HANFORD RECYCLING DISPOSAL SITE | KINGS | 0 | 0 | 0 | 0 | 0 | 90,707 | 98,219 | 91,699 | 95,944 | 93,655 |
| 17-AA-0001 | EASTLAKE SANITARY LANDFILL | LAKE | 48,143 | 47,122 | 45,438 | 28,986 | 29,628 | 48,143 | 47,122 | 45,438 | 28,986 | 29,628 |
| 18-AA-0003 | BIEBER DISPOSAL FACILITY | LASSEN | 0 | 0 | 0 | 185 | 0 | | | | | |
| 18-AA-0004 | MADELINE DISPOSAL FACILITY | LASSEN | 0 | 0 | 0 | 0 | 0 | | | | | |
| 18-AA-0005 | RAVENDALE DISPOSAL | LASSEN | 0 | 0 | 0 | 0 | 0 | | | | | |
| 18-AA-0009 | LASSEN COUNTY LANDFILL | LASSEN | 11,220 | 16,988 | 19,523 | 17,769 | 15,738 | | | | | |
| 18-AA-0010 | WESTWOOD DISPOSAL FACILITY | LASSEN | 914 | 1,090 | 1,253 | 1,068 | 928 | | | | | |
| 18-AA-0011 | HERLONG DISPOSAL FACILITY | LASSEN | 425 | 469 | 268 | 499 | 572 | | | | | |
| 18-AA-0013 | SIERRA ARMY DEPOT | LASSEN | 155 | 12,268 | 2,500 | 426 | 388 | 12,714 | 30,815 | 23,544 | 19,947 | 17,626 |
| 19-AA-0006 | BRAND PARK LANDFILL | LOS ANGELES | 13,960 | 13,177 | 11,210 | 13,561 | 5,451 | | | | | |
| 19-AA-0009 | ANTELOPE VALLEY PUBLIC DUMP | LOS ANGELES | 63,649 | 55,471 | 64,658 | 151,967 | 168,285 | | | | | |
| 19-AA-0012 | SCHOLL CANYON SANITARY LANDFILL | LOS ANGELES | 658,122 | 639,424 | 589,253 | 573,490 | 495,165 | | | | | |
| 19-AA-0013 | AZUSA LAND RECLAMATION CO. INC. | LOS ANGELES | 844,283 | 216,326 | 0 | 57,593 | 216,805 | | | | | |
| 19-AA-0015 | SPADRA SANITARY LANDFILL #2 | LOS ANGELES | 807,466 | 854,782 | 896,043 | 883,371 | 672,663 | | | | | |
| 19-AA-0040 | BURBANK LANDFILL SITE NO. 3 | LOS ANGELES | 67,603 | 61,829 | 64,113 | 55,337 | 50,649 | | | | | |
| 19-AA-0050 | WASTE MNGMNT OF LANCASTER S LF | LOS ANGELES | 122,077 | 109,444 | 130,838 | 108,087 | 135,826 | | | | | |

## APPENDIX A: SOLID WASTE DISPOSED (1990-94)

| | | | Tons Disposed | | | | | Total Disposed (County Total) | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| SWIS ID | SITE NAME | COUNTY | 1990 | 1991 | 1992 | 1993 | 1994 | 1990 | 1991 | 1992 | 1993 | 1994 |
| 19-AA-0052 | CHIQUITA CANYON SANITARY LANDFILL | LOS ANGELES | 546,892 | 741,562 | 594,583 | 396,695 | 528,101 | | | | | |
| 19-AA-0053 | PUENTE HILLS LANDFILL #6 | LOS ANGELES | 3,655,161 | 3,691,889 | 3,710,797 | 3,679,365 | 3,414,940 | | | | | |
| 19-AA-0056 | CALABASAS LANDFILL #5 | LOS ANGELES | 857,323 | 716,675 | 709,586 | 665,555 | 928,081 | | | | | |
| 19-AA-0057 | PITCHESS HONOR RANCHO LANDFILL | LOS ANGELES | 6,771 | 5,520 | 4,140 | 5,520 | 1,380 | | | | | |
| 19-AA-0061 | PEBBLY BEACH (AVALON) DIS SITE | LOS ANGELES | 0 | 236 | 3,316 | 1,980 | 1,217 | | | | | |
| 19-AA-0061 | PEBBLY BEACH (AVALON) DIS SITE | LOS ANGELES | 5,445 | 2,340 | 0 | 0 | 0 | | | | | |
| 19-AA-0062 | TWO HARBORS LANDFILL SITE | LOS ANGELES | 0 | 0 | 0 | 0 | 0 | | | | | |
| 19-AA-0063 | US NAVY LANDFILL | LOS ANGELES | 1,686 | 5,524 | 0 | 476 | 820 | | | | | |
| 19-AA-0820 | LOPEZ CANYON SANITARY LANDFILL | LOS ANGELES | 974,298 | 638,649 | 522,494 | 679,516 | 733,376 | | | | | |
| 19-AE-0004 | CHANDLERS LANDFILL | LOS ANGELES | 0 | 0 | 0 | 0 | 0 | | | | | |
| 19-AF-0001 | BKK WEST COVINA DISPOSAL SITE | LOS ANGELES | 2,195,241 | 2,997,157 | 3,166,087 | 2,451,353 | 2,770,006 | | | | | |
| 19-AH-0001 | CITY OF WHITTIER-SAVAGE CANYON LF | LOS ANGELES | 99,312 | 89,135 | 82,532 | 74,655 | 67,637 | | | | | |
| 19-AR-0002 | SUNSHINE CANYON/NORTH VALLEY LNDF | LOS ANGELES | 724,633 | 447,113 | 0 | 0 | 0 | | | | | |
| 19-AR-0004 | BRADLEY EAST LANDFILL | LOS ANGELES | 0 | 0 | 0 | 0 | 490,556 | | | | | |
| 19-AR-0008 | BRADLEY AVENUE WEST SANITARY LNDF | LOS ANGELES | 553,755 | 776,647 | 1,523,906 | 1,489,747 | 1,387,754 | 12,197,677 | 12,062,900 | 12,073,556 | 11,288,268 | 12,068,712 |
| 20-AA-0002 | FAIRMEAD SOLID WASTE DISPOSAL STE | MADERA | 79,041 | 77,037 | 83,064 | 64,113 | 88,869 | 79,041 | 77,037 | 83,064 | 64,113 | 88,869 |
| 21-AA-0001 | REDWOOD SANITARY LANDFILL | MARIN | 425,324 | 358,270 | 333,704 | 230,329 | 316,315 | | | | | |
| 21-AA-0002 | WEST MARIN SANITARY LANDFILL | MARIN | 9,214 | 10,988 | 12,123 | 17,575 | 18,383 | 434,538 | 369,258 | 345,827 | 247,904 | 334,698 |
| 22-AA-0001 | MARIPOSA COUNTY SANITARY LANDFILL | MARIPOSA | 11,783 | 11,414 | 8,949 | 12,090 | 12,740 | 11,783 | 11,414 | 8,949 | 12,090 | 12,740 |
| 23-AA-0003 | CASPAR REFUSE DISPOSAL SITE | MENDOCINO | 7,233 | 7,709 | 5,926 | 0 | 0 | | | | | |
| 23-AA-0008 | LAYTONVILLE REFUSE DISPOSAL SITE | MENDOCINO | 253 | 0 | 691 | 0 | 0 | | | | | |
| 23-AA-0012 | COVELO FILL SITE "3" | MENDOCINO | 10,660 | 864 | 0 | 0 | 0 | | | | | |
| 23-AA-0018 | SOUTH COAST REFUSE DISPOSAL | MENDOCINO | 1,759 | 1,620 | 1,083 | 255 | 806 | | | | | |
| 23-AA-0019 | CITY OF UKIAH SOLID WASTE DS | MENDOCINO | 29,461 | 26,638 | 25,443 | 21,986 | 22,255 | | | | | |
| 23-AA-0021 | CITY OF WILLITS DISPOSAL SITE | MENDOCINO | 6,986 | 6,935 | 7,250 | 16,786 | 19,462 | 68,135 | 55,180 | 49,342 | 51,117 | 55,263 |
| 24-AA-0001 | HIGHWAY 59 DISPOSAL SITE | MERCED | 149,895 | 141,666 | 133,476 | 147,141 | 152,287 | | | | | |
| 24-AA-0002 | BILLY WRIGHT DISPOSAL SITE | MERCED | 37,386 | 30,991 | 31,272 | 34,488 | 34,145 | 187,281 | 172,657 | 164,748 | 181,629 | 186,432 |
| 25-AA-0001 | ALTURAS SANITARY LANDFILL | MODOC | 1,999 | 1,282 | 1,131 | 1,377 | 2,984 | | | | | |
| 25-AA-0002 | EAGLEVILLE DISPOSAL SITE | MODOC | 0 | 0 | 0 | 0 | 0 | | | | | |
| 25-AA-0003 | FORT BIDWELL LANDFILL | MODOC | 0 | 0 | 0 | 0 | 0 | | | | | |
| 25-AA-0004 | LAKE CITY LANDFILL | MODOC | 0 | 0 | 0 | 0 | 0 | | | | | |
| 25-AA-0021 | CEDARVILLE LANDFILL-EAST | MODOC | 0 | 0 | 0 | 0 | 0 | 1,999 | 1,282 | 1,131 | 1,377 | 2,984 |
| 26-AA-0001 | WALKER SANITARY LANDFILL | MONO | 0 | 0 | 0 | 0 | 0 | | | | | |
| 26-AA-0002 | BRIDGEPORT SANITARY LANDFILL | MONO | 10 | 0 | 489 | 1,111 | 0 | | | | | |
| 26-AA-0003 | PUMICE VALLEY SANITARY LANDFILL | MONO | 7 | 0 | 467 | 349 | 0 | | | | | |
| 26-AA-0004 | BENTON CROSSING SANITARY LANDFILL | MONO | 2,515 | 3,607 | 3,263 | 2,728 | 3,232 | | | | | |
| 26-AA-0005 | CHALFANT SANITARY LANDFILL | MONO | 0 | 0 | 0 | 0 | 0 | | | | | |
| 26-AA-0006 | BENTON SANITARY LANDFILL | MONO | 0 | 39 | 27 | 0 | 0 | 2,532 | 3,646 | 4,246 | 4,188 | 3,232 |
| 27-AA-0003 | LEWIS ROAD SANITARY LANDFILL | MONTEREY | 5,354 | 6,653 | 5,768 | 6,003 | 17,753 | | | | | |
| 27-AA-0005 | JOHNSON CANYON SANITARY LANDFILL | MONTEREY | 10,270 | 9,417 | 8,854 | 9,705 | 27,236 | | | | | |
| 27-AA-0006 | JOLAN ROAD SANITARY LANDFILL | MONTEREY | 8,431 | 8,025 | 7,592 | 9,227 | 18,157 | | | | | |
| 27-AA-0007 | CRAZY HORSE SANITARY LANDFILL | MONTEREY | 178,785 | 133,915 | 139,040 | 144,640 | 150,728 | | | | | |
| 27-AA-0010 | MONTEREY PENINSULA SANITARY LNDFL | MONTEREY | 255,427 | 257,343 | 247,784 | 244,933 | 217,528 | | | | | |
| 27-AA-0012 | SAN ANTONIO SOUTH SHORE DIS SITE | MONTEREY | 0 | 0 | 0 | 0 | 0 | 458,267 | 415,353 | 409,038 | 414,508 | 431,402 |
| 28-AA-0001 | AMERICAN CANYON SANITARY LANDFILL | NAPA | 0 | 0 | 0 | 0 | 160,847 | | | | | |

| | | | Tons Disposed | | | | | Total Disposed (County Total) | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| SWIS ID | SITE NAME | COUNTY | 1990 | 1991 | 1992 | 1993 | 1994 | 1990 | 1991 | 1992 | 1993 | 1994 |
| 28-AA-0001 | AMERICAN CANYON SANITARY LANDFILL | NAPA | 198,962 | 195,173 | 184,370 | 133,881 | 0 | | | | | |
| 28-AA-0002 | UPPER VALLEY DIS DERVICE LANDFILL | NAPA | 34,238 | 32,496 | 31,929 | 32,777 | 34,352 | | | | | |
| 28-AA-0003 | BERRYESSA GARBAGE SERVICE DIS S | NAPA | 1,150 | 1,203 | 842 | 0 | 0 | 234,350 | 228,872 | 217,141 | 166,658 | 195,199 |
| 29-AA-0001 | MCCOURTNEY LANDFILL | NEVADA | 42,926 | 33,486 | 23,049 | 0 | 0 | 42,926 | 33,486 | 23,049 | 0 | 0 |
| 30-AB-0016 | OLINDA SANITARY LANDFILL | ORANGE | 359,344 | 1,575 | 63,130 | 500 | 0 | | | | | |
| 30-AB-0017 | COYOTE CANYON SANITARY LANDFILL | ORANGE | 214,027 | 0 | 0 | 0 | 0 | | | | | |
| 30-AB-0018 | SANTIAGO CANYON SANITARY LANDFILL | ORANGE | 824,287 | 879,818 | 811,851 | 357,628 | 1,986 | | | | | |
| 30-AB-0019 | PRIMA DESCHECHA SANITARY LANDFILL | ORANGE | 739,798 | 473,257 | 350,766 | 333,282 | 298,842 | | | | | |
| 30-AB-0035 | OLINDA ALPHA SANITARY LANDFILL | ORANGE | 1,061,566 | 1,115,619 | 1,095,342 | 1,305,441 | 1,363,627 | | | | | |
| 30-AB-0360 | BEE CANYON SANITARY LANDFILL | ORANGE | 848,010 | 982,043 | 1,129,081 | 1,329,090 | 1,308,019 | 4,047,032 | 3,452,312 | 3,450,170 | 3,325,941 | 2,972,474 |
| 31-AA-0210 | PLACER CO-DEPT OF PUBLIC WORKS | PLACER | 184,949 | 181,255 | 185,148 | 188,340 | 174,178 | | | | | |
| 31-AA-0530 | CLIPPER CREEK | PLACER | 0 | 0 | 0 | 0 | 0 | | | | | |
| 31-AA-0560 | EASTERN REGIONAL LANDFILL | PLACER | 35,642 | 35,194 | 32,885 | 35,201 | 35,910 | 220,591 | 216,449 | 218,033 | 223,541 | 210,088 |
| 32-AA-0007 | PORTOLA LANDFILL | PLUMAS | 788 | 786 | 1,027 | 948 | 849 | | | | | |
| 32-AA-0008 | GOPHER HILL SANITARY LANDFILL | PLUMAS | 8,958 | 9,190 | 8,835 | 8,344 | 4,638 | | | | | |
| 32-AA-0009 | CHESTER SANITARY LANDFILL | PLUMAS | 4,208 | 4,214 | 3,728 | 5,906 | 8,130 | | | | | |
| 32-AA-0021 | COLLINS PINE COMPANY LANDFILL | PLUMAS | 0 | 0 | 0 | 0 | 0 | 13,954 | 14,190 | 13,590 | 15,198 | 13,617 |
| 33-AA-0003 | HIGHGROVE SANITARY LANDFILL | RIVERSIDE | 341,927 | 289,900 | 245,888 | 214,112 | 205,811 | | | | | |
| 33-AA-0006 | BADLANDS DISPOSAL SITE | RIVERSIDE | 127,818 | 98,890 | 48,290 | 71,086 | 94,656 | | | | | |
| 33-AA-0007 | LAMB CANYON DISPOSAL SITE | RIVERSIDE | 176,849 | 158,069 | 161,167 | 132,937 | 133,086 | | | | | |
| 33-AA-0008 | DOUBLE BUTTE DISPOSAL SITE | RIVERSIDE | 108,941 | 69,670 | 74,818 | 81,215 | 42,245 | | | | | |
| 33-AA-0009 | MEAD VALLEY DISPOSAL SITE | RIVERSIDE | 176,862 | 166,609 | 194,982 | 175,245 | 175,119 | | | | | |
| 33-AA-0011 | EDOM HILL DISPOSAL SITE | RIVERSIDE | 257,273 | 231,381 | 188,204 | 176,196 | 174,283 | | | | | |
| 33-AA-0012 | COACHELLA VALLEY DISPOSAL SITE | RIVERSIDE | 257,677 | 196,244 | 168,513 | 153,309 | 149,637 | | | | | |
| 33-AA-0013 | ANZA DISPOSAL SITE | RIVERSIDE | 7,956 | 8,262 | 3,978 | 3,991 | 6,447 | | | | | |
| 33-AA-0015 | OASIS DISPOSAL SITE | RIVERSIDE | 8,350 | 6,408 | 6,160 | 6,160 | 4,004 | | | | | |
| 33-AA-0016 | EAGLE MOUNTAIN LANDFILL | RIVERSIDE | 1,825 | 0 | 2,555 | 2,562 | 2,190 | | | | | |
| 33-AA-0017 | BLYTHE DISPOSAL SITE | RIVERSIDE | 17,850 | 16,732 | 16,020 | 18,106 | 21,751 | | | | | |
| 33-AA-0071 | MECCA LANDFILL II | RIVERSIDE | 7,368 | 11,052 | 15,092 | 15,092 | 11,704 | | | | | |
| 33-AA-0217 | EL SOBRANTE SANITARY LANDFILL | RIVERSIDE | 348,465 | 297,906 | 270,299 | 459,394 | 499,868 | 1,839,161 | 1,551,123 | 1,395,966 | 1,509,405 | 1,520,801 |
| 34-AA-0001 | SACRAMENTO CO LANDFILL (KIEFER) | SACRAMENTO | 739,882 | 750,731 | 801,236 | 831,248 | 883,465 | | | | | |
| 34-AA-0006 | AEROJET CLASS III SLD WSTE LNDFL | SACRAMENTO | 0 | 0 | 0 | 0 | 0 | | | | | |
| 34-AA-0007 | DIXON PIT LANDFILL | SACRAMENTO | 6,294 | 3,930 | 4,433 | 4,575 | 5,865 | | | | | |
| 34-AA-0018 | SACRAMENTO CITY LANDFILL | SACRAMENTO | 245,898 | 224,142 | 177,884 | 120,721 | 66,859 | | | | | |
| 34-AA-0020 | L & D LANDFILL | SACRAMENTO | 100,209 | 74,561 | 57,268 | 61,044 | 99,011 | 1,092,283 | 1,053,364 | 1,040,821 | 1,017,588 | 1,055,200 |
| 35-AA-0001 | JOHN SMITH RD SOLID WASTE DIS STE | SAN BENITO | 21,382 | 22,813 | 21,250 | 28,566 | 31,102 | 21,382 | 22,813 | 21,250 | 28,566 | 31,102 |
| 36-AA-0003 | METRO WATER DIST-IRON MOUNTAIN | SAN BERNARDINO | 0 | 0 | 0 | 0 | 0 | | | | | |
| 36-AA-0017 | CALIFORNIA STREET LANDFILL | SAN BERNARDINO | 61,611 | 59,839 | 62,488 | 55,430 | 58,134 | | | | | |
| 36-AA-0019 | AGUA MANSA LANDFILL | SAN BERNARDINO | 1,092 | 4,052 | 5,258 | 2,143 | 1,021 | | | | | |
| 36-AA-0026 | ORO GRANDE LANDFILL | SAN BERNARDINO | 596 | 0 | 0 | 0 | 0 | | | | | |
| 36-AA-0039 | NEWBERRY DISPOSAL SITE | SAN BERNARDINO | 0 | 0 | 0 | 0 | 0 | | | | | |
| 36-AA-0041 | TRONA-ARGUS REFUSE DISPOSAL SITE | SAN BERNARDINO | 10,456 | 4,339 | 4,376 | 6,901 | 5,324 | | | | | |
| 36-AA-0044 | PHELAN REFUSE DISPOSAL SITE | SAN BERNARDINO | 25,896 | 24,492 | 22,883 | 28,560 | 19,481 | | | | | |
| 36-AA-0045 | VICTORVILLE REFUSE DISPOSAL SITE | SAN BERNARDINO | 93,004 | 103,453 | 100,014 | 117,051 | 114,296 | | | | | |
| 36-AA-0046 | BARSTOW REFUSE DISPOSAL SITE | SAN BERNARDINO | 30,350 | 26,960 | 30,808 | 37,405 | 38,375 | | | | | |

## APPENDIX A: SOLID WASTE DISPOSED (1990-94)

| | | | Tons Disposed | | | | | Total Disposed (County Total) | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| SWIS ID | SITE NAME | COUNTY | 1990 | 1991 | 1992 | 1993 | 1994 | 1990 | 1991 | 1992 | 1993 | 1994 |
| 36-AA-0047 | YERMO DISPOSAL SITE | SAN BERNARDINO | 3,212 | 6,529 | 6,309 | 2,209 | 1,024 | | | | | |
| 36-AA-0048 | APPLE VALLEY DISPOSAL SITE | SAN BERNARDINO | 42,596 | 40,660 | 33,838 | 30,262 | 29,136 | | | | | |
| 36-AA-0049 | BAKER REFUSE DISPOSAL SITE | SAN BERNARDINO | 0 | 0 | 183 | 0 | 273 | | | | | |
| 36-AA-0050 | HESPERIA REFUSE DISPOSAL SITE | SAN BERNARDINO | 82,528 | 55,242 | 45,279 | 46,403 | 45,903 | | | | | |
| 36-AA-0051 | COLTON REFUSE DISPOSAL SITE | SAN BERNARDINO | 271,967 | 268,059 | 273,706 | 265,961 | 265,393 | | | | | |
| 36-AA-0054 | MILLIKEN SANITARY LANDFILL | SAN BERNARDINO | 631,603 | 600,995 | 620,466 | 521,684 | 408,222 | | | | | |
| 36-AA-0055 | FONTANA REFUSE DISPOSAL SITE | SAN BERNARDINO | 285,783 | 273,224 | 282,037 | 259,465 | 251,469 | | | | | |
| 36-AA-0056 | BIG BEAR REFUSE DISPOSAL SITE | SAN BERNARDINO | 24,336 | 23,180 | 29,864 | 43,734 | 28,254 | | | | | |
| 36-AA-0057 | LANDERS DISPOSAL SITE | SAN BERNARDINO | 31,372 | 24,597 | 30,083 | 30,045 | 29,591 | | | | | |
| 36-AA-0058 | MORONGO DISPOSAL SITE | SAN BERNARDINO | 15,184 | 8,391 | 9,811 | 7,008 | 5,565 | | | | | |
| 36-AA-0059 | NEEDLES SOLID WASTE DISPOSAL SITE | SAN BERNARDINO | 5,724 | 6,604 | 6,285 | 2,326 | 1,139 | | | | | |
| 36-AA-0060 | TWENTYNINE PALMS DISPOSAL SITE | SAN BERNARDINO | 25,112 | 22,256 | 20,704 | 22,234 | 22,970 | | | | | |
| 36-AA-0061 | LENWOOD-HINKLEY REFUSE DIS SITE | SAN BERNARDINO | 9,984 | 14,453 | 9,630 | 9,734 | 7,673 | | | | | |
| 36-AA-0062 | LUCERNE VALLEY DISPOSAL SITE | SAN BERNARDINO | 2,608 | 2,542 | 4,582 | 3,294 | 0 | | | | | |
| 36-AA-0064 | HOLLIDAY SANITARY LANDFILL | SAN BERNARDINO | 0 | 0 | 0 | 849 | 2,037 | | | | | |
| 36-AA-0067 | USMC 29 PALMS DISPOSAL SITE | SAN BERNARDINO | 1,851 | 4,306 | 3,516 | 796 | 1,631 | | | | | |
| 36-AA-0068 | RESERVE COMP TRAINING CENTER | SAN BERNARDINO | 0 | 0 | 2,436 | 0 | 0 | | | | | |
| 36-AA-0074 | CUSHENBURY PLNT | SAN BERNARDINO | 0 | 0 | 122 | 0 | 0 | | | | | |
| 36-AA-0078 | MONTECITO MEMORIAL PARK | SAN BERNARDINO | 0 | 0 | 0 | 0 | 0 | | | | | |
| 36-AA-0080 | WEST SEVENTH STREET DISPOSAL SITE | SAN BERNARDINO | 485 | 0 | 0 | 0 | 0 | | | | | |
| 36-AA-0084 | GOLDSTONE DEEP SPACE COMM COMPLEX | SAN BERNARDINO | 289 | 0 | 0 | 0 | 0 | | | | | |
| 36-AA-0087 | SAN TIMOTEO SOLID WASTE DIS SITE | SAN BERNARDINO | 160,646 | 150,923 | 138,814 | 138,419 | 130,151 | | | | | |
| 36-AA-0250 | CITY OF RIALTO DISPOSAL SITE | SAN BERNARDINO | 5,241 | 4,240 | 2,949 | 2,674 | 3,449 | 1,823,526 | 1,729,336 | 1,746,441 | 1,634,587 | 1,470,511 |
| 37-AA-0005 | RAMONA LANDFILL | SAN DIEGO | 48,781 | 40,481 | 36,062 | 33,436 | 29,621 | | | | | |
| 37-AA-0006 | BORREGO SPRINGS LANDFILL | SAN DIEGO | 10,156 | 6,115 | 6,500 | 2,473 | 2,345 | | | | | |
| 37-AA-0008 | SAN MARCOS LANDFILL | SAN DIEGO | 881,940 | 784,072 | 706,745 | 622,486 | 500,128 | | | | | |
| 37-AA-0010 | OTAY ANNEX LANDFILL | SAN DIEGO | 696,040 | 523,170 | 493,848 | 416,970 | 334,641 | | | | | |
| 37-AA-0020 | MIRAMAR SANITARY LANDFILL | SAN DIEGO | 1,440,619 | 1,391,932 | 1,359,363 | 1,329,201 | 1,267,809 | | | | | |
| 37-AA-0023 | SYCAMORE SANITARY LANDFILL | SAN DIEGO | 509,901 | 418,767 | 385,473 | 379,756 | 333,191 | | | | | |
| 37-AA-0902 | SAN ONOFRE LANDFILL | SAN DIEGO | 1,408 | 1,225 | 6,279 | 3,652 | 1,758 | | | | | |
| 37-AA-0903 | LAS PULGAS LANDFILL | SAN DIEGO | 11,720 | 29,480 | 28,770 | 12,630 | 28,177 | 3,600,565 | 3,195,242 | 3,023,040 | 2,800,604 | 2,497,670 |
| 39-AA-0001 | AUSTIN ROAD LANDFILL | SAN JOAQUIN | 130,268 | 127,791 | 148,663 | 140,827 | 123,141 | | | | | |
| 39-AA-0002 | FRENCH CAMP LANDFILL SITE | SAN JOAQUIN | 27,466 | 28,889 | 30,261 | 31,242 | 32,482 | | | | | |
| 39-AA-0003 | HARNEY LANE SANITARY LANDFILL | SAN JOAQUIN | 140,538 | 97,720 | 0 | 0 | 0 | | | | | |
| 39-AA-0004 | FOOTHILL SANITARY LANDFILL | SAN JOAQUIN | 150,672 | 140,876 | 141,947 | 145,113 | 139,987 | | | | | |
| 39-AA-0005 | CORRAL HOLLOW LANDFILL | SAN JOAQUIN | 30,088 | 57,882 | 67,318 | 0 | 90,398 | | | | | |
| 39-AA-0005 | CORRAL HOLLOW LANDFILL | SAN JOAQUIN | 29,347 | 0 | 0 | 72,702 | 0 | | | | | |
| 39-AA-0015 | FORWARD INC | SAN JOAQUIN | 64,166 | 64,464 | 85,236 | 98,385 | 129,246 | | | | | |
| 39-AA-0022 | NORTH COUNTY LANDFILL | SAN JOAQUIN | 0 | 35,693 | 122,817 | 138,827 | 165,683 | 572,545 | 553,315 | 596,242 | 627,096 | 680,937 |
| 40-AA-0001 | CITY OF PASO ROBLES LANDFILL | SAN LUIS OBISPO | 31,496 | 33,184 | 28,928 | 26,744 | 41,699 | | | | | |
| 40-AA-0002 | CAMP ROBERTS SOLID WASTE DIS SITE | SAN LUIS OBISPO | 1,037 | 3,474 | 4,392 | 4,591 | 2,828 | | | | | |
| 40-AA-0003 | SANTA FE ENERGY LANDFILL | SAN LUIS OBISPO | 0 | 0 | 0 | 0 | 0 | | | | | |
| 40-AA-0004 | COLD CANYON LANDFILL SLD WASTE DS | SAN LUIS OBISPO | 168,068 | 143,066 | 140,967 | 137,087 | 134,682 | | | | | |
| 40-AA-0008 | CHICAGO GRADE LANDFILL | SAN LUIS OBISPO | 20,072 | 22,752 | 6,843 | 0 | 0 | | | | | |
| 40-AA-0008 | CHICAGO GRADE LANDFILL | SAN LUIS OBISPO | 0 | 0 | 15,469 | 25,511 | 5,254 | | | | | |

| | | | Tons Disposed | | | | | Total Disposed (County Total) | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| SWIS ID | SITE NAME | COUNTY | 1990 | 1991 | 1992 | 1993 | 1994 | 1990 | 1991 | 1992 | 1993 | 1994 |
| 40-AA-0009 | CAMP SAN LUIS OBISPO LANDFILL | SAN LUIS OBISPO | 0 | 11 | 0 | 0 | 0 | | | | | |
| 40-AA-0014 | CALIFORNIA VALLEY LANDFILL | SAN LUIS OBISPO | 73 | 0 | 0 | 0 | 0 | 220,746 | 202,487 | 196,599 | 193,933 | 184,463 |
| 41-AA-0002 | OX MOUNTAIN SANITARY LANDFILL | SAN MATEO | 787,928 | 804,805 | 832,681 | 633,415 | 790,981 | | | | | |
| 41-AA-0008 | HILLSIDE SOLID WASTE DIS SITE | SAN MATEO | 61,697 | 55,506 | 43,527 | 52,061 | 52,030 | 849,625 | 860,311 | 876,208 | 685,476 | 843,011 |
| 42-AA-0010 | NEW CUYAMA SANITARY LANDFILL | SANTA BARBARA | 0 | 0 | 0 | 0 | 0 | | | | | |
| 42-AA-0011 | FOXEN CANYON SANITARY LANDFILL | SANTA BARBARA | 27,411 | 26,510 | 25,190 | 15,408 | 12,139 | | | | | |
| 42-AA-0012 | VANDENBERG AFB LANDFILL | SANTA BARBARA | 3,285 | 12,912 | 1,813 | 0 | 0 | | | | | |
| 42-AA-0013 | VENTUCOPA SANITARY LANDFILL | SANTA BARBARA | 0 | 0 | 0 | 0 | 0 | | | | | |
| 42-AA-0015 | TAJIGUAS SANITARY LANDFILL | SANTA BARBARA | 295,163 | 245,150 | 184,973 | 129,571 | 105,613 | | | | | |
| 42-AA-0016 | CITY OF SANTA MARIA REFUSE DIS ST | SANTA BARBARA | 141,456 | 124,239 | 117,846 | 126,275 | 115,013 | | | | | |
| 42-AA-0017 | CITY OF LOMPOC SANITARY LANDFILL | SANTA BARBARA | 59,357 | 38,287 | 40,358 | 41,839 | 43,250 | 526,672 | 447,098 | 370,180 | 313,093 | 276,015 |
| 43-AA-0001 | GUADALUPE DISPOSAL SITE | SANTA CLARA | 213,414 | 168,774 | 188,172 | 201,802 | 178,999 | | | | | |
| 43-AA-0004 | PACHECO PASS SANITARY LANDFILL | SANTA CLARA | 82,153 | 75,993 | 69,497 | 68,824 | 67,073 | | | | | |
| 43-AA-0006 | SHORELINE REG PARK SANITARY LNDFL | SANTA CLARA | 9,625 | 8,441 | 9,293 | 8,381 | 0 | | | | | |
| 43-AA-0007 | CITY OF SUNNYVALE LANDFILL | SANTA CLARA | 202,771 | 147,483 | 149,041 | 113,509 | 0 | | | | | |
| 43-AM-0001 | CITY OF PALO ALTO REFUSE DIS SITE | SANTA CLARA | 86,636 | 89,168 | 83,938 | 73,904 | 32,845 | | | | | |
| 43-AN-0001 | OWENS FIBERGLASS CO | SANTA CLARA | 1,663 | 1,158 | 0 | 348 | 0 | | | | | |
| 43-AN-0003 | NEWBY ISLAND SANITARY LANDFILL | SANTA CLARA | 980,477 | 951,440 | 933,162 | 874,493 | 849,436 | | | | | |
| 43-AN-0007 | ZANKER RD (NINE PAR) SANTRY LNDFL | SANTA CLARA | 55,315 | 42,659 | 51,493 | 4,563 | 10,192 | | | | | |
| 43-AN-0008 | KIRBY CANYON SANITARY LANDFILL | SANTA CLARA | 91,410 | 88,190 | 102,379 | 126,636 | 300,538 | | | | | |
| 43-AO-0001 | ALL PURPOSE LANDFILL | SANTA CLARA | 148,863 | 140,429 | 87,634 | 108,377 | 0 | 1,872,327 | 1,713,735 | 1,674,609 | 1,580,837 | 1,439,083 |
| 44-AA-0001 | SANTA CRUZ CITY SANITARY LANDFILL | SANTA CRUZ | 80,158 | 67,065 | 60,049 | 78,112 | 75,043 | | | | | |
| 44-AA-0002 | WATSONVILLE CITY SLD WSTE DIS STE | SANTA CRUZ | 30,254 | 31,652 | 26,349 | 26,525 | 25,558 | | | | | |
| 44-AA-0003 | BEN LOMOND SOLID WASTE DIS SITE | SANTA CRUZ | 52,629 | 34,698 | 29,953 | 30,171 | 31,203 | | | | | |
| 44-AA-0004 | BUENA VISTA DISPOSAL SITE | SANTA CRUZ | 118,136 | 93,951 | 87,392 | 91,779 | 90,788 | 281,177 | 227,366 | 203,743 | 226,587 | 222,592 |
| 45-AA-0019 | CITY OF REDDING SANITARY LANDFILL | SHASTA | 13,552 | 0 | 0 | 0 | 0 | | | | | |
| 45-AA-0020 | ANDERSON SOLID WASTE, INC. | SHASTA | 117,993 | 85,475 | 81,856 | 133,908 | 104,118 | | | | | |
| 45-AA-0021 | SIMPSON PAPER CO. | SHASTA | 10,092 | 0 | 0 | 0 | 0 | | | | | |
| 45-AA-0022 | PACKWAY MATERIALS LANDFILL | SHASTA | 6,411 | 5,959 | 4,856 | 472 | 0 | | | | | |
| 45-AA-0043 | WEST CENTRAL LANDFILL | SHASTA | 88,207 | 102,054 | 105,827 | 104,792 | 106,218 | | | | | |
| 45-AA-0058 | TWIN BRIDGES LANDFILL | SHASTA | 2,900 | 3,512 | 12,285 | 13,507 | 10,165 | 239,155 | 197,000 | 204,824 | 252,679 | 220,501 |
| 46-AA-0001 | LOYALTON LANDFILL | SIERRA | 2,672 | 2,672 | 2,674 | 2,723 | 2,641 | 2,672 | 2,672 | 2,674 | 2,723 | 2,641 |
| 47-AA-0001 | MCCLOUD COMM SERVICES DIST LF | SISKIYOU | 210 | 0 | 0 | 1,694 | 2,150 | | | | | |
| 47-AA-0002 | YREKA SOLID WASTE LANDFILL | SISKIYOU | 12,341 | 11,849 | 12,381 | 11,288 | 11,041 | | | | | |
| 47-AA-0003 | BLACK BUTTE SOLID WASTE DIS SITE | SISKIYOU | 8,412 | 5,626 | 5,627 | 5,627 | 3,634 | | | | | |
| 47-AA-0019 | WEED SOLID WASTE DISPOSAL SITE | SISKIYOU | 3,114 | 3,240 | 3,112 | 3,710 | 3,003 | | | | | |
| 47-AA-0026 | HAPPY CAMP SOLID WASTE DIS SITE | SISKIYOU | 0 | 0 | 0 | 0 | 0 | | | | | |
| 47-AA-0027 | TULELAKE SOLID WASTE LANDFILL | SISKIYOU | 2,487 | 1,658 | 1,655 | 1,655 | 1,401 | | | | | |
| 47-AA-0029 | KELLY GULCH SOLID WASTE DIS SITE | SISKIYOU | 0 | 0 | 0 | 0 | 0 | | | | | |
| 47-AA-0030 | CECILVILLE DISPOSAL SITE | SISKIYOU | 0 | 0 | 0 | 0 | 0 | | | | | |
| 47-AA-0031 | LAVA BEDS DISPOSAL SITE | SISKIYOU | 0 | 0 | 0 | 0 | 0 | | | | | |
| 47-AA-0033 | NEW TENNANT SOLID WASTE DIS SITE | SISKIYOU | 0 | 0 | 0 | 0 | 0 | | | | | |
| 47-AA-0044 | ROGERS CREEK | SISKIYOU | 0 | 0 | 0 | 0 | 0 | | | | | |
| 47-AA-0045 | HOTELLING GULCH DISPOSAL SITE | SISKIYOU | 0 | 0 | 0 | 0 | 0 | 26,564 | 22,373 | 22,775 | 23,974 | 21,229 |
| 48-AA-0002 | B & J LANDFILL | SOLANO | 66,882 | 79,100 | 105,116 | 105,699 | 124,196 | | | | | |

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## APPENDIX A: SOLID WASTE DISPOSED (1990-94)

| | | | Tons Disposed | | | | | Total Disposed (County Total) | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| SWIS ID | SITE NAME | COUNTY | 1990 | 1991 | 1992 | 1993 | 1994 | 1990 | 1991 | 1992 | 1993 | 1994 |
| 48-AA-0004 | RIO VISTA SANITARY LANDFILL | SOLANO | 4,102 | 2,972 | 3,111 | 0 | 0 | | | | | |
| 48-AA-0075 | POTRERO HILLS LANDFILL | SOLANO | 227,070 | 205,894 | 287,034 | 226,660 | 261,148 | 298,054 | 287,966 | 395,261 | 332,359 | 385,344 |
| 49-AA-0001 | CENTRAL LANDFILL | SONOMA | 521,778 | 509,904 | 496,994 | 457,670 | 435,960 | | | | | |
| 49-AA-0002 | ANNAPOLIS LANDFILL | SONOMA | 2,460 | 2,605 | 2,241 | 2,643 | 2,646 | | | | | |
| 49-AA-0008 | TUBBS ISLAND | SONOMA | 0 | 0 | 0 | 0 | 0 | | | | | |
| 49-AA-0009 | CASA GRANDE SITE | SONOMA | 0 | 0 | 0 | 0 | 0 | | | | | |
| 49-AA-0011 | CLOVERDALE LANDFILL | SONOMA | 14,831 | 8,715 | 0 | 4,000 | 0 | | | | | |
| 49-AA-0148 | FMRP SOLIDS DISPOSAL FACILITY | SONOMA | 469 | 5,702 | 0 | 0 | 0 | 539,538 | 526,926 | 499,235 | 464,313 | 438,606 |
| 50-AA-0001 | FINK ROAD LANDFILL | STANISLAUS | 61,863 | 91,878 | 76,606 | 47,735 | 54,915 | | | | | |
| 50-AA-0002 | GEER ROAD SANITARY LANDFILL | STANISLAUS | 60,227 | 0 | 0 | 0 | 0 | | | | | |
| 50-AA-0003 | BONZI SANITARY LANDFILL | STANISLAUS | 1,850 | 8,479 | 15,731 | 24,428 | 21,841 | 123,940 | 100,357 | 92,337 | 72,163 | 76,756 |
| 52-AA-0001 | RED BLUFF SANITARY LANDFILL | TEHAMA | 26,520 | 26,520 | 26,520 | 26,520 | 43,597 | | | | | |
| 52-AA-0002 | RED BLUFF LANDFILL | TEHAMA | 4,206 | 385 | 869 | 175 | 0 | | | | | |
| 52-AA-0009 | DIAMOND LANDFILL | TEHAMA | 0 | 0 | 792 | 0 | 0 | 30,726 | 26,905 | 28,181 | 26,695 | 43,597 |
| 53-AA-0013 | WEAVERVILLE LANDFILL DIS SITE | TRINITY | 8,372 | 11,523 | 10,900 | 9,101 | 9,368 | 8,372 | 11,523 | 10,900 | 9,101 | 9,368 |
| 54-AA-0001 | EARLIMART DISPOSAL SITE | TULARE | 8,450 | 1,512 | 8,305 | 7,591 | 6,367 | | | | | |
| 54-AA-0002 | EXETER DISPOSAL SITE | TULARE | 0 | 0 | 0 | 0 | 0 | | | | | |
| 54-AA-0004 | TEAPOT DOME DISPOSAL SITE | TULARE | 56,165 | 12,479 | 57,473 | 62,570 | 61,201 | | | | | |
| 54-AA-0008 | WOODVILLE DISPOSAL SITE | TULARE | 87,693 | 20,025 | 87,863 | 89,729 | 103,327 | | | | | |
| 54-AA-0009 | VISALIA DISPOSAL SITE | TULARE | 161,882 | 166,387 | 169,982 | 170,587 | 165,142 | | | | | |
| 54-AA-0010 | BALANCE ROCK DISPOSAL SITE | TULARE | 0 | 0 | 0 | 0 | 54 | | | | | |
| 54-AA-0011 | KENNEDY MEADOWS DISPOSAL SITE | TULARE | 0 | 0 | 0 | 0 | 7 | 314,190 | 200,403 | 323,623 | 330,477 | 336,098 |
| 55-AA-0001 | BIG OAK FLAT LANDFILL | TUOLUMNE | 2,597 | 1,771 | 1,408 | 1,615 | 2,277 | | | | | |
| 55-AA-0002 | TUOLUMNE CO CENTRAL SANITARY LF | TUOLUMNE | 29,711 | 5,023 | 17,959 | 24,755 | 25,673 | 32,308 | 6,794 | 19,367 | 26,370 | 27,950 |
| 56-AA-0005 | TOLAND ROAD SANITARY LANDFILL | VENTURA | 37,099 | 7,548 | 31,338 | 26,964 | 40,563 | | | | | |
| 56-AA-0007 | SIMI VALLEY LANDFILL | VENTURA | 238,711 | 252,848 | 242,709 | 276,024 | 305,224 | | | | | |
| 56-AA-0008 | PACIFIC MISSILE TEST CENTER LNDFL | VENTURA | 0 | 0 | 0 | 0 | 0 | | | | | |
| 56-AA-0009 | TEXACO OIL DISPOSAL SITE "C" | VENTURA | 0 | 0 | 0 | 0 | 0 | | | | | |
| 56-AA-0011 | BAILARD LANDFILL | VENTURA | 499,481 | 415,914 | 407,137 | 386,752 | 310,191 | 775,291 | 676,310 | 681,184 | 689,740 | 655,978 |
| 57-AA-0001 | YOLO COUNTY CENTRAL LANDFILL | YOLO | 249,204 | 236,974 | 173,052 | 160,368 | 148,751 | | | | | |
| 57-AA-0004 | UNIV OF CALIF DAVIS SANITARY LNDF | YOLO | 12,412 | 9,553 | 9,066 | 8,878 | 6,358 | 261,616 | 246,527 | 182,118 | 169,246 | 155,109 |
| 58-AA-0001 | BEALE AFB SANITARY LANDFILL | YUBA | 0 | 0 | 8,969 | 5,892 | 0 | | | | | |
| 58-AA-0002 | PONDEROSA SANITARY LANDFILL | YUBA | 3,492 | 1,666 | 265 | 0 | 0 | | | | | |
| 58-AA-0005 | YUBA-SUTTER DISPOSAL | YUBA | 111,068 | 114,215 | 115,850 | 117,350 | 117,928 | | | | | |
| 58-AA-0006 | YUBA-SUTTER DISPOSAL AREA | YUBA | 0 | 0 | 2,857 | 902 | 0 | | | | | |
| 58-AA-0007 | SPECKERTT DISPOSAL AREA | YUBA | 0 | 0 | 0 | 0 | 0 | 114,560 | 115,881 | 127,941 | 124,144 | 117,928 |
| | | | 39,387,465 | 36,517,206 | 35,864,574 | 33,980,273 | 33,954,007 | | | | | |

## APPENDIX B. LANDFILLS RECEIVING SOLID WASTE IN 1994, SORTED BY SIZE

| Landfill | County | 1994 Tons of Solid Waste Disposed |
|---|---|---|
| PUENTE HILLS LANDFILL #6 | LOS ANGELES | 3,414,940 |
| BKK WEST COVINA DISPOSAL SITE | LOS ANGELES | 2,770,006 |
| ALTAMONT SANITARY LANDFILL | ALAMEDA | 1,508,100 |
| BRADLEY AVENUE WEST SANITARY LNDF | LOS ANGELES | 1,387,754 |
| OLINDA ALPHA SANITARY LANDFILL | ORANGE | 1,363,627 |
| BEE CANYON SANITARY LANDFILL | ORANGE | 1,308,019 |
| MIRAMAR SANITARY LANDFILL | SAN DIEGO | 1,267,809 |
| CALABASAS LANDFILL #5 | LOS ANGELES | 928,081 |
| SACRAMENTO CO LANDFILL (KIEFER) | SACRAMENTO | 883,465 |
| NEWBY ISLAND SANITARY LANDFILL | SANTA CLARA | 849,436 |
| OX MOUNTAIN SANITARY LANDFILL | SAN MATEO | 790,981 |
| LOPEZ CANYON SANITARY LANDFILL | LOS ANGELES | 733,376 |
| SPADRA SANITARY LANDFILL #2 | LOS ANGELES | 672,663 |
| CHIQUITA CANYON SANITARY LANDFILL | LOS ANGELES | 528,101 |
| SAN MARCOS LANDFILL | SAN DIEGO | 500,128 |
| EL SOBRANTE SANITARY LANDFILL | RIVERSIDE | 499,868 |
| SCHOLL CANYON SANITARY LANDFILL | LOS ANGELES | 495,165 |
| BRADLEY EAST LANDFILL | LOS ANGELES | 490,556 |
| CENTRAL LANDFILL | SONOMA | 435,960 |
| MILLIKEN SANITARY LANDFILL | SAN BERNARDINO | 408,222 |
| VASCO ROAD SANITARY LANDFILL | ALAMEDA | 390,668 |
| OTAY ANNEX LANDFILL | SAN DIEGO | 334,641 |
| SYCAMORE SANITARY LANDFILL | SAN DIEGO | 333,191 |
| CHATEAU FRESNO LANDFILL | FRESNO | 318,731 |
| REDWOOD SANITARY LANDFILL | MARIN | 316,315 |
| BAILARD LANDFILL | VENTURA | 310,191 |
| SIMI VALLEY LANDFILL | VENTURA | 305,224 |
| KIRBY CANYON SANITARY LANDFILL | SANTA CLARA | 300,538 |
| PRIMA DESCHECHA SANITARY LANDFILL | ORANGE | 298,842 |
| DURHAM ROAD SANITARY LANDFILL | ALAMEDA | 283,547 |
| WEST COUNTY LANDFILL | CONTRA COSTA | 281,707 |
| COLTON REFUSE DISPOSAL SITE | SAN BERNARDINO | 265,393 |
| AMERICAN AVE DISPOSAL SITE | FRESNO | 262,268 |
| POTRERO HILLS LANDFILL | SOLANO | 261,148 |
| FONTANA REFUSE DISPOSAL SITE | SAN BERNARDINO | 251,469 |
| BAKERSFIELD S.L.F. (BENA) | KERN | 224,495 |
| MONTEREY PENINSULA SANITARY LNDFL | MONTEREY | 217,528 |
| AZUSA LAND RECLAMATION CO. INC. | LOS ANGELES | 216,805 |
| HIGHGROVE SANITARY LANDFILL | RIVERSIDE | 205,811 |
| ARVIN SANITARY LANDFILL | KERN | 182,408 |
| GUADALUPE DISPOSAL SITE | SANTA CLARA | 178,999 |
| MEAD VALLEY DISPOSAL SITE | RIVERSIDE | 175,119 |
| EDOM HILL DISPOSAL SITE | RIVERSIDE | 174,283 |
| PLACER CO-DEPT OF PUBLIC WORKS | PLACER | 174,178 |

| Landfill | County | 1994 Tons of Solid Waste Disposed |
|---|---|---|
| KELLER CANYON LANDFILL | CONTRA COSTA | 169,899 |
| NEAL ROAD LANDFILL | BUTTE | 168,832 |
| ANTELOPE VALLEY PUBLIC DUMP | LOS ANGELES | 168,285 |
| NORTH COUNTY LANDFILL | SAN JOAQUIN | 165,683 |
| VISALIA DISPOSAL SITE | TULARE | 165,142 |
| AMERICAN CANYON SANITARY LANDFILL | NAPA | 160,847 |
| HIGHWAY 59 DISPOSAL SITE | MERCED | 152,287 |
| CRAZY HORSE SANITARY LANDFILL | MONTEREY | 150,728 |
| COACHELLA VALLEY DISPOSAL SITE | RIVERSIDE | 149,637 |
| YOLO COUNTY CENTRAL LANDFILL | YOLO | 148,751 |
| FOOTHILL SANITARY LANDFILL | SAN JOAQUIN | 139,987 |
| WASTE MNGMNT OF LANCASTER S LF | LOS ANGELES | 135,826 |
| COLD CANYON LANDFILL SLD WASTE DS | SAN LUIS OBISPO | 134,682 |
| LAMB CANYON DISPOSAL SITE | RIVERSIDE | 133,086 |
| SAN TIMOTEO SOLID WASTE DIS SITE | SAN BERNARDINO | 130,151 |
| FORWARD INC | SAN JOAQUIN | 129,246 |
| B & J LANDFILL | SOLANO | 124,196 |
| AUSTIN ROAD LANDFILL | SAN JOAQUIN | 123,141 |
| YUBA-SUTTER DISPOSAL | YUBA | 117,928 |
| CITY OF SANTA MARIA REFUSE DIS ST | SANTA BARBARA | 115,013 |
| VICTORVILLE REFUSE DISPOSAL SITE | SAN BERNARDINO | 114,296 |
| WEST CENTRAL LANDFILL | SHASTA | 106,218 |
| TAJIGUAS SANITARY LANDFILL | SANTA BARBARA | 105,613 |
| ANDERSON SOLID WASTE, INC. | SHASTA | 104,118 |
| WOODVILLE DISPOSAL SITE | TULARE | 103,327 |
| L & D LANDFILL | SACRAMENTO | 99,011 |
| BADLANDS DISPOSAL SITE | RIVERSIDE | 94,656 |
| CITY GARBAGE COMPANY LANDFILL | HUMBOLDT | 94,572 |
| BUENA VISTA DISPOSAL SITE | SANTA CRUZ | 90,788 |
| CORRAL HOLLOW LANDFILL | SAN JOAQUIN | 90,398 |
| FAIRMEAD SOLID WASTE DISPOSAL STE | MADERA | 88,869 |
| HANFORD SANITARY LANDFILL | KINGS | 85,952 |
| SANTA CRUZ CITY SANITARY LANDFILL | SANTA CRUZ | 75,043 |
| SHAFTER-WASCO SANITARY LANDFILL | KERN | 71,273 |
| UNION MINE DISPOSAL SITE | EL DORADO | 68,448 |
| CITY OF WHITTIER-SAVAGE CANYON LF | LOS ANGELES | 67,637 |
| PACHECO PASS SANITARY LANDFILL | SANTA CLARA | 67,073 |
| SACRAMENTO CITY LANDFILL | SACRAMENTO | 66,859 |
| TEAPOT DOME DISPOSAL SITE | TULARE | 61,201 |
| CALIFORNIA STREET LANDFILL | SAN BERNARDINO | 58,134 |
| FINK ROAD LANDFILL | STANISLAUS | 54,915 |
| IMPERIAL COUNTY SANITATION | IMPERIAL | 52,818 |
| HILLSIDE SOLID WASTE DIS SITE | SAN MATEO | 52,030 |
| DESERT VALLEY COMPANY LANDFILL | IMPERIAL | 52,006 |
| BURBANK LANDFILL SITE NO. 3 | LOS ANGELES | 50,649 |
| HESPERIA REFUSE DISPOSAL SITE | SAN BERNARDINO | 45,903 |
| RED BLUFF SANITARY LANDFILL | TEHAMA | 43,597 |
| CITY OF LOMPOC SANITARY LANDFILL | SANTA BARBARA | 43,250 |

| Landfill | County | 1994 Tons of Solid Waste Disposed |
|---|---|---|
| RIDGECREST-INYOKERN SANITARY LF | KERN | 42,276 |
| DOUBLE BUTTE DISPOSAL SITE | RIVERSIDE | 42,245 |
| CITY OF PASO ROBLES LANDFILL | SAN LUIS OBISPO | 41,699 |
| TOLAND ROAD SANITARY LANDFILL | VENTURA | 40,563 |
| BARSTOW REFUSE DISPOSAL SITE | SAN BERNARDINO | 38,375 |
| CITY OF CLOVIS LANDFILL | FRESNO | 38,030 |
| EASTERN REGIONAL LANDFILL | PLACER | 35,910 |
| UPPER VALLEY DIS DERVICE LANDFILL | NAPA | 34,352 |
| BILLY WRIGHT DISPOSAL SITE | MERCED | 34,145 |
| CITY OF PALO ALTO REFUSE DIS SITE | SANTA CLARA | 32,845 |
| FRENCH CAMP LANDFILL SITE | SAN JOAQUIN | 32,482 |
| BEN LOMOND SOLID WASTE DIS SITE | SANTA CRUZ | 31,203 |
| JOHN SMITH RD SOLID WASTE DIS STE | SAN BENITO | 31,102 |
| EASTLAKE SANITARY LANDFILL | LAKE | 29,628 |
| RAMONA LANDFILL | SAN DIEGO | 29,621 |
| LANDERS DISPOSAL SITE | SAN BERNARDINO | 29,591 |
| APPLE VALLEY DISPOSAL SITE | SAN BERNARDINO | 29,136 |
| BIG BEAR REFUSE DISPOSAL SITE | SAN BERNARDINO | 28,254 |
| LAS PULGAS LANDFILL | SAN DIEGO | 28,177 |
| JOHNSON CANYON SANITARY LANDFILL | MONTEREY | 27,236 |
| TUOLUMNE CO CENTRAL SANITARY LF | TUOLUMNE | 25,673 |
| WATSONVILLE CITY SLD WSTE DIS STE | SANTA CRUZ | 25,558 |
| GLENN COUNTY LANDFILL SITE | GLENN | 25,060 |
| ROCK CREEK LANDFILL | CALAVERAS | 25,025 |
| ACME LANDFILL | CONTRA COSTA | 24,167 |
| TAFT SANITARY LANDFILL | KERN | 23,762 |
| TWENTYNINE PALMS DISPOSAL SITE | SAN BERNARDINO | 22,970 |
| CITY OF UKIAH SOLID WASTE DS | MENDOCINO | 22,255 |
| BONZI SANITARY LANDFILL | STANISLAUS | 21,841 |
| BLYTHE DISPOSAL SITE | RIVERSIDE | 21,751 |
| TEHACHAPI SANITARY LANDFILL | KERN | 21,113 |
| ORANGE AVENUE DISPOSAL INC | FRESNO | 20,226 |
| AMADOR CO SANITARY LANDFILL | AMADOR | 19,939 |
| PHELAN REFUSE DISPOSAL SITE | SAN BERNARDINO | 19,481 |
| CITY OF WILLITS DISPOSAL SITE | MENDOCINO | 19,462 |
| CALEXICO SOLID WASTE DSPSL SITE | IMPERIAL | 18,764 |
| WEST MARIN SANITARY LANDFILL | MARIN | 18,383 |
| JOLAN ROAD SANITARY LANDFILL | MONTEREY | 18,157 |
| KERN VALLEY LANDFILL | KERN | 17,870 |
| LEWIS ROAD SANITARY LANDFILL | MONTEREY | 17,753 |
| COALINGA DISPOSAL SITE | FRESNO | 17,484 |
| MOJAVE-ROSAMOND SANITARY LANDFILL | KERN | 16,029 |
| LASSEN COUNTY LANDFILL | LASSEN | 15,738 |
| BRAWLEY DISPOSAL SITE | IMPERIAL | 13,746 |
| EDWARDS AFB | KERN | 13,732 |
| OROVILLE LANDFILL | BUTTE | 13,665 |
| MARIPOSA COUNTY SANITARY LANDFILL | MARIPOSA | 12,740 |
| CRESCENT CITY LANDFILL | DEL NORTE | 12,257 |

| Landfill | County | 1994 Tons of Solid Waste Disposed |
|---|---|---|
| FOXEN CANYON SANITARY LANDFILL | SANTA BARBARA | 12,139 |
| MECCA LANDFILL II | RIVERSIDE | 11,704 |
| YREKA SOLID WASTE LANDFILL | SISKIYOU | 11,041 |
| ZANKER RD (NINE PAR) SANTRY LNDFL | SANTA CLARA | 10,192 |
| TWIN BRIDGES LANDFILL | SHASTA | 10,165 |
| C AND H SUGAR DISPOSAL SITE | CONTRA COSTA | 9,375 |
| WEAVERVILLE LANDFILL DIS SITE | TRINITY | 9,368 |
| CHESTER SANITARY LANDFILL | PLUMAS | 8,130 |
| BISHOP SUNLAND | INYO | 7,812 |
| AVENAL LANDFILL | KINGS | 7,703 |
| LENWOOD-HINKLEY REFUSE DIS SITE | SAN BERNARDINO | 7,673 |
| BORON SANITARY LANDFILL | KERN | 7,232 |
| ANZA DISPOSAL SITE | RIVERSIDE | 6,447 |
| EARLIMART DISPOSAL SITE | TULARE | 6,367 |
| UNIV OF CALIF DAVIS SANITARY LNDF | YOLO | 6,358 |
| DIXON PIT LANDFILL | SACRAMENTO | 5,865 |
| MORONGO DISPOSAL SITE | SAN BERNARDINO | 5,565 |
| BRAND PARK LANDFILL | LOS ANGELES | 5,451 |
| TRONA-ARGUS REFUSE DISPOSAL SITE | SAN BERNARDINO | 5,324 |
| CHICAGO GRADE LANDFILL | SAN LUIS OBISPO | 5,254 |
| HOLTVILLE DISPOSAL SITE | IMPERIAL | 5,228 |
| GOPHER HILL SANITARY LANDFILL | PLUMAS | 4,638 |
| PICACHO CUT AND FILL SITE | IMPERIAL | 4,017 |
| OASIS DISPOSAL SITE | RIVERSIDE | 4,004 |
| BLACK BUTTE SOLID WASTE DIS SITE | SISKIYOU | 3,634 |
| CITY OF RIALTO DISPOSAL SITE | SAN BERNARDINO | 3,449 |
| BUTTONWILLOW SANITARY LANDFILL | KERN | 3,397 |
| BENTON CROSSING SANITARY LANDFILL | MONO | 3,232 |
| WEED SOLID WASTE DISPOSAL SITE | SISKIYOU | 3,003 |
| ALTURAS SANITARY LANDFILL | MODOC | 2,984 |
| WORTHINGTON CUT AND FILL SITE | IMPERIAL | 2,948 |
| LOST HILLS SANITARY LANDFILL | KERN | 2,922 |
| CAMP ROBERTS SOLID WASTE DIS SITE | SAN LUIS OBISPO | 2,828 |
| ANNAPOLIS LANDFILL | SONOMA | 2,646 |
| LOYALTON LANDFILL | SIERRA | 2,641 |
| BORREGO SPRINGS LANDFILL | SAN DIEGO | 2,345 |
| BIG OAK FLAT LANDFILL | TUOLUMNE | 2,277 |
| EAGLE MOUNTAIN LANDFILL | RIVERSIDE | 2,190 |
| MCCLOUD COMM SERVICES DIST LF | SISKIYOU | 2,150 |
| HOLLIDAY SANITARY LANDFILL | SAN BERNARDINO | 2,037 |
| SANTIAGO CANYON SANITARY LANDFILL | ORANGE | 1,986 |
| SAN ONOFRE LANDFILL | SAN DIEGO | 1,758 |
| USMC 29 PALMS DISPOSAL SITE | SAN BERNARDINO | 1,631 |
| TULELAKE SOLID WASTE LANDFILL | SISKIYOU | 1,401 |
| PITCHESS HONOR RANCHO LANDFILL | LOS ANGELES | 1,380 |
| PEBBLY BEACH (AVALON) DIS SITE | LOS ANGELES | 1,217 |
| NEEDLES SOLID WASTE DISPOSAL SITE | SAN BERNARDINO | 1,139 |
| VALLEY TREE & CONST DISPOSAL SITE | KERN | 1,075 |

| Landfill | County | 1994 Tons of Solid Waste Disposed |
|---|---|---|
| YERMO DISPOSAL SITE | SAN BERNARDINO | 1,024 |
| AGUA MANSA LANDFILL | SAN BERNARDINO | 1,021 |
| WESTWOOD DISPOSAL FACILITY | LASSEN | 928 |
| PORTOLA LANDFILL | PLUMAS | 849 |
| US NAVY LANDFILL | LOS ANGELES | 820 |
| SOUTH COAST REFUSE DISPOSAL | MENDOCINO | 806 |
| FURNACE CREEK | INYO | 580 |
| HERLONG DISPOSAL FACILITY | LASSEN | 572 |
| SIERRA ARMY DEPOT | LASSEN | 388 |
| BAKER REFUSE DISPOSAL SITE | SAN BERNARDINO | 273 |
| SOMOA LANDFILL SITE | HUMBOLDT | 135 |
| BALANCE ROCK DISPOSAL SITE | TULARE | 54 |
| KENNEDY MEADOWS DISPOSAL SITE | TULARE | 7 |
| TOTAL | | 33,954,007 |

SOURCE: Board of Equalization, March 1995

Starting in 1983, a number of efforts were made to examine the issues, problems and barriers to landfill siting and permitting. Over the years, the resulting studies, reports, and testimony have each identified similar problems and have proposed various corrective strategies. Many of the recommendations continue to be voiced as potential solutions to unresolved problems. The following sections summarize the most important findings of several key studies.

## REPORTS AND PLANS TO THE CALIFORNIA WASTE MANAGEMENT BOARD

The California Waste Management Board's 1985 *Comprehensive Plan for Management of Non-Hazardous Waste in California* was prepared in response to the direction of the legislature in the 1983 Budget Act. While the data contained within the plan is obsolete and out of date, it did suggest some relevant means of streamlining the permit process, including:

- establishment of a state siting assistance program, to include technical assistance and mediation services, and
- providing a siting manual to assist local government officials and private facility proponents in dealing with the siting process.

*Siting and Sustaining Waste Management Facilities in California, A Study for the Comprehensive Plan* centered on the issue of siting waste management facilities and concluded that it took seven or more years to site a landfill, even though the "time frames" on paper suggested that the process can be completed within a year to 18 months. Two major obstacles in the siting process were noted in this report:

- *institutional problems* caused by inefficiencies in those processes required by governmental bodies to permit waste management facilities; and
- *socio-political problems*, referring to public resistance to waste management projects and the inter-relationship between that resistance and the elective political process. The report contended that these problems are further aggravated by the lack of an adequate vehicle for addressing socioeconomic concerns through the institutional process.

Recommendations presented in the report for overcoming these obstacles included the following:

- using public information programs to raise awareness of recycling, resource recovery, and state-of-the-art disposal technologies such as composite liners, leachate recovery systems and landfill gas collection systems;
- preparation and distribution of a siting manual to assist local agencies in siting disposal facilities;
- providing siting consultants or specialists to facilitate the siting process, and mediation services for resolving impasses;
- promoting early citizen involvement in the siting process; and
- consolidating state-level permits into one solid waste facilities permit.

## RECENT REPORTS

### DRAFT RECOMMENDATIONS FOR CONSOLIDATING AND STREAMLINING THE CAL/EPA PERMIT PROCESSES (MARCH 1992)

*Draft Recommendations for Consolidating and Streamlining the Cal/EPA Permit Processes* studied regulatory overlap, duplication in processing, and conflicts in responsibility between the CIWMB and the State Water Resources Control Board (SWRCB)., The report recognizes the need to consolidate and streamline the permitting process, but concludes that many permitting problems stem from statutory and regulatory requirements, rather than anything specific to the process of issuing a permit.

The report finds that both public and private applicants want greater clarity and certainty in the permit processes. Specific issues include:

- uncertain application requirements;
- frequently changing regulations;
- inconsistent interpretations of regulations; and
- interactions between agencies when multiple permits are required.

The relationship between permitting processes of the CIWMB and those of SWRCB represent a major area for reform. Provisions governing solid waste facilities are contained in two sets of regulations: the CIWMB's CCR Title 14, Division 7, and the RWQCB's CCR Title 23, Division 3, Chapter 1, which to some extent overlap.

According to this study, LEAs also play a significant role in the difficulties inherent in the landfill siting and permitting process.

- The LEAs and CIWMB both review permit applications; this is a duplication of effort.
- Some LEAs do not thoroughly review a permit, but rely on the CIWMB for a more thorough review.
- Some LEAs do not thoroughly review a permit because of a lack of staff or a lack of staff expertise.
- LEAs, operators, and the CIWMB have different definitions of "complete," with CIWMB estimating that 50 to 75 percent of the permit packages submitted have parts of the package missing, and/or contain inadequate support documentation.
- There are no sanctions against LEA's for submitting an incomplete application, thus there is every incentive to do as little as possible to minimize costs.

## CALIFORNIA'S JOBS AND FUTURE

The Council on California Competitiveness was formed to address the barriers to creating jobs and increasing state revenues. In the Council's April 1992 report, *California's Jobs and Future*, a chapter on regulatory streamlining addressed California's regulatory system and permit processes, which the Council concludes "have gotten out of control."

The council received testimony from over a dozen counties and more than 30 cities on their difficulties navigating the regulatory maze. Their view was that too many agencies are involved, that the statutes and regulations are ambiguous, and that the results being achieved do not justify the high costs of regulatory processing.

## A PROGRAM REVIEW, STREAMLINING THE CALIFORNIA SOLID WASTE DISPOSAL REGULATORY PROCESS (FEBRUARY 1993)

*A Program Review, Streamlining the California Solid Waste Disposal Regulatory Process* pointed out that California currently has over 400 operating solid waste disposal facilities and more than 2,000 closed or abandoned sites that are affected by a multiplicity of regulations and requirements. Recent legislative and regulatory changes at the state, federal, and local levels have significantly changed the solid waste permitting process. Implementation of these requirements has resulted in a long, fragmented process with many redundancies and multiple levels of regulatory oversight. The report indicates that because of the permitting process,

moving from the concept of a landfill to its actual operation is a major undertaking in the state of California and can take more than 10 years to accomplish. It also adds substantially to the costs incurred by the applicant, as well as state and local governments. The process involves securing approvals from every level of government.

Of the 10-15 years currently involved in landfill permitting, state level reviews often require two years or less, with the major delays at the local level in the siting process and in carrying out the environmental review. An example was provided for a landfill in Kern County which provided the following time frames for the major requisite activities:

| Activity | No. Months Elapsed |
|---|---|
| Site Selection | 41 |
| CEQA | 16 |
| Site approval | 2 |
| Site acquisition | 36 |
| Conditional use permit | 3 |
| Construction | 11 |
| RDSI and WDR approval | 3 |
| SWF permit approval | 7 |
| Total Months Elapsed | 119 |

JOINT REPORT: REFORMING THE CALIFORNIA SOLID WASTE DISPOSAL REGULATORY PROCESS (APRIL, 1993)

*Joint Report: Reforming the California Solid Waste Disposal Regulatory Process,* was produced jointly by the CIWMB and the State Water Resources Control Board (SWRCB) in response to AB 3348 (Eastin, Statutes of 1992), which required the two agencies to prepare and submit a report describing the regulatory programs and activities of both Boards, as well as those of the Regional Water Quality Control Boards and the Local Enforcement Agencies, relating to solid waste disposal sites. The report identified areas of regulatory overlap and duplication and make recommendations to the Governor and the Legislature for change. The Joint Report was based on the findings of the Department of Finance report described in the previous section, and on testimony and comments on those findings received from disposal site operators, local governments, environmental and public interest groups, and state and local agencies with regulatory responsibilities relating to solid waste disposal sites. The Joint Report made several

recommendations for delineating the responsibility between the CIWMB and the SWRCB for permitting and oversight of solid waste disposal sites:

- There should be a clear and concise division of authority between the CIWMB and the SWRCB to remove all areas of overlap, duplication, and conflict: the SWRCB should be the sole State agency concerned with any and all water issues surrounding solid waste disposal facilities, and the CIWMB should be responsible for all other regulatory issues within its statutory authority.

- The two Boards' regulations for solid waste disposal facilities should be combined into one title with distinct chapters to be implemented by the SWRCB and the RWQCBs, and by the CIWMB and the LEAs. Furthermore, there should be one unified permit with one consolidated permit application and one required technical reporting document.

- There should be a concurrent timeline for development and review of Waste Discharge Requirements (WDR's) and the Solid Waste Facilities Permit.

- Annual inspections of solid waste disposal facilities should, to the greatest extent possible, be conducted as multi-media inspections, with representatives of the CIWMB, RWQCB, LEA, and any other interested agency, such as the Air Quality Management District, State Fish and Game, Army Corps of Engineers, USEPA, etc.

- Closure/post closure regulations and plans should be consolidated.

- There should be a clear and concise division of authority between the CIWMB and the LEAs, with the CIWMB providing technical assistance and support to the LEAs, as well as training, certifying, and decertifying LEAs. The CIWMB should continue to review and concur in issuance of SWFPs. The LEAs should be responsible for inspection of facilities, and for preparation and submission for concurrence of SWFPs.

The Joint Report identified several issues outside the scope of the report for future consideration. Two issues identified relate to the permitting process:

- There is a need for a study of the roles and responsibilities of other State agencies to identify areas of overlap and duplication and make further recommendations for consolidation.

- There is a need for a study on development of a conflict resolution process to resolve disputes between the SWRCB and CIWMB on issues of overlap, duplication, and conflict between the two agencies.

## SIGNIFICANT RELATED LEGISLATION

AB 1200, SOLID WASTE DISPOSAL REGULATORY REFORM ACT OF 1993 (EASTIN, October 1993)

AB 1220 was passed as an urgency statute by the legislature in the fall of 1993. The main objectives of AB 1220 are to:

1) remove overlap duplication and conflict between the CIWMB and SWRCB in the regulation of non-hazardous solid waste disposal facilities without reducing current environmental standards;

2) consolidate regulations for these facilities;

3) streamline the process for obtaining a full solid waste facilities permit;

4) clarify and remove overlap in the roles of the LEA and CIWMB; and

5) study the feasibility of combining financial assurance mechanisms for operating liability and corrective action.

CIWMB and SWRCB staff are currently involved in drafting regulations to address the above requirements as well as clean up and streamline CIWMB's existing regulations. Proposed modifications to CIWMB's regulations cover the following subjects: consolidate definitions, state minimum standards, closure/postclosure standards, permitting, closure/postclosure plans, and financial assurances. At the time of this printing, many issues still remain unresolved, yet CIWMB staff are confident these issues will be resolved and draft regulations will be noticed for review by year's end.

# APPENDIX D. LANDFILL INITIAL STUDY REPORT

## LANDFILL INITIAL DATA REPORT (ALL LANDFILLS, ALL REGIONS)

| Facility Name | Most Recent Permitted Year | TPD Limit | January 1, 1993 Capacity (cy) | Closing Year |
|---|---|---|---|---|
| **Alameda County** | | | | |
| Altamont Sanitary Landfill [1,2] | 1989 | 11150 | 32,100,000 | 2019 |
| Tri-Cities Recycling & Disp. [2] | 1992 | 2134 | 9,930,800 | 2013 |
| Vasco Road Sanitary Landfill [1,2] | 1989 | 2329 | 21,000,000 | 2008 |
| COUNTY TOTAL | | | 63,030,800 | |
| **Amador County** | | | | |
| Amador County Sanitary Landfil [1,2] | 1993 | 810 | 1,511,000 | 2006 |
| COUNTY TOTAL | | | 1,511,000 | |
| **Butte County** | | | | |
| Louisiana Pacific Landfill [2] | 1978 | 80 | 236,000 | 2034 |
| Neal Road Landfill [1,2] | 1979 | 750 | 9,000,000 | 2017 |
| COUNTY TOTAL | | | 9,236,000 | |
| **Calaveras County** | | | | |
| Rock Creek Landfill [1] | 1989 | 500 | 7,400,000 | 2030 |
| COUNTY TOTAL | | | 7,400,000 | |
| **Colusa County** | | | | |
| Evans Road Landfill [3] | 1978 | 415 | 3,490,010 | 1998 |
| COUNTY TOTAL | | | 3,490,010 | |
| **Contra Costa County** | | | | |
| Acme Landfill [2,3] | 1984 | 1300 | 147,096 | 1991 |
| C and H Sugar Disposal Site [1,2,5,6] | 0 | 0 | 60,000 | 2000 |
| Keller Canyon Landfill [1,2] | 1992 | 2750 | 76,538,160 | 2037 |
| West Contra Costa Landfill [2] | 1978 | 2500 | 1,530,000 | 1997 |
| COUNTY TOTAL | | | 78,275,256 | |
| **Del Norte County** | | | | |
| Del Norte County Sanitary Landfill [1] | 1978 | 43 | 198,000 | 1998 |
| COUNTY TOTAL | | | 198,000 | |

**Landfill Capacity Information Sources:**
[1] Landfill Survey [2] LEA Survey [3] CIWMB Files [4] Additional Inquiry
[5] Mainly Inerts or Industrial Process Wastes 6. Unpermitted or Exempt [7] No estimated closing year
[8] 1/1/95 Data - from County Siting Element in progress

| Facility Name | Most Recent Permitted Year | TPD Limit | January 1, 1993 Capacity (cy) | Closing Year |
|---|---|---|---|---|
| **El Dorado County** | | | | |
| Union Mine Disposal Site [1] | 1978 | 400 | 1,442,612 | 2012 |
| COUNTY TOTAL | | | 1,442,612 | |
| **Fresno County** | | | | |
| American Avenue Disposal Site [1,2] | 1987 | 1200 | 31,466,487 | 2028 |
| Chateau Fresno Landfill [1,2] | 1978 | 1800 | 800,000 | 1994 |
| City of Clovis Landfill [1,2] | 1978 | 51 | 2,300,000 | 2038 |
| Coalinga Disposal Site [1,2] | 1978 | 30 | 2,459,743 | 2034 |
| Orange Avenue Disposal, Inc. [2] | 1978 | 400 | 287,500 | 2008 |
| COUNTY TOTAL | | | 37,313,730 | |
| **Glenn County** | | | | |
| Glenn County Landfill Site [2] | 1978 | 63 | 1,328,000 | 2021 |
| COUNTY TOTAL | | | 1,328,000 | |
| **Humboldt County** | | | | |
| City Garbage Company Landfill [2] | 1978 | 300 | 1,444,000 | 2002 |
| Hely Creek Wood Waste Disposal [1,2] | 1980 | 15 | 483,750 | 2022 |
| Mozzetti II Woodwaste Disposal [5] | 1986 | 40 | 78,400 | 2002 |
| Samoa Landfill Site [2,3,7] | 1978 | 50 | 385,968 | 2005 |
| Simpson Fairhaven Disposal Site [1,2] | 1993 | 155 | 147,490 | 2015 |
| Simpson Wood Waste Disposal Site [2,5] | 1978 | 400 | 120,000 | 1997 |
| Tank Gulch [5] | 1992 | 111 | 584,000 | 2010 |
| COUNTY TOTAL | | | 3,243,608 | |
| **Imperial County** | | | | |
| Brawley Disposal Site [1] | 1979 | 68 | 1,379,000 | 2006 |
| Calexico Solid Waste Disposal [1] | 1979 | 70 | 2,846,000 | 2006 |
| Desert Valley Company [1] | 1992 | 150 | 463,111 | 2001 |
| Gold Fields Operating Company [3,6,8] | 0 | 1 | 0 | 2005 |
| Holtville Disposal Site [1] | 1979 | 19 | 415,000 | 2004 |
| Hot Spa Cut and Fill Site [1] | 1958 | 4 | 470,000 | 2086 |
| Mals Properties, dba: Imperial [1] | 1978 | 250 | 5,100,000 | 2030 |

**Landfill Capacity Information Sources:**
[1] Landfill Survey [2] LEA Survey [3] CIWMB Files [4] Additional Inquiry
[5] Mainly Inerts or Industrial Process Wastes [6] Unpermitted or Exempt [7] No estimated closing year
[8] 1/1/95 Data - from County Siting Element in progress

| Facility Name | Most Recent Permitted Year | TPD Limit | January 1, 1993 Capacity (cy) | Closing Year |
|---|---|---|---|---|
| **Imperial County (cont.)** | | | | |
| Niland Cut and Fill Site [1] | 1985 | 5 | 1,208,000 | 2037 |
| Ocotillo Cut and Fill [1] | 1980 | 1 | 492,000 | 2053 |
| Palo Verde Cut and Fill Site [1] | 1980 | 1 | 469,000 | 2044 |
| Picacho Cut and Fill Site [1] | 1980 | 20 | 1,136,000 | 2025 |
| Salton City Cut and Fill Site [1] | 1980 | 5 | 2,545,000 | 2087 |
| Worthington Cut and Fill Site [1] | 1979 | 28 | 1,672,000 | 2025 |
| COUNTY TOTAL | | | 18,195,111 | |
| **Inyo County** | | | | |
| Bishop Sunland [1,2] | 1978 | 30 | 1,310,894 | 2015 |
| Furnace Creek [2] | 1978 | 8 | 13,200 | 1998 |
| Independence Disposal Site [1,2] | 1979 | 7 | 297,833 | 2012 |
| Lone Pine Disposal Site [1,2] | 1979 | 9 | 244,000 | 2022 |
| Shoshone Disposal Site [1,2] | 1978 | 1 | 290,170 | 2093 |
| Tecopa Disposal Site [1,2] | 1978 | 1 | 391,521 | 2289 |
| COUNTY TOTAL | | | 2,547,618 | |
| **Kern County** | | | | |
| Arvin Sanitary Landfill [3,4] | 1985 | 1032 | 2,060,579 | 1999 |
| Bakersfield Metropolitan SLF - [1,2] | 1991 | 1764 | 5,210,913 | 2057 |
| Boron Sanitary Landfill [1,2] | 1979 | 20 | 148,623 | 1998 |
| Buttonwillow Sanitary Landfill [1,2] | 1979 | 20 | 11,450 | 1996 |
| Edwards AFB - Main Base Landfill [2] | 1979 | 147 | 1,390,000 | 1995 |
| Kern Valley Landfill [2] | 1979 | 23 | 212,658 | 1996 |
| Lost Hills Sanitary Landfill [1,2] | 1979 | 10 | 87,594 | 2020 |
| Mojave-Rosamond Sanitary Landfill [1,2] | 1986 | 42 | 350,624 | 2002 |
| Ridgecrest-Inyokern Sanitary Landfill [1,2] | 1986 | 110 | 1,198,825 | 2010 |
| Shafter-Wasco Sanitary Landfill [1,2] | 1986 | 714 | 7,840,311 | 2017 |
| Taft Sanitary Landfill [1,2] | 1978 | 53 | 4,793,329 | 2034 |
| Tehachapi Sanitary Landfill [1,2] | 1978 | 32 | 652,878 | 1998 |
| Valley Tree & Construction Dis [2,3] | 1979 | 750 | 186,966 | 2002 |
| COUNTY TOTAL | | | 24,144,750 | |

**Landfill Capacity Information Sources:**
[1] Landfill Survey [2] LEA Survey [3] CIWMB Files [4] Additional Inquiry
[5] Mainly Inerts or Industrial Process Wastes [6] Unpermitted or Exempt [7] No estimated closing year
[8] 1/1/95 Data - from County Siting Element in progress

| Facility Name | Most Recent Permitted Year | TPD Limit | January 1, 1993 Capacity (cy) | Closing Year |
|---|---|---|---|---|
| **Kings County** | | | | |
| Avenal Landfill [1] | 1986 | 30 | 44,000 | 1996 |
| Hanford Landfill [1] | 1978 | 500 | 1,000,000 | 1997 |
| COUNTY TOTAL | | | 1,044,000 | |
| **Lake County** | | | | |
| Eastlake Sanitary Landfill [1] | 1978 | 150 | 566,379 | 2020 |
| COUNTY TOTAL | | | 566,379 | |
| **Lassen County** | | | | |
| Bass Hill Landfill [2] | 1989 | 30 | 377,675 | 1998 |
| Herlong Disposal Facility [2] | 1979 | 3 | 413,902 | 2009 |
| Madeline Disposal Facility [2] | 1978 | 1 | 61,333 | 1995 |
| Ravendale Disposal [2] | 1979 | 1 | 16,054 | 1995 |
| Sierra Army Depot [2] | 1978 | 3 | 738,033 | 2062 |
| Westwood Disposal Facility [2] | 1979 | 6 | 680,377 | 2006 |
| COUNTY TOTAL | | | 2,287,374 | |
| **Los Angeles County** [8] | | | | |
| Antelope Valley Public Landfill [1,8] | 1979 | 750 | 3,830,000 | 1998 |
| Azusa Land Reclamation Co., In [1,8] | 1989 | 6500 | 22,700,000 | 2010 |
| BKK Sanitary Landfill [1,8] | 1978 | 12000 | 5,670,000 | 2006 |
| Bradley Landfill and Recycling [1,8] | 1987 | 7000 | 12,720,000 | 1999 |
| Brand Park Landfill [1,8] | 1987 | 102 | 1,000,000 | 2020 |
| Burbank Landfill Site #3 [1,8] | 1988 | 240 | 10,700,000 | 2077 |
| Calabasas Landfill #5 [1,8] | 1990 | 3500 | 25,200,000 | 2018 |
| Chandler's Palos Verdes Sand & [1] | 1968 | 0 | 7,867,000 | 2005 |
| Chiqiuta Canyon Sanitary Landfill [3,8] | 1987 | 5000 | 3,430,000 | 1998 |
| City of Whittier-Savage CNY LF [3,8] | 1979 | 350 | 4,580,000 | 2040 |
| Lopez Canyon Sanitary Landfill [1,8] | 1993 | 4000 | 1,820,000 | 1996 |
| Nu-Way Industries, Inc. [1] | 1990 | 4000 | 600,000 | 1993 |
| Pebbly Beach (Avalon) Disposal [3,8] | 1985 | 33 | 71,000 | 2009 |
| Peck Road Gravel Pit [8,5] | 1988 | 1210 | 6,790,000 | 2014 |
| Puente Hills Landfill #6 [1,8] | 1991 | 13200 | 70,200,000 | 1995 |
| Reliance Pit #2 [8,5] | 0 | 6000 | 11,330,000 | 0 |

**Landfill Capacity Information Sources:**
[1] Landfill Survey [2] LEA Survey [3] CIWMB Files [4] Additional Inquiry
[5] Mainly Inerts or Industrial Process Wastes [6] Unpermitted or Exempt [7] No estimated closing year
[8] 1/1/95 Data - from County Siting Element in progress

| Facility Name | Most Recent Permitted Year | TPD Limit | January 1, 1993 Capacity (cy) | Closing Year |
|---|---|---|---|---|
| **Los Angeles County [8] (cont.)** | | | | |
| Scholl Canyon Sanitary Landfil [1,8] | 1989 | 3400 | 23,900,000 | 2014 |
| Spadra Sanitary Landfill #2 [1,8] | 1991 | 3700 | 6,640,000 | 1999 |
| Sunshine Canyon [8] | 1979 | 6600 | 23,720,000 | 1991 |
| Two Harbors Landfill Site [1,8] | 1987 | 3 | 800 | 2008 |
| US Navy Landfill [3,8] | 1992 | 1 | 390,000 | 2017 |
| Waste Management of Lancaster [3,8] | 1992 | 1000 | 970,000 | 1999 |
| COUNTY TOTAL | | | 244,128,800 | |
| **Madera County** | | | | |
| Fairmead Solid Waste Disposal [3] | 1986 | 395 | 570,063 | 1998 |
| COUNTY TOTAL | | | 570,063 | |
| **Marin County** | | | | |
| Redwood Landfill Inc. [1] | 1978 | 800 | 2,000,000 | 2039 |
| West Marin Sanitary Landfill [1] | 1978 | 54 | 1,598,047 | 2038 |
| COUNTY TOTAL | | | 3,598,047 | |
| **Mariposa County** | | | | |
| Mariposa County Sanitary Landfill [1] | 1991 | 50 | 2,310,000 | 2029 |
| COUNTY TOTAL | | | 2,310,000 | |
| **Mendocino County** | | | | |
| City of Ukiah Solid Waste Disposal [1] | 1979 | 50 | 600,000 | 2004 |
| City of Willits Disposal Site [1] | 1992 | 200 | 132,000 | 1998 |
| COUNTY TOTAL | | | 732,000 | |
| **Merced County** | | | | |
| Billy Wright Landfill [1] | 1978 | 125 | 400,000 | 1997 |
| City of Los Banos Class Three [1] | 1990 | 2 | 12,480 | 2039 |
| Highway 59 Landfill [1] | 1985 | 600 | 2,711,440 | 2000 |
| COUNTY TOTAL | | | 3,123,920 | |

**Landfill Capacity Information Sources:**
[1] Landfill Survey [2] LEA Survey [3] CIWMB Files [4] Additional Inquiry
[5] Mainly Inerts or Industrial Process Wastes [6] Unpermitted or Exempt [7] No estimated closing year
[8] 1/1/95 Data - from County Siting Element in progress

LANDFILL INITIAL DATA REPORT (ALL LANDFILLS, ALL REGIONS) (Continued)

| Facility Name | Most Recent Permitted Year | TPD Limit | January 1, 1993 Capacity (cy) | Closing Year |
|---|---|---|---|---|
| **Modoc County** | | | | |
| Alturas Sanitary Landfill [2] | 1978 | 10 | 132,678 | 1994 |
| COUNTY TOTAL | | | 132,678 | |
| **Mono County** | | | | |
| Benton Crossing Sanitary Landfill [3] | 1978 | 18 | 832,197 | 2009 |
| Bridgeport Sanitary Landfill [3] | 1978 | 5 | 397,096 | 2049 |
| Pumice Valley Landfill [3] | 1978 | 4 | 365,160 | 2033 |
| COUNTY TOTAL | | | 1,594,453 | |
| **Monterey County** | | | | |
| Crazy Horse Sanitary Landfill [2] | 1987 | 375 | 760,000 | 2001 |
| Johnson Canyon Sanitary Landfill [1,2] | 1978 | 97 | 1,620,889 | 2018 |
| Jolon Road Sanitary Landfill [2] | 1983 | 35 | 385,753 | 2002 |
| Lewis Road Sanitary Landfill [1,2] | 1978 | 60 | 258,423 | 2018 |
| Marina/Monterey Peninsula Sanitary [1,2] | 1992 | 1200 | 39,310,000 | 2092 |
| COUNTY TOTAL | | | 42,335,065 | |
| **Napa County** | | | | |
| American Canyon Sanitary Landfill [2] | 1993 | 1350 | 545,900 | 1995 |
| Clover Flat Landfill [2] | 1992 | 126 | 3,800,000 | 2026 |
| COUNTY TOTAL | | | 4,345,900 | |
| **Orange County** | | | | |
| Frank R. Bowerman Sanitary Landfill [1,2] | 1989 | 6432 | 130,000,000 | 2025 |
| Olinda Alpha Sanitary Landfill [1,2] | 1993 | 8000 | 13,600,000 | 2013 |
| Olinda Sanitary Landfill [1,2] | 1989 | 2400 | 3,500,000 | 2013 |
| Prima Desheca Sanitary Landfill [1,2] | 1979 | 753 | 89,800,000 | 2038 |
| Santiago Canyon Sanitary Landfill [1,2] | 1992 | 4900 | 2,800,000 | 1998 |
| COUNTY TOTAL | | | 239,700,000 | |

**Landfill Capacity Information Sources:**
[1] Landfill Survey [2] LEA Survey [3] CIWMB Files [4] Additional Inquiry
[5] Mainly Inerts or Industrial Process Wastes [6] Unpermitted or Exempt [7] No estimated closing year
[8] 1/1/95 Data - from County Siting Element in progress

| Facility Name | Most Recent Permitted Year | TPD Limit | January 1, 1993 Capacity (cy) | Closing Year |
|---|---|---|---|---|
| **Placer County** | | | | |
| Eastern Regional Landfill [3,4] | 1988 | 250 | 1,525,000 | 2008 |
| Western Regional Sanitary Landfill [1] | 1983 | 900 | 9,780,000 | 2012 |
| COUNTY TOTAL | | | 11,305,000 | |
| **Plumas County** | | | | |
| Chester Sanitary Landfill [2,5] | 1978 | 20 | 132,000 | 2003 |
| Gopher Hill Sanitary Landfill [2,5] | 1987 | 26 | 45,000 | 1994 |
| Portola Landfill [2] | 1987 | 5 | 40,000 | 1998 |
| COUNTY TOTAL | | | 217,000 | |
| **Riverside County** | | | | |
| Anza Sanitary Landfill [1,2] | 1993 | 40 | 68,916 | 2000 |
| Badlands Disposal Site [1,2] | 1992 | 1400 | 12,523,791 | 2006 |
| Blythe Sanitary Landfill [1,2] | 1977 | 62 | 2,963,984 | 2031 |
| Coachella Valley Disposal Site [1,2] | 1992 | 2000 | 654,962 | 1995 |
| Desert Center SLF - Eagle Mt. [1,2] | 1991 | 9 | 42,932 | 2000 |
| Double Butte Disposal Site [1,2] | 1992 | 600 | 85,992 | 1994 |
| Edom Hill Disposal Site [1,2] | 1989 | 1200 | 14,134,660 | 2020 |
| El Sobrante Sanitary Landfill [2] | 1990 | 1152 | 7,200,000 | 2002 |
| Highgrove Sanitary Landfill [1,2] | 1992 | 2700 | 1,840,730 | 1997 |
| Lamb Canyon Disposal Site [1,2] | 1992 | 1900 | 15,006,032 | 2005 |
| Mead Valley Disposal Site [1,2] | 1977 | 1100 | 1,100,840 | 1998 |
| Mecca Landfill II [1,2] | 1992 | 50 | 98,054 | 1996 |
| Oasis Disposal Site [1,2] | 1993 | 41 | 342,486 | 2012 |
| COUNTY TOTAL | | | 56,063,379 | |
| **Sacramento County** | | | | |
| Dixon Pit Landfill [3] | 1978 | 51 | 199,026 | 2000 |
| L & D Landfill Co. [3] | 1982 | 822 | 4,302,826 | 2010 |
| Sacramento City Landfill [3] | 1984 | 945 | 375,160 | 1991 |
| Keifer Road Landfill [1] | 1978 | 0 | 125,372,400 | 2046 |
| Sacramento Wastewater Plant [1] | 1990 | 4 | 750,000 | 2040 |
| COUNTY TOTAL | | | 130,999,412 | |

**Landfill Capacity Information Sources:**
[1] Landfill Survey [2] LEA Survey [3] CIWMB Files [4] Additional Inquiry
[5] Mainly Inerts or Industrial Process Wastes [6] Unpermitted or Exempt [7] No estimated closing year
[8] 1/1/95 Data - from County Siting Element in progress

| Facility Name | Most Recent Permitted Year | TPD Limit | January 1, 1993 Capacity (cy) | Closing Year |
|---|---|---|---|---|
| **San Benito County** | | | | |
| John Smith Road Class III Land [1] | 1993 | 250 | 3,028,695 | 2013 |
| COUNTY TOTAL | | | 3,028,695 | |
| **San Bernardino County** | | | | |
| Agua Mansa Landfill [2] | 1978 | 400 | 5,200,000 | 2040 |
| Apple Valley Disposal Site [1,2] | 1979 | 40 | 1,403,213 | 2004 |
| Argus Ash Disposal Site [2] | | 1 | 210,000 | 0 |
| Baker Refuse Disposal Site [1,2] | 1979 | 1 | 259,000 | 2086 |
| Barstow Refuse Disposal Site [1,2] | 1979 | 32 | 1,062,450 | 2011 |
| Big Bear Refuse Disposal Site [1,2] | 1979 | 28 | 220,000 | 2003 |
| California Street Landfill [1,2] | 1978 | 90 | 912,000 | 1998 |
| City of Rialto Disposal Site [1,2] | 1993 | 17 | 111,000 | 2090 |
| Colton Refuse Disposal Site [1,2] | 1979 | 180 | 3,607,000 | 1998 |
| Hesperia Refuse Disposal Site [1,2] | 1979 | 17 | 1,085,900 | 2001 |
| Holliday Sanitary Landfill [1,2,7] | 1978 | 0 | 2,000,000 | 0 |
| Landers Disposal Site [1,2] | 1990 | 14 | 1,120,125 | 2008 |
| Lenwood-Hinkley Refuse Disposal [1,2] | 1979 | 12 | 2,795,200 | 2235 |
| Metro Water District - Iron Mt [1,2] | 1978 | 2 | 8,400 | 2020 |
| Mid-Valley Refuse Disposal Site [1,2] | 1978 | 280 | 4,560,600 | 1997 |
| Milliken Sanitary Landfill [1,2] | 1979 | 1200 | 1,245,200 | 1995 |
| Mitsubishi Cement Corporation [2] | 1979 | 2 | 230,000 | 2029 |
| Morongo Valley Disposal Site [1,2] | 1979 | 11 | 67,725 | 1998 |
| Needles Solid Waste Disposal Site [1,2,3] | 1979 | 0 | 665,929 | 2000 |
| Oro Grande Kiln Waste Dust Dum [2,5] | 1979 | 287 | 44,000,000 | 2125 |
| Phelan Refuse Disposal Site [1,2] | 1979 | 12 | 1,139,400 | 2017 |
| San Timoteo Solid Waste Disposal [1,2] | 1980 | 1000 | 6,600,000 | 2012 |
| Trona-Argus Refuse Disposal Site [1,2] | 1979 | 19 | 402,200 | 2003 |
| Twentynine Palms Disposal Site [1,2] | 1979 | 18 | 2,700,000 | 2012 |
| USMC - 29 Palms Disposal Site [2] | 1979 | 30 | 480,000 | 2004 |
| Victorville Refuse Disposal Site [1,2] | 1979 | 22 | 1,375,100 | 1998 |
| Yermo Disposal Site [1] | 1979 | 7 | 21,900 | 1995 |
| COUNTY TOTAL | | | 83,482,342 | |

**Landfill Capacity Information Sources:**
[1] Landfill Survey [2] LEA Survey [3] CIWMB Files [4] Additional Inquiry
[5] Mainly Inerts or Industrial Process Wastes [6] Unpermitted or Exempt [7] No estimated closing year
[8] 1/1/95 Data - from County Siting Element in progress

| Facility Name | Most Recent Permitted Year | TPD Limit | January 1, 1993 Capacity (cy) | Closing Year |
|---|---|---|---|---|
| **San Diego County** | | | | |
| Borrego Springs Landfill [1] | 1992 | 30 | 465,500 | 2014 |
| Las Pulgas Landfill [1] | 1981 | 162 | 2,040,000 | 2010 |
| Miramar Sanitary Landfill [1] | 1987 | 4200 | 55,500,000 | 2003 |
| Otay Annex Landfill [1] | 1987 | 2400 | 17,513,143 | 2007 |
| Ramona Landfill [1] | 1978 | 35 | 266,000 | 1996 |
| San Marcos Landfill [1] | 1993 | 6200 | 7,600,000 | 2001 |
| San Onofre [3] | 1981 | 10 | 355,218 | 2010 |
| Sycamore Sanitary Landfill [1] | 1993 | 2500 | 30,300,000 | 2015 |
| COUNTY TOTAL | | | 114,039,861 | |
| **San Joaquin County** | | | | |
| Austin Road Landfill [2] | 1993 | 1200 | 954,846 | 1997 |
| Corral Hollow Landfill [1,2] | 1983 | 331 | 303,000 | 1995 |
| Foothill Sanitary Landfill [1,2] | 1992 | 720 | 65,000,000 | 2060 |
| Forward, Inc. [2] | 1990 | 4180 | 11,909,000 | 2006 |
| French Camp Landfill Site [2] | 1983 | 330 | 1,120,000 | 2011 |
| North County Landfill [1,2] | 1991 | 825 | 15,600,000 | 2035 |
| COUNTY TOTAL | | | 94,886,846 | |
| **San Luis Obispo County** | | | | |
| California Valley Landfill [3] | 1988 | 2 | 10,000 | 2031 |
| Chicago Grade Landfill [3] | 1986 | 81 | 607,769 | 2017 |
| City of Paso Robles Landfill [3] | 1986 | 200 | 1,544,661 | 2034 |
| Cold Canyon Landfill [1] | 1979 | 461 | 5,250,000 | 2017 |
| Sante Fe Energy Resources, Inc. [1] | 1988 | 3 | 46,918 | 2151 |
| COUNTY TOTAL | | | 7,459,348 | |
| **San Mateo County** | | | | |
| Hillside Solid Waste Disposal [1] | 1988 | 400 | 1,225,000 | 2006 |
| Ox Mountain Sanitary Landfill [1] | 1987 | 3598 | 28,455,500 | 2018 |
| COUNTY TOTAL | | | 29,680,500 | |

**Landfill Capacity Information Sources:**
[1] Landfill Survey [2] LEA Survey [3] CIWMB Files [4] Additional Inquiry
[5] Mainly Inerts or Industrial Process Wastes [6] Unpermitted or Exempt [7] No estimated closing year
[8] 1/1/95 Data - from County Siting Element in progress

| Facility Name | Most Recent Permitted Year | TPD Limit | January 1, 1993 Capacity (cy) | Closing Year |
|---|---|---|---|---|
| **Santa Barbara County** | | | | |
| City of Lompoc Sanitary Landfill [1,2] | 1987 | 500 | 3,333,000 | 2047 |
| City of Santa Maria Refuse Disposal [1,2] | 1978 | 200 | 10,000,000 | 2002 |
| Foxen Canyon Sanitary Landfill [1,2] | 1978 | 80 | 42,900 | 1997 |
| New Cuyama Sanitary Landfill [2] | 1978 | 3 | 32,000 | 1995 |
| Tajiguas Sanitary Landfill [1,2] | 1978 | 1200 | 8,300,000 | 2005 |
| Vandenberg AFB Landfill [1,2] | 1978 | 75 | 2,280,176 | 2041 |
| Ventucopa Sanitary Landfill [2] | 1978 | 1 | 19,000 | 1995 |
| COUNTY TOTAL | | | 24,007,076 | |
| **Santa Clara County** | | | | |
| All Purpose Landfill [3] | 1986 | 497 | 1,417,408 | 1993 |
| City of Palo Alto Refuse Disposal [1] | 1977 | 250 | 1,976,225 | 2002 |
| City of Sunnyvale Landfill [1] | 1988 | 500 | 307,692 | 1993 |
| Guadalupe Sanitary Landfil [1] | 1991 | 3245 | 13,745,000 | 2010 |
| Kirby Canyon Sanitary Landfill [3] | 1984 | 2600 | 37,777,874 | 2022 |
| Newby Island Sanitary Landfill [1] | 1989 | 3260 | 23,270,596 | 2016 |
| Owens Fiberglass Co. [1,5] | 1990 | 0 | 623,500 | 2024 |
| Pacheco Pass Sanitary Landfill [3] | 1985 | 278 | 444,536 | 2020 |
| Shoreline Reg Park San Landfill [3] | 1978 | 1200 | 10,000 | 1993 |
| Zanker Road (Nine Par) Sanitary [3] | 1989 | 730 | 210,056 | 1996 |
| COUNTY TOTAL | | | 79,782,887 | |
| **Santa Cruz County** | | | | |
| Ben Lomond Solid Waste Disp Site [3] | | 0 | 120,000 | 0 |
| Buena Vista Disposal Site [1,2] | 1985 | 450 | 5,300,000 | 2020 |
| Santa Cruz City Sanitary Landfill [1,2] | 1990 | 400 | 4,600,000 | 2000 |
| Watsonville City Solid Waste Disposal [1,2] | 1978 | 56 | 622,000 | 2006 |
| COUNTY TOTAL | | | 10,642,000 | |
| **Shasta County** | | | | |
| Anderson Solid Waste Disposal [3] | 1987 | 600 | 1,035,880 | 2007 |
| Intermountain Landfill, Inc. [1] | 1991 | 240 | 581,669 | 2005 |
| Twin Bridges Landfill [1] | 1990 | 2 | 912,750 | 2020 |
| West Central Landfill [1] | 1992 | 700 | 6,828,000 | 2025 |
| COUNTY TOTAL | | | 9,358,299 | |

**Landfill Capacity Information Sources:**
[1] Landfill Survey [2] LEA Survey [3] CIWMB Files [4] Additional Inquiry
[5] Mainly Inerts or Industrial Process Wastes [6] Unpermitted or Exempt [7] No estimated closing year
[8] 1/1/95 Data - from County Siting Element in progress

| Facility Name | Most Recent Permitted Year | TPD Limit | January 1, 1993 Capacity (cy) | Closing Year |
|---|---|---|---|---|
| **Sierra County** | | | | |
| Loyalton Landfill [2] | 1978 | 13 | 650,000 | 2032 |
| COUNTY TOTAL | | | 650,000 | |
| **Siskiyou County** | | | | |
| Black Butte Solid Waste Disposal [1,2] | 1979 | 27 | 132,950 | 1999 |
| Lava Beds Disposal Site [1,2] | 1979 | 0 | 21,550 | 2030 |
| McCloud Community Services Disposal [2] | 1979 | 0 | 484,000 | 2276 |
| Tulelake Solid Waste Landfill [1,2] | 1979 | 7 | 115,000 | 2004 |
| Weed Solid Waste Disposal Site [2] | 1979 | 7 | 91,989 | 1999 |
| Yreka Solid Waste Landfill [1,2] | 1979 | 50 | 1,674,533 | 2039 |
| COUNTY TOTAL | | | 2,520,022 | |
| **Solano County** | | | | |
| B & J Landfill [2] | 1992 | 350 | 5,158,900 | 2014 |
| Potrero Hills Landfill [1,2] | 1989 | 850 | 16,400,000 | 2020 |
| COUNTY TOTAL | | | 21,558,900 | |
| **Sonoma County** | | | | |
| Annapolis Landfill [1,2] | 1986 | 65 | 16,600 | 1995 |
| Central Landfill [1,2] | 1991 | 2500 | 10,500,000 | 2004 |
| Korbel Maintenance Disposal Site [2,6,7] | 0 | 1 | 250,000 | 0 |
| COUNTY TOTAL | | | 10,766,600 | |
| **Stanislaus County** | | | | |
| Bonzi Sanitary Landfill [2,4,5] | 1984 | 200 | 538,000 | 2017 |
| Fink Road Landfill [1,2,4] | 1988 | 2400 | 13,250,000 | 2010 |
| COUNTY TOTAL | | | 13,788,000 | |
| **Tehama County** | | | | |
| Louisiana Pacific Disposal Site [2] | 1978 | 45 | 300,000 | 2004 |
| Red Bluff Sanitary Landfill [2] | 1989 | 100 | 550,000 | 2012 |
| COUNTY TOTAL | | | 850,000 | |

**Landfill Capacity Information Sources:**
[1] Landfill Survey [2] LEA Survey [3] CIWMB Files [4] Additional Inquiry
[5] Mainly Inerts or Industrial Process Wastes [6] Unpermitted or Exempt [7] No estimated closing year
[8] 1/1/95 Data - from County Siting Element in progress

| Facility Name | Most Recent Permitted Year | TPD Limit | January 1, 1993 Capacity (cy) | Closing Year |
|---|---|---|---|---|
| **Trinity County** | | | | |
| Weaverville Landfill Disposal [1,2] | 1982 | 70 | 594,500 | 2025 |
| COUNTY TOTAL | | | 594,500 | |
| **Tulare County** | | | | |
| Balance Rock Disposal Site [1,2] | 1979 | 1 | 19,196 | 2035 |
| Earlimart Disposal Site [1,2] | 1979 | 23 | 90,070 | 1998 |
| Exeter Disposal Site [1,2,7] | 1979 | 118 | 49,150 | 0 |
| Kennedy Meadows Disposal Site [1,2] | 1979 | 1 | 9,570 | 2041 |
| Teapot Dome Disposal Site [1,2] | 1979 | 180 | 1,677,829 | 2012 |
| Visalia Disposal Site [1,2] | 1979 | 385 | 2,544,297 | 2002 |
| Woodville Disposal Site [1,2] | 1979 | 114 | 12,526,988 | 2021 |
| COUNTY TOTAL | | | 16,917,100 | |
| **Tuolumne County** | | | | |
| Big Oak Flat Landfill [1,2] | 1983 | 0 | 40,000 | 2001 |
| Tuolumne County Central Sanitary [1,2] | 1983 | 92 | 347,000 | 1994 |
| COUNTY TOTAL | | | 387,000 | |
| **Ventura County** | | | | |
| Bailard Landfill [3] | 1982 | 2000 | 2,784,754 | 1993 |
| Simi Valley Landfill [3] | 1990 | 3000 | 11,299,021 | 2011 |
| Toland Road Sanitary Landfill [1,3] | 1992 | 135 | 4,286,604 | 2040 |
| COUNTY TOTAL | | | 18,370,379 | |
| **Yolo County** | | | | |
| University of California, Davis [3] | 1987 | 500 | 194,614 | 2050 |
| Yolo County Central Landfill [3] | 1993 | 1800 | 32,440,849 | 2021 |
| COUNTY TOTAL | | | 32,635,463 | |

**Landfill Capacity Information Sources:**
[1] Landfill Survey [2] LEA Survey [3] CIWMB Files [4] Additional Inquiry
[5] Mainly Inerts or Industrial Process Wastes [6] Unpermitted or Exempt [7] No estimated closing year
[8] 1/1/95 Data - from County Siting Element in progress

LANDFILL INITIAL DATA REPORT (ALL LANDFILLS, ALL REGIONS) (Continued)

| Facility Name | Most Recent Permitted Year | TPD Limit | January 1, 1993 Capacity (cy) | Closing Year |
|---|---|---|---|---|
| **Yuba County** | | | | |
| Linda Sand and Gravel [2,6,7] | 0 | 20 | 20,000 | 0 |
| Quinco Corp. Disposal Site [2,6] | 0 | 30 | 100,000 | 2005 |
| Yuba-Sutter Disposal Area [2] | 1978 | 27 | 420,000 | 2007 |
| Yuba-Sutter Disposal, Inc. [2] | 1980 | 1000 | 813,793 | 1997 |
| COUNTY TOTAL | | | 1,353,793 | |
| ALL REGIONS SUBTOTAL | | | 1,573,169,576 | |
| Adjustment of Los Angeles County to 1/1/93 Capacity Data . Using BOE Disposal Data. | | | + 38,928,300 | |
| ALL REGIONS TOTAL | | | 1,612,097,876 | |

**Landfill Capacity Information Sources:**
[1] Landfill Survey [2] LEA Survey [3] CIWMB Files [4] Other
[5] Mainly Inerts or Industrial Process Wastes [6] Unpermitted or Exempt [7] No estimated closing year

# APPENDIX E. SURVEY MATERIALS

STATE OF CALIFORNIA Pete Wilson, Governor

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, California 95826

Dear Owner/Operator:

The California Integrated Waste Management Board (Board) is distributing the enclosed survey to all landfill owner/operators within California in an attempt to update and expand our knowledge on remaining landfill capacity in the state. This information will be compiled and ultimately used to assist local governments in providing adequate landfill disposal capacity as required by the Integrated Waste Management Act (Public Resources Code Section 41460).

This survey is part of the Integrated Waste Management Planning Study - Landfill Disposal Capacity Project. Other aspects of this study involve developing strategies to site and/or further extend existing capacity, and developing methodologies to assist landfill owner/operators in determining remaining capacity. Please note, information collected for this survey will be used for data analysis only, and not for enforcement purposes.

It is essential that we receive this data to compile an accurate updated statewide database. Efforts were made to lessen the amount of time it may take for you to complete the survey. Existing data from a variety of sources, including our Solid Waste Information System (SWIS) files, was incorporated and printed in the form for ease of completion. Please take a moment to verify this information and make corrections as necessary. Two sections are completely lacking data. Sections E. Method Used to Determine Remaining Landfill Capacity and F. Waste Stream Data were intentionally left blank as no complete information was available. The purpose of these sections is to gain a better understanding of the waste flow within the state, and the current methodologies employed by the operators to ascertain remaining capacity.

When you have completed the survey to the best of your ability, please return it in the provided self-addressed stamped envelope to Environmental Science Associates (ESA), the contractor commissioned by the Board to assist with collecting and compiling this information. If you wish to provide more information then the survey space allows, please feel free to attach additional sheets.

We greatly appreciate your completion of this survey, and we ask that you return it to the contractor by August 30th. If you have questions about this survey or the Board's Integrated Waste Management Planning Study, please call Tracey Harper of my staff at (916) 255-2666. We would like to thank you in advance for completing and returning the survey.

Sincerely,

Judith J. Friedman

Judith J. Friedman, Manager
Office of Local Assistance
Governmental and Regulatory Affairs Division

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CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

# LANDFILL CAPACITY SURVEY

## A. LANDFILL DATA

Landfill Name: _____

County: _____

Solid Waste Facility Permit Number: _____

Permit Date: _____

Location (street address or general description):

_____

_____

_____

Permitted Tons/Day: _____

Average Daily Amount of Waste Received (Tons): _____

Number of Days of Operation Per Year: _____

Expected Year of Closure: _____

*Check the appropriate box for each of the following questions:*

Operation Status: ☐ Active ☐ Closed

Classification: ☐ Class I ☐ Class II ☐ Class III

Type of Liner: ☐ Lined ☐ Partial Lined ☐ Unlined

## B. OPERATOR DATA

Operator Firm or Agency: _____

Name & Title of Contact Person: _____

_____

Address: _____

Telephone: _____

*Check the appropriate box for the following question:*

Operator Type: ☐ County ☐ City ☐ Private ☐ Federal

## C. LAND OWNER DATA

Owner Firm or Agency: _____

Name & Title of Contact Person: _____

_____

Address: _____

Telephone: _____

*Check the appropriate box for the following question:*

Owner Type: ☐ Federal ☐ State ☐ County ☐ City ☐ Private

## D. REMAINING LANDFILL CAPACITY DATA

Total Permitted Design Capacity: _____Tons _____Cubic Yards

Total Permitted Area: _____Acres

Remaining Capacity (as of 1/1/93): _____Tons _____Cubic Yards _____Years

Plans For Future Expansion *(briefly describe any planned or foreseen expansion plans, additional capacity provided by expansion, and anticipated year of initial operation):*

_____

_____

_____

## E. METHOD USED TO DETERMINE REMAINING LANDFILL CAPACITY

Frequency that Remaining Capacity is Determined: _____

Expected Average Compaction Rate for 1993: _____Tons/Cubic Yard

Method Used to Determine Remaining Capacity *( Note: In order to plan for the future, the California Integrated Waste Management Board is attempting to determine the amount of remaining landfill capacity within the State of California. This determination will be done largely on the numbers provided by landfill owners and operators (as provided in Section D of this survey form). Therefore, it is critical to understand how landfill owners and operators calculate remaining capacity in order to ensure consistency in the reporting. Please provide as much detail as possible.)* _____

_____

_____

_____

*(more space available on next page)*

E. METHOD USED TO DETERMINE REMAINING LANDFILL CAPACITY (continued)

_____

_____

_____

_____

_____

_____

_____

## F. WASTE STREAM DATA

Actual Quantity of Waste Received In 1992: _____Tons _____Cubic Yards

Expected Quantity of Waste For - 1993: _____Tons _____Cubic Yards
1995: _____Tons _____Cubic Yards
2000: _____Tons _____Cubic Yards

Names of Other Landfills Whose Operations Could Affect This Landfill's Waste Stream:

1._____
2._____
3._____
4._____

Names of Jurisdictions Sending Waste To This Landfill (attach listing if greater than ten):

| Name | Approximate % of Total Waste to be Received at Landfill in 1993 |
|---|---|
| 1._____ | _____% |
| 2._____ | _____% |
| 3._____ | _____% |
| 4._____ | _____% |
| 5._____ | _____% |
| 6._____ | _____% |
| 7._____ | _____% |
| 8._____ | _____% |
| 9._____ | _____% |
| 10._____ | _____% |

Completed By (Please Print Name): _____

Date:_____

# ESA MEMORANDUM

TO: LEAs

FROM: Paul Miller, Environmental Science Associates

DATE: September 19, 1994

SUBJECT: **County Data Packet Materials and Additional Guidance**

---

In assisting the CIWMB Office of Local Assistance, ESA has put together a comprehensive package of information collected to date on remaining County landfill capacity.

Specifically the package includes:

**Item 1**: Summary of the County landfills (showing the Facility name, County, Operator details, status of surveys, and reported remaining capacity)

**Response to Item 1**. Please check the Remaining Capacity presented in the far right column. Do you agree that this volume is basically the correct permitted remaining capacity at this landfill. Please provide your corrections to this number or note "ok" next to it.

**Item 2**. Summary of the County landfills with space to note if the facility still receives wastes and the waste types received and any restrictions regarding any jurisdictions.

**Response to Item 2**. The first column is the best place to indicate whether the landfill still receives waste. In columns 2-5 please note the major waste types received at the landfill. If it is only construction and demolition please mark that column. If a landfill only receives inert material, please indicate this also.

The last column is to indicate specific restrictions. It has been noted that some landfills will not accept waste from some cities. Please note major restrictions in this column.

**Item 3**. Landfill surveys that have been returned to CIWMB (these are on three-hole punched paper). These completed surveys have information on them that may help you in responding to various aspects of the summary sheets.

**Response to Item 3**. Please review these surveys and verify the data. If you believe that any of the information is inaccurate, please indicate your concerns on the surveys. If there have been major changes that you are aware of at the facility, please note that also.

**Item 4**. Landfill surveys that have not been returned to CIWMB (these are on paper with no punched holes).



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**Response to Item 4.** It is important that we get the information on these surveys updated. Of critical importance to this effort is an accurate estimate of the remaining landfill capacity (CY) remaining on January 1, 1993.

**Item 5.** All the maps making up the County, from the DeLorme Mapping Company maps of California are included in the packet. On the outside of the package, there is an outline of the County showing how the maps fit together.

**Response to Item 5.** In order to properly locate the landfills in the CIWMB's Geographic Information System (GIS) we would like you to indicate where all the landfills are in the County. Please indicate the name of the landfill, the boundaries of the landfills to the degree possible and the primary access road.

**Schedule**

Per the letter to the LEAs from CIWMB (August 26, 1994, attached), we ask that you please return the forms in the addressed envelope to Environmental Science Associates within two weeks of receipt of your county's packet. Please let us know if more time is needed to complete the survey. The information collected from this survey will be used for data analysis only and not for enforcement purposes.

**Questions:**

Please direct any questions to:

| | | | | |
|---|---|---|---|---|
| Paul Miller | | or | Tracey Harper | |
| ESA | (415) 896-5900 | | CIWMB | (916) 255-2665 |
| | (415) 896-0332 FAX | | | (916) 255-2221 FAX |

**Return Materials to ESA**

The materials have been packages so that they can be returned to ESA (return mailing label is already attached). For convenience the address is:

CIWMB
c/o Environmental Science Associates
Attn: Paul Miller
301 Brannan Street Suite 200
San Francisco, CA 94107

STATE OF CALIFORNIA

PETE WILSON, GOVERNOR

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD
8800 Cal Center Drive
Sacramento, California 95826

TO ALL LOCAL ENFORCEMENT AGENCIES:

I would like to take a moment to inform you of an effort the California Integrated Waste Management Board's Office of Local Assistance is undertaking and to ask for your assistance in that effort.

The California Integrated Waste Management Board (CIWMB) distributed the enclosed survey to all landfill owner/operators within California last summer in an attempt to update and expand our knowledge of remaining landfill capacity in the state. This information was compiled and, with the results of the overall study, will ultimately be used to assist local governments in providing adequate landfill disposal capacity as required by the Integrated Waste Management Act (Public Resources Code Section 41460). This survey is part of the Integrated Waste Management Planning Study - Landfill Disposal Capacity Project. Other study efforts to assist local governments in ensuring adequate capacity involve developing strategies to site and/or further extend existing capacity and developing methodologies to assist landfill owner/operators in determining remaining capacity.

The survey response rate was limited and therefore we are requesting your assistance in gathering more data and reviewing the previously gathered data regarding remaining permitted landfill capacity. With your help, I am hopeful a better response rate can be achieved.

It is essential that we receive this data in order to compile and complete an updated database from which accurate planning analyses can be conducted. Efforts have been made to lessen the amount of time it may take you to complete the survey. Existing data from a variety of sources was incorporated and printed in the form for ease of completion. We are asking you to verify this information and make corrections where necessary. As you will notice, two sections are lacking data. Sections <u>B. Method Used to Determine Remaining Landfill Capacity</u> and <u>F. Waste Stream Data</u> were intentionally left blank as no previously generated information was available. The purpose of these sections is to gain a better understanding of the waste flow within the state and the current methodologies employed by the operators to ascertain remaining capacity. We had requested landfill owner/operators pay particular attention to completing these sections.

- Printed on Recycled

*Local Enforcement Agency Roundtable*
*Landfill Capacity Data Request*
*August 26, 1994*

At the upcoming Roundtable meeting you will receive a packet of survey forms for each active landfill in your county. For those landfills which have completed survey forms, we are requesting that you review the information which was supplied. If upon review, you determine a different remaining capacity figure we are requesting that you note the figure on the survey form and indicate what you believe the reason for the disparate figure. For those landfills which we have not yet received data, we are requesting that you complete the survey form paying particular attention to the basic information on estimated remaining permitted capacity.

When you have completed your review, we ask that you please return the forms in the addressed envelope to Environmental Science Associates (ESA) within two weeks of receipt of your county's packet. Please let us know if more time is needed to complete the survey. Information collected from this survey will be used for data analysis only and not for enforcement purposes.

Tracey Harper of my staff will be making a presentation at the Local Enforcement Agency Roundtable meetings. If you have questions about this survey or the Board's Integrated Waste Management Planning Study, you may contact her at (916) 255-2665. I would like to thank you in advance for your assistance in this effort.

Sincerely,

Judith J. Friedman

Judith J. Friedman, Manager
Office of Local Assistance & Plan Implementation Branch

Attachment

CIWMB Landfill Survey - 9/19/94

| Facility Name | SWIS # | County | Operator Firm or Agency | First | Last | Number | Sent | Recd./ Open | Recd./ Closed | Not Recd. | Remaining Capacity Cubic Yards Jan. 1, 1993 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Foothill Sanitary Landfill | 39-AA-0004 | San Joaquin | Foothill Sanitary Landfill, In | Dan | Nomellini | 209-465-5883 | 1 | 1 | | | 65,000,000 |
| Forward, Inc. | 39-AA-0015 | San Joaquin | Independent Trucking | Greg | Basso | 209-466-5192 | 1 | 1 | | ✓ | 11,907,000 ~~0~~ |
| North County Landfill | 39-AA-0022 | San Joaquin | San Joaquin Co. Dept. of Pu | Henry | Hirata | 209-468-3066 | 1 | 1 | | | 15,600,000 |
| Corral Hollow Landfill | 39-AA-0005 | San Joaquin | San Joaquin County | Henry | Hirata | 209-468-3066 | 1 | 1 | | | 303,000 |
| Austin Road Landfill | 39-AA-0001 | San Joaquin | City of Stockton-Public Wo | Stephen | Chen | 209-944-8827 | 1 | 1 | | ✓ | 954,346 ~~0~~ |
| French Camp Landfill Site | 39-AA-0002 | San Joaquin | City of Stockton-Public Wo | Stephen | Chen | 209-944-8341 | 1 | 1 | | ✓ | 1,120,000 ~~0~~ |

RECEIVED
NOV - 4 1994
ENVIRONMENTAL SCIENCE ASSOC.

CIWMB Landfill Survey - 9/19/94

| Facility Name | Does this site Still Receive Wastes? (Yes or No) | Waste Types Received: MSW | C&D | Other: Please note restrictions also | Restrictions by Origin: Are there specific cities or Counties that can't use this facility -- List them | |
|---|---|---|---|---|---|---|
| Foothill Sanitary Landfill | yes | | | As per permit | none | |
| Forward, Inc. | yes | | | | none | |
| North County Landfill | yes | | | | none | |
| Corral Hollow Landfill | yes | | | | none | |
| Austin Road Landfill | yes | | | | City of Stockton only | |
| French Camp Landfill Site | yes | | | | City of Stockton only | |

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DRAFT

# DETERMINING REMAINING PERMITTED CAPACITY OF CALIFORNIA'S SANITARY LANDFILLS

April 19, 1995

Prepared for:
California
Integrated Waste Management Board

Contract #C1089

**Environmental Science Associates, Inc.**

301 Brannan St.
Suite 200
San Francisco, California
94107-1811
(415) 896-5900

*Also offices in*

*Los Angeles*

*Sacramento*

920279

*This report has been printed on post-consumer recycled paper.*

ESA

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# DETERMINING REMAINING PERMITTED CAPACITY OF CALIFORNIA'S SANITARY LANDFILLS

In 1993 and 1994 the California Integrated Waste Management Board (the Board) conducted a survey of all of California's permitted sanitary landfills. The primary aim of the survey was to glean from landfill owners and operators their best estimate of their remaining permitted capacity. The Board then compiled this information to try to determine the State's overall remaining permitted capacity, and to discern which areas of the State lack long-term permitted disposal capacity. An ancillary inquiry solicited information from landfill owners on what methods they use to determine their remaining capacity, in order to assess whether the methods currently in use are consistent, comparable, and standard. The results of this inquiry indicate that while nearly all of the State's large publicly and privately owned landfills use accepted engineering practices to determine their remaining permitted capacity, many of the State's smaller facilities use non-standard methods or do not regularly gauge their remaining permitted capacity. It is believed that it is in the interest of the people of the State, as well as in the interest of individual landfill owners, to have a firm idea of remaining permitted landfill capacity, both to serve as a basis for strategic local integrated waste management planning, and to allow more accurate gauging of regional and state-wide permitted capacity.

This report recommends three methods for determining a landfill's remaining permitted capacity. These methods -- topographical surveys, weight-to-volume conversion, and trench volume calculations -- all are capable of producing estimates of remaining permitted capacity that are reasonably accurate and comparable. The latter two, furthermore, are intended especially for smaller landfills whose owners lack the funds or the resources to conduct topographical surveys. The intent of this report is to assist landfill owners in accurately determining their remaining permitted capacity and the life span of their facility, and to work toward the establishment of a set of informal standards and methods for assessing remaining permitted capacity.

The main body of this report is organized into three sections. Section I presents the results of the Board's landfill survey on methods now in use to determine remaining capacity, and analyzes the adequacy of each method. Section II assesses the need to establish informal standards or guidelines for remaining landfill capacity, and presents recommendations on the appropriate role for the Board to play in assisting landfill owners in determining their remaining permitted capacity. Section III discusses the three methods that appear to be the most acceptable in terms of accuracy, comparability, and applicability to the range of types and sizes of landfills throughout the State. This section discusses the strengths and weaknesses of each method, and compares the accuracy, cost, and applicability of the three. In addition to the main text, the report contains technical appendices on performing each of the preferred methodologies, and methodologies for determining landfill density and refuse:soil ratios.

## I. BACKGROUND

In 1993 and 1994 the Board surveyed all of the State's landfill owners and requested information on basic operating characteristics, including how much permitted capacity was remaining in the landfill, and how remaining permitted capacity is determined. After surveys had been sent to every landfill in the State and a second survey sent to those not initially responding, Board staff and the contractor conducting the survey determined that the sample size of those responding was sufficient to gain an understanding of how California landfills determine their remaining permitted capacity. At that time, 157 of approximately 250 active landfills (63%) had responded, representing 38 counties.

Since the survey question regarding the method used to determine remaining permitted capacity was open-ended, the first step in the analysis was to classify the methods used. The responses can be grouped into six classifications:

- Topographic Survey Estimates
- Projections of Remaining Landfill Life (in years)
- Cell/Trench Volume-Based Estimates
- Weight-Based Estimates
- Unclear - Not Enough Information to Determine Method
- No Response

The responding landfills are listed according to method used in Table 1. One hundred twenty-one active landfills estimated capacity using one of the first four methods, while the remaining 36 active landfills either did not respond, or gave insufficient information to classify their answers. Figures 1-4 display the number of landfills utilizing each methodology, how much of the State's permitted daily capacity and total remaining permitted capacity is represented by landfills using each method, and percentages of landfills grouped by ownership, permitted remaining capacity, and permitted daily capacity utilizing each method. The methodologies are described in more detail below.

Figure 1 shows the landfills that represent the great majority of California's daily and remaining capacity use topographic surveys to estimate their remaining permitted capacity. Since the topographic surveys can be considered the most accurate and reliable method used, it is likely that the landfill survey produced a reasonably accurate assessment of California's remaining landfill capacity. Figure 1 also shows, however, that a slim majority of landfills responding to the survey do not use topographic surveys to determine their remaining capacity. Figures 2, 3 and 4 indicate that methods other than topographic surveys are commonly used by county landfills, by landfills with permitted daily capacity of less than 100 tons per day, and by landfills with initial permit dates before 1980.

### Topographic Survey Estimates

The category *topographic survey estimates* encompasses landfills that use topographic data from periodic aerial or ground surveys to develop an estimate of total available airspace. Nearly half the 157 active landfills (75, or 48%) use this method to determine remaining capacity. Landfills using survey methods included the 10 largest active landfills in the survey as well as several

TABLE 1: LISTING OF ACTIVE LANDFILLS RESPONDING TO SURVEY BY TYPE OF METHODOLOGY EMPLOYED TO ESTIMATE REMAINING CAPACITY

| NAME | SWIS | COUNTY | TPD |
|---|---|---|---|
| **TOPOGRAPHIC/SURVEY ESTIMATES** | | | |
| Altamont Sanitary Landfill | 01-AA-0009 | Alameda | 11150 |
| Neal Road Landfill | 04-AA-0002 | Butte | 750 |
| Keller Canyon Landfill | 07-AA-0032 | Contra Costa | 2750 |
| Union Mine Disposal Site | 09-AA-0003 | El Dorado | 400 |
| Chateau Fresno Landfill | 10-AA-0002 | Fresno | 1800 |
| City of Clovis Landfill | 10-AA-0004 | Fresno | 51 |
| Chestnut Avenue Sanitary Landfill | 10-AA-0025 | Fresno | 850 |
| Boron Sanitary Landfill | 15-AA-0045 | Kern | 20 |
| Buttonwillow Sanitary Landfill | 15-AA-0047 | Kern | 20 |
| Shafter-Wasco Sanitary Landfill | 15-AA-0057 | Kern | 96 |
| Mojave-Rosamond Sanitary Landfill | 15-AA-0058 | Kern | 32 |
| Ridgecrest-Inyokern Sanitary Landfill | 15-AA-0059 | Kern | 130 |
| Taft Sanitary Landfill | 15-AA-0061 | Kern | 53 |
| Tehachapi Sanitary Landfill | 15-AA-0062 | Kern | 32 |
| Bakersfield S.L.F. | 15-AA-0273 | Kern | 1764 |
| Antelope Valley Public Dump | 19-AA-0009 | Los Angeles | 750 |
| Scholl Canyon Sanitary Landfill | 19-AA-0012 | Los Angeles | 3400 |
| Azusa Land Reclamation Co., I | 19-AA-0013 | Los Angeles | 6500 |
| Spadra Sanitary Landfill #2 | 19-AA-0015 | Los Angeles | 3700 |
| Puente Hills Landfill #6 | 19-AA-0053 | Los Angeles | 13200 |
| Calabasas Landfill #5 | 19-AA-0056 | Los Angeles | 3500 |
| Lopez Canyon Sanitary Landfill | 19-AA-0820 | Los Angeles | 4000 |
| BKK West Covina Disposal Site | 19-AF-0001 | Los Angeles | 12000 |
| Bradley Avenue West Sanitary Landfill | 19-AR-0008 | Los Angeles | 7000 |
| Redwood Sanitary Landfill | 21-AA-0001 | Marin | 800 |
| City of Ukiah Solid Waste Disposal Site | 23-AA-0019 | Mendocino | 50 |
| City of Willits Disposal Site | 23-AA-0021 | Mendocino | 50 |
| Crazy Horse Sanitary Landfill | 27-AA-0007 | Monterey | 375 |
| Olinda Sanitary Landfill | 30-AB-0016 | Orange | 2400 |
| Santiago Canyon Sanitary Landfill | 30-AB-0018 | Orange | 4900 |
| Prima Desheca Sanitary Landfill | 30-AB-0019 | Orange | 753 |
| Olinda Alpha Sanitary Landfill | 30-AB-0035 | Orange | 8000 |
| Frank R. Bowerman Sanitary Landfill | 30-AB-0360 | Orange | 6432 |
| Western Regional Landfill | 31-AA-0210 | Placer | 900 |
| Eastern Regional Landfill | 31-AA-0560 | Placer | 250 |
| Highgrove Sanitary Landfill | 33-AA-0003 | Riverside | 2700 |
| Badlands Disposal Site | 33-AA-0006 | Riverside | 1400 |
| Lamb Canyon Disposal Site | 33-AA-0007 | Riverside | 1900 |
| Double Butte Disposal Site | 33-AA-0008 | Riverside | 600 |
| Mead Valley Disposal Site | 33-AA-0009 | Riverside | 1109 |
| Edom Hill Disposal Site | 33-AA-0011 | Riverside | 1200 |
| Coachella Valley Disposal Site | 33-AA-0012 | Riverside | 2000 |
| Anza Sanitary Landfill | 33-AA-0013 | Riverside | 40 |

TABLE 1: LISTING OF ACTIVE LANDFILLS RESPONDING TO SURVEY BY TYPE OF METHODOLOGY EMPLOYED TO ESTIMATE REMAINING CAPACITY (Continued)

| NAME | SWIS | COUNTY | TPD |
|---|---|---|---|
| **TOPOGRAPHIC/SURVEY ESTIMATES (Continued)** | | | |
| Oasis Disposal Site | 33-AA-0015 | Riverside | 41 |
| Desert Center L.F. (Eagle Mountain) | 33-AA-0016 | Riverside | 9 |
| Blythe Sanitary Landfill | 33-AA-0017 | Riverside | 62 |
| Mecca Landfill II | 33-AA-0071 | Riverside | 50 |
| Sacramento County Landfill | 34-AA-0001 | Sacramento | 2200 |
| California Street Landfill | 36-AA-0017 | San Bernardino | 90 |
| Ramona Landfill | 37-AA-0005 | San Diego | 35 |
| Borrego Springs Landfill | 37-AA-0006 | San Diego | 30 |
| San Marcos Landfill | 37-AA-0008 | San Diego | 6200 |
| Otay Annex Landfill | 37-AA-0010 | San Diego | 2400 |
| Miramar Sanitary Landfill | 37-AA-0020 | San Diego | 4200 |
| Sycamore Sanitary Landfill | 37-AA-0023 | San Diego | 2500 |
| Las Pulgas Landfill | 37-AA-0903 | San Diego | 364 |
| Foothill Sanitary Landfill | 39-AA-0004 | San Joaquin | 720 |
| North County Landfill | 39-AA-0022 | San Joaquin | 825 |
| Ox Mountain Sanitary Landfill | 41-AA-0002 | San Mateo | 3598 |
| Hillside Solid Waste Disposal | 41-AA-0008 | San Mateo | 400 |
| Foxen Canyon Sanitary Landfill | 42-AA-0011 | Santa Barbara | 86 |
| Tajiguas Sanitary Landfill | 42-AA-0015 | Santa Barbara | 1200 |
| City of Santa Maria Refuse Disposal Site | 42-AA-0016 | Santa Barbara | 550 |
| City of Lompoc Sanitary Landfill | 42-AA-0017 | Santa Barbara | 500 |
| City of Sunnyvale Landfill | 43-AA-0007 | Santa Clara | 500 |
| City of Palo Alto Refuse Disposal Site | 43-AM-0001 | Santa Clara | 450 |
| Newby Island Sanitary Landfill | 43-AN-0003 | Santa Clara | 3260 |
| Buena Vista Disposal Site | 44-AA-0004 | Santa Cruz | 450 |
| Potrero Hills Sanitary Landfill | 48-AA-0075 | Solano | 850 |
| Central Landfill | 49-AA-0001 | Sonoma | 2500 |
| Annapolis Landfill | 49-AA-0002 | Sonoma | 65 |
| Fink Road Landfill | 50-AA-0001 | Stanislaus | 1500 |
| Toland Road Sanitary Landfill | 56-AA-0005 | Ventura | 135 |
| Bailard Landfill | 56-AA-0011 | Ventura | 2000 |
| Yolo County Central Landfill | 57-AA-0001 | Yolo | 1400 |
| **WEIGHT BASED ESTIMATES** | | | |
| Vasco Road Sanitary Landfill | 01-AA-0010 | Alameda | 2329 |
| Coalinga Disposal Site | 10-AA-0006 | Fresno | 30 |
| American Avenue Disposal Site | 10-AA-0009 | Fresno | 1200 |
| North Belridge Solid Waste Disposal Site | 15-AA-0067 | Kern | 10 |
| Brand Park Landfill | 19-AA-0006 | Los Angeles | 35 |
| Burbank Landfill Site #3 | 19-AA-0040 | Los Angeles | 240 |
| Mariposa County Sanitary Landfill | 22-AA-0001 | Mariposa | 60 |
| Highway 59 Disposal Site | 24-AA-0001 | Merced | 600 |

TABLE 1: LISTING OF ACTIVE LANDFILLS RESPONDING TO SURVEY BY TYPE OF METHODOLOGY EMPLOYED TO ESTIMATE REMAINING CAPACITY (Continued)

| NAME | SWIS | COUNTY | TPD |
|---|---|---|---|
| **WEIGHT BASED ESTIMATES (Continued)** | | | |
| Billy Wright Dump Site | 24-AA-0002 | Merced | 125 |
| Lewis Road Sanitary Landfill | 27-AA-0003 | Monterey | 60 |
| Trona-Argus Refuse Disposal Site | 36-AA-0041 | San Bernardino | 19 |
| Phelan Refuse Disposal Site | 36-AA-0044 | San Bernardino | 12 |
| Victorville Refuse Disposal Site | 36-AA-0045 | San Bernardino | 22 |
| Barstow Refuse Disposal Site | 36-AA-0046 | San Bernardino | 32 |
| Yermo Disposal Site | 36-AA-0047 | San Bernardino | 7 |
| Apple Valley Disposal Site | 36-AA-0048 | San Bernardino | 40 |
| Baker Refuse Disposal Site | 36-AA-0049 | San Bernardino | 1 |
| Hesperia Refuse Disposal Site | 36-AA-0050 | San Bernardino | 17 |
| Colton Refuse Disposal Site | 36-AA-0051 | San Bernardino | 180 |
| Milliken Sanitary Landfill | 36-AA-0054 | San Bernardino | 1200 |
| Fontantana Refuse Disposal Site | 36-AA-0055 | San Bernardino | 280 |
| Big Bear Refuse Disposal Site | 36-AA-0056 | San Bernardino | 28 |
| Landers Disposal Site | 36-AA-0057 | San Bernardino | 14 |
| Morongo Disposal Site | 36-AA-0058 | San Bernardino | 11 |
| 29 Palms Disposal Site | 36-AA-0060 | San Bernardino | 18 |
| Lenwood-Hinkley Refuse Disposal Site | 36-AA-0061 | San Bernardino | 12 |
| San Timoteo Solid Waste Disposal Site | 36-AA-0087 | San Bernardino | 1000 |
| City of Paso Robles Landfill | 40-AA-0001 | San Luis Obispo | 112 |
| Sante Fe Energy Resources, Inc. | 40-AA-0003 | San Luis Obispo | 3 |
| Intermountain Landfill | 45-AA-0002 | Shasta | 120 |
| West Central Landfill | 45-AA-0043 | Shasta | 700 |
| Twin Bridges Landfill | 45-AA-0058 | Shasta | 50 |
| Visalia Disposal Site | 54-AA-0009 | Tulare | 872 |
| **PROJECTIONS OF LANDFILL LIFE (Time)** | | | |
| Simpson Wood Waste Disposal Site | 12-AA-0029 | Humboldt | 370 |
| Lone Pine Disposal Site | 14-AA-0003 | Inyo | 16 |
| Independece Disposal Site | 14-AA-0004 | Inyo | 15 |
| Bishop Sunland | 14-AA-0005 | Inyo | 30 |
| Shoshone Disposal Site | 14-AA-0006 | Inyo | 10 |
| Tecopa Disposal Site | 14-AA-0007 | Inyo | 12 |
| Vandenberg AFB Landfill | 42-AA-0012 | Santa Barbara | 75 |
| Weaverville Landfill Disposal Site | 53-AA-0013 | Trinity | 70 |
| **CELL/TRENCH VOLUME ESTIMATES** | | | |
| Two Harbors Landfill Site | 19-AA-0062 | Los Angeles | 1 |
| Johnson Canyon Sanitary Landfill | 27-AA-0005 | Monterey | 97 |
| Metro Water District - Iron Mt. | 36-AA-0003 | San Bernardino | 2 |
| Holliday Sanitary Landfill | 36-AA-0064 | San Bernardino | 5 |
| California Valley Landfill | 40-AA-0014 | San Luis Obispo | 1 |

TABLE 1: LISTING OF ACTIVE LANDFILLS RESPONDING TO SURVEY BY TYPE OF METHODOLOGY EMPLOYED TO ESTIMATE REMAINING CAPACITY (Continued)

| NAME | SWIS | COUNTY | TPD |
|---|---|---|---|
| NO DATA OR INCOMPLETE RESPONSE | | | |
| Worthington Cut and Fill Site | 13-AA-0001 | Imperial | 28 |
| Calexico Solid Waste Disposal Site | 13-AA-0004 | Imperial | 70 |
| Ocotillo Cut and Fill | 13-AA-0005 | Imperial | 1 |
| Holtville Disposal Site | 13-AA-0006 | Imperial | 19 |
| Palo Verde Cut and Fill Site | 13-AA-0007 | Imperial | 1 |
| Brawley Disposal Site | 13-AA-0008 | Imperial | 68 |
| Niland Cut and Fill Site | 13-AA-0009 | Imperial | 5 |
| Hot Spa Cut and Fill Site | 13-AA-0010 | Imperial | 4 |
| Salton City Cut and Fill Site | 13-AA-0011 | Imperial | 5 |
| Picacho Cut and Fill Site | 13-AA-0012 | Imperial | 20 |
| US Navy Landfill | 19-AA-0063 | Los Angeles | 4 |
| Georgia-Pacific Wood Waste Disposal Site | 23-AA-0005 | Mendocino | 18 |
| City of Rialto Disposal Site | 36-AA-0250 | San Bernardino | 23 |
| Austin Road Landfill | 39-AA-0001 | San Joaquin | 1200 |
| McCloud Community Services | 47-AA-0001 | Siskiyou | 5 |
| Mare Island Naval Shipyard Sanitary Landfill | 48-AA-0008 | Solano | 44 |
| Amador County Sanitary Landfill | 03-AA-0001 | Amador | 275 |
| Desert Valley Company | 13-AA-0022 | Imperial | 150 |
| Lost Hills Sanitary Landfill | 15-AA-0052 | Kern | 10 |
| EL Sobrante Sanitary Landfill | 33-AA-0217 | Riverside | 1152 |
| Guadalupe Sanitary Landfill | 43-AN-0015 | Santa Clara | 3245 |
| Santa Cruz City Sanitary Landfill | 44-AA-0001 | Santa Cruz | 99 |
| Yreka Solid Waste Landfill | 47-AA-0002 | Siskiyou | 50 |
| Tulelake Solid Waste Landfill | 47-AA-0027 | Siskiyou | 7 |
| Kelly Gulch Solid Waste Disposal Site | 47-AA-0029 | Siskiyou | 1 |
| Lava Beds Disposal Site | 47-AA-0031 | Siskiyou | 1 |
| New Tennant Solid Waste Disposal Site | 47-AA-0033 | Siskiyou | 1 |
| Rogers Creek | 47-AA-0044 | Siskiyou | 1 |
| Hotelling Gulch Disposal Landfill | 47-AA-0045 | Siskiyou | 1 |
| Earlimart Disposal Site | 54-AA-0001 | Tulare | 50 |
| Teapot Dome Site | 54-AA-0004 | Tulare | 364 |
| Woodville Disposal Site | 54-AA-0008 | Tulare | 205 |
| Balance Rock Disposal Site | 54-AA-0010 | Tulare | 7 |
| Kennedy Meadows Disposal Site | 54-AA-0011 | Tulare | 1 |
| University of California, Davis | 57-AA-0004 | Yolo | 500 |
| Beale AFB Sanitary Landfill | 58-AA-0001 | Yuba | 44 |

Figure 1: Characterization of Landfills by Method Used to Estimate Remaining Capacity

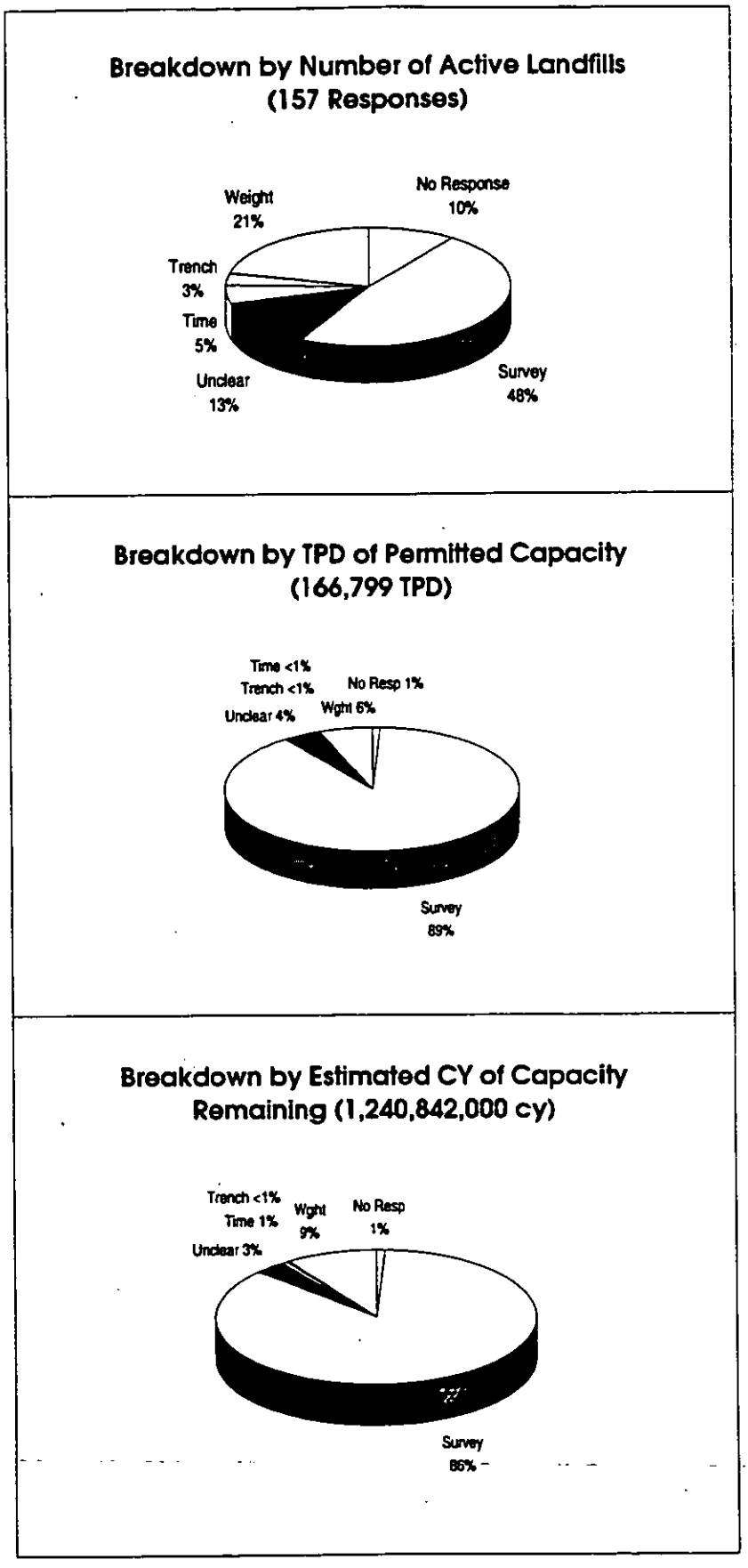


Figure 2: Method of Estimating Remaining Capacity Analyzed by Operator Type. Grouped by Percentage of Active Landfills Responding

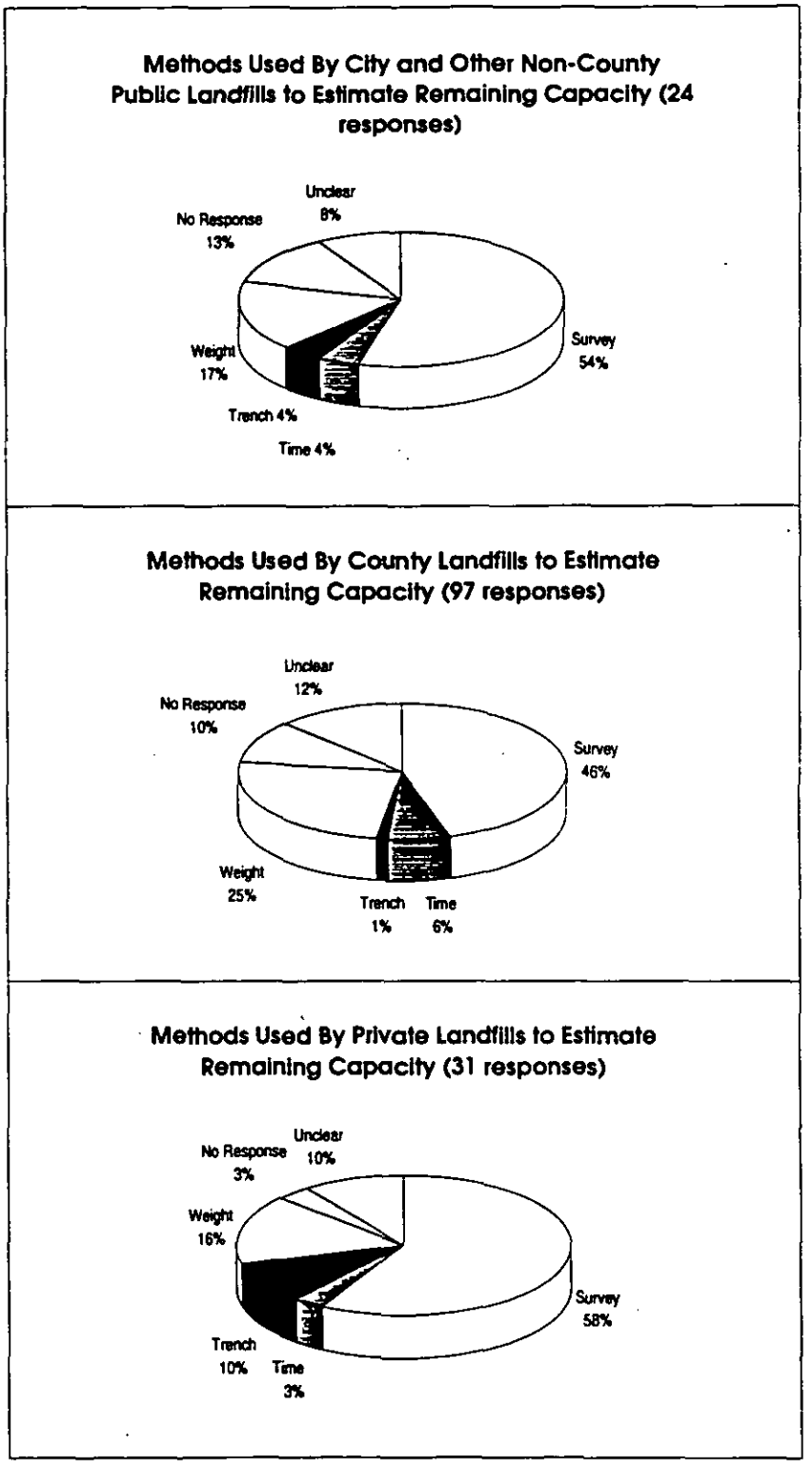


Figure 3: Method of Estimating Remaining Capacity Analyzed by Landfill Capacity in TPD, Grouped by Percentag of Active Landfills Responding

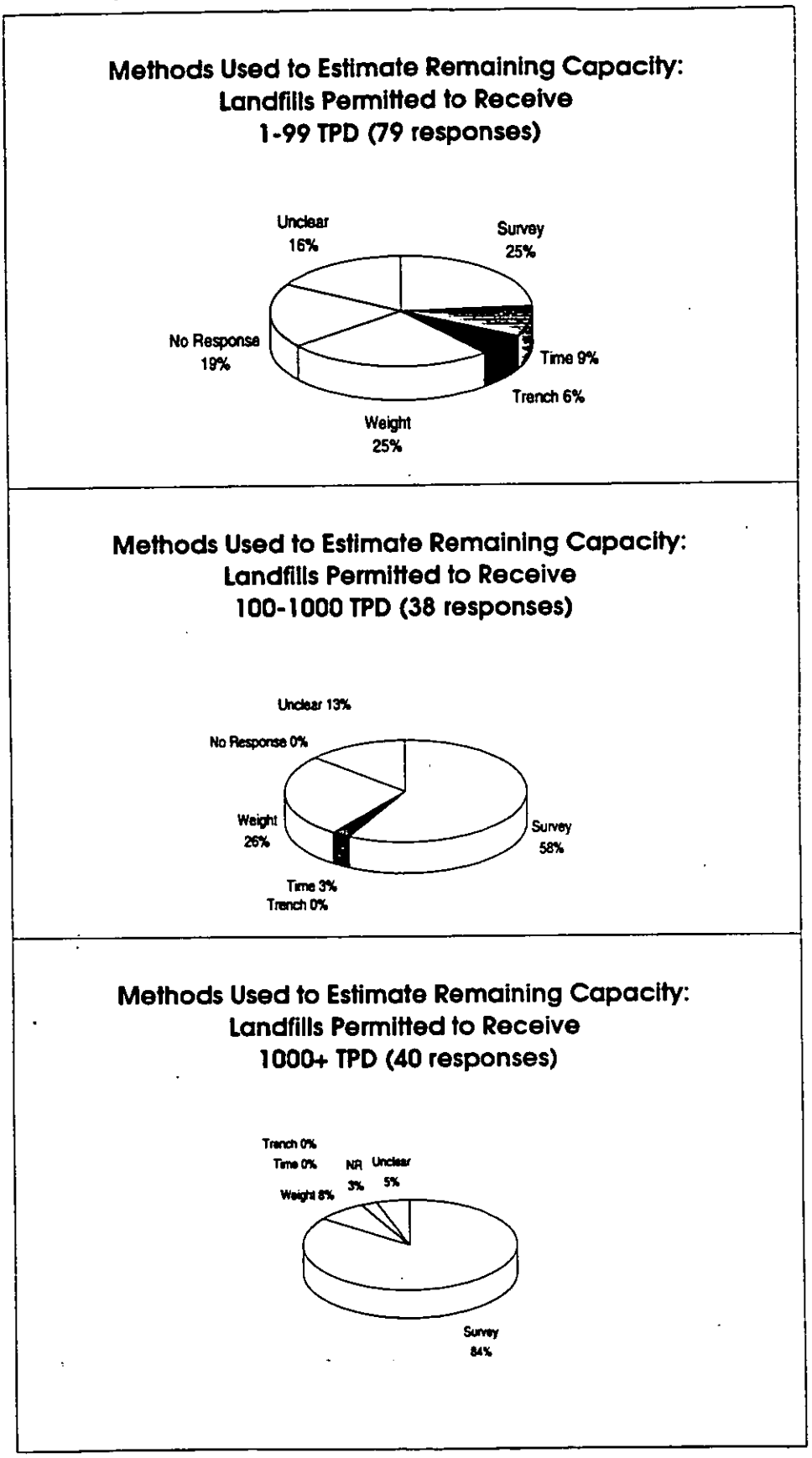
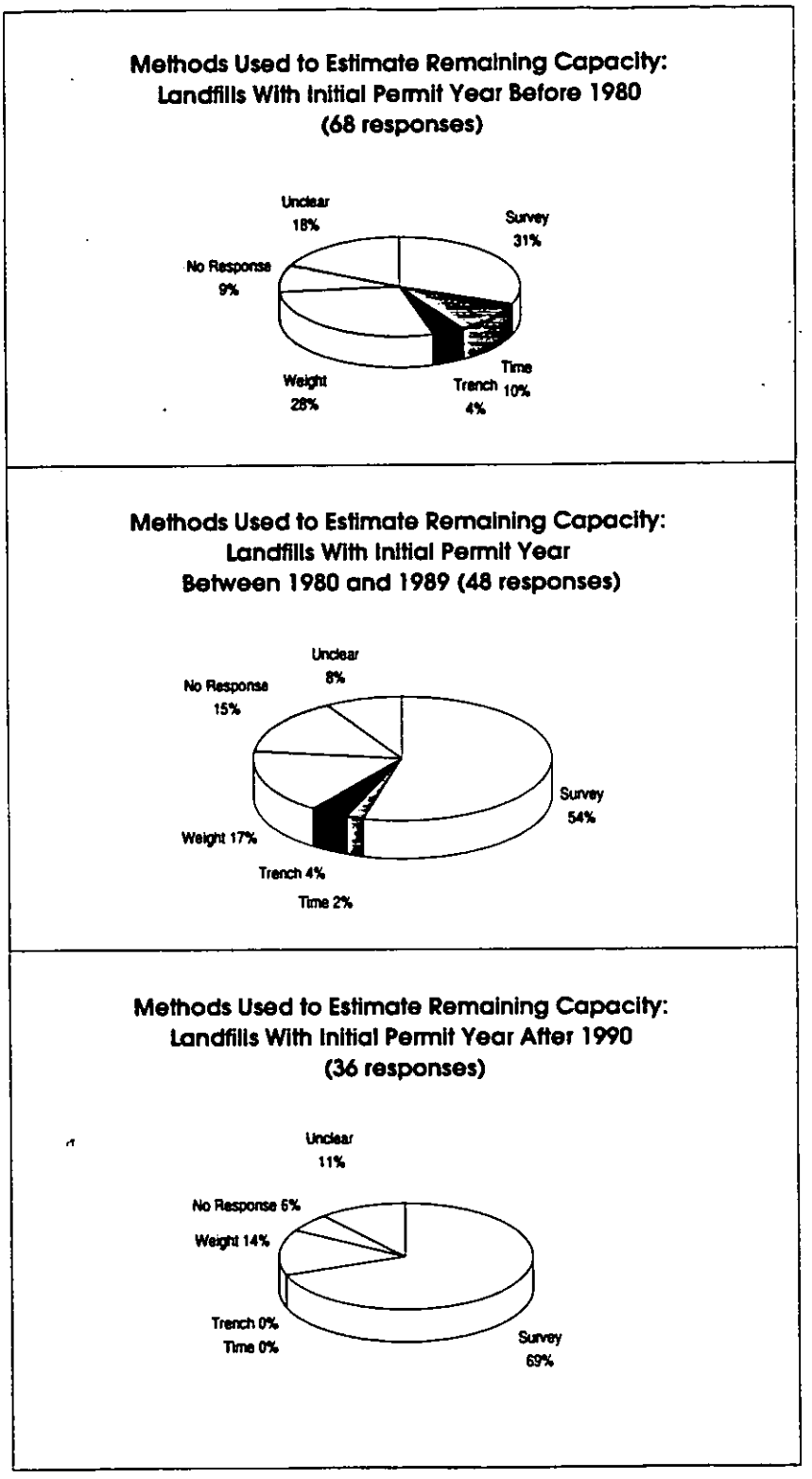


Figure 4: Method of Estimating Remaining Capacity Analyzed By Initial Permit Year, Grouped by Percentage of Active Landfills Responding



very small landfills. Landfill operators use topographic surveys to determine total remaining capacity by comparing current topography to the landfill's final permitted contours, and calculating the volume difference between the two. Landfill operators must also develop assumptions regarding density of in-place waste, refuse:soil ratio, and thickness of the final cover in order to determine the tonnage of waste that can be emplaced in the remaining airspace. This process requires surveying and engineering expertise.

"Topographic surveys" is not an homogenous category. Survey respondents used either ground survey methods or aerial surveys to develop topographical maps of their landfills. Some of the respondents indicated that they used computer aided design (CAD) systems or digital mapping terrain models in order to facilitate calculations of gross airspace capacity and net remaining refuse capacity, while others stated that they performed manual measurements and calculations to determine remaining airspace. Several stated that they conduct an interim estimate of the amount of capacity consumed in between surveys by subtracting an estimate of the volume of waste received since the last survey from their last calculation of remaining capacity. Some operators use a calculation of the airspace used since the last survey, combined with records of weight of materials received, to determine in-place density. It is reasonable to assume that computer assistance facilitates an accurate assessment, and that periodic estimates between surveys further refine the capacity estimates, as long as whomever is performing the analysis has sufficient expertise and accurate data. It is also reasonable to assume that survey methods are more reliable than the other methodologies used, but once again, accuracy depends upon the expertise and care of those conducting the surveys and performing the volume calculations.

## Weight-Based Estimates

The category *weight-based estimates* encompasses landfills that convert weight data to volume using an assumption about the in-fill density of waste materials. The converted volume of material is subtracted from the total available airspace (capacity). This method is relatively simple to apply: the only equipment required is a scale for weighing the amount of waste received and landfilled. This method is generally not as accurate as using topographic information since it relies entirely on assumptions about density and refuse:soil ratios, with no or only infrequent cross checks using topographic surveys. While it is not clear from the survey responses how airspace is initially determined, this is commonly based on information developed for the initial design of the landfill. Approximately 21% of the respondents (33 landfills) appear to use this method to determine remaining capacity.

## Projections of Remaining Landfill Life (in years)

Eight small landfills responded with calculations for projecting remaining landfill lifetime (instead of remaining capacity). Respondents in this category generally did not address the issue of how they determine the remaining capacity expressed as volume or tonnage, though the calculation for estimating remaining landfill life requires such an assumption. Some respondents who use this method indicated that they used the calculation developed by the Board for use in preparing the facility capacity component of the Source Reduction and Recycling Element (SRRE). While this calculation is useful for county planning purposes in order to project when existing facilities are approaching capacity, it is not adequate for determining the total amount of

remaining capacity at a specific landfill. This method is simple to apply, but it relies heavily upon assumptions as opposed to actual survey data or measurements of waste buried in landfills.

Some respondents used slightly different calculations or responded by providing assumptions about the future life of the landfill. The latter appear to have information pertaining to weight or volume but did not indicate how these data were obtained or derived.

### Cell/Trench Volume-Based Estimates

Landfills that use cells or trenches of consistent dimensions can estimate remaining capacity by calculating the total percentage of cell or trench space used. Where cells or trenches are of consistent dimensions, calculating remaining capacity (in volume) is a simple matter of multiplying remaining trench length by the cross-sectional area of the trench. These operators are able, furthermore, to calculate density, as long as they know how many feet of trench are used and how much weight of solid waste they have received over a period of time. There were only five landfills in this category among respondents to the survey, representing three percent of the total sample size. Combined, these landfills represent less than 100 TPD of the State's landfill capacity.

### Unclear/No Response

Thirty-six landfills did not provide enough information to evaluate their approach for determining capacity. Eighteen of the landfills in this group are permitted to receive under 20 TPD of waste. Sixteen of the 36 did not respond at all; we assume that these landfills do not estimate remaining disposal capacity, or had no currently available information, or did not choose to respond for other reasons. In the remaining 20 cases, respondents attempted to answer the question, though that information was not sufficient for classification.

To summarize, most of the landfills which responded to the Board survey use one of four methodologies for estimating remaining landfill capacity. Of these, most landfills use topographical survey information, although a significant number of landfills use weight-based analysis methods. Only a small number of the State's landfills use cell/trench volume-based methods or time-based analyses, and these landfills receive very little waste for disposal. In terms of the amount of capacity - both the permitted daily disposal capacity and the amount of capacity remaining - survey-based methods predominate; Figure 1 indicates that while 48% percent of the landfills which responded used survey methodologies, these landfills accounted for nearly 90% of the permitted capacity in tons per day, and 86% of the estimated remaining disposal capacity. Approximately 10% of the remaining disposal capacity is estimated using weight-based methods, while only a small fraction is estimated using time-based or cell/trench-based methodologies.

## II. NEEDS ASSESSMENT

Figures 2, 3 and 4 indicate that larger, newer, and privately-owned landfills are more likely to use topographic survey methods to determine their remaining permitted capacity. Conversely, smaller, older, and publicly-owned facilities are more likely to use weight-based or other methods, or not to assess their remaining capacity on a regular basis. While specifications and standards for topographic survey methods may not be entirely consistent, surveys can be expected to produce more uniform, comparable, and accurate data than the other methods employed. The survey results, therefore, seem to indicate that owners and operators of small, rural, publicly-owned landfills may require assistance to improve their ability to assess their remaining permitted capacity. Given the likelihood that the cities and counties that own and operate these facilities lack the staff, the equipment, and the funds to perform state-of-the-art topographic surveys, there appears to be a further need to present them with alternative means of determining their remaining capacity that will produce acceptable results at low cost and with existing resources. Many within this group of landfill owners are already conducting periodic studies of their remaining capacity and producing excellent results. Others, however, may benefit from some guidance in selecting and implementing an appropriate methodology for determining their remaining capacity.

There are several ways that the Board can assist landfill owners and operators around the State in regularly and accurately determining their remaining capacity. These may include:

1. development and distribution of clear recommendations on which methods are most useful and accurate for landfill owners and operators to use in assessing their own remaining capacity;

2. development of guidelines for landfill operators to use in selecting a methodology;

3. publication of clear, step-by-step procedures for using the recommended methodologies;

4. establishing guidelines for developing ancillary assumptions, e.g., density of in-place material, refuse:soil ratios, and maximizing use of permitted capacity;

5. providing guidelines for contracting out for survey services; and

6. providing technical assistance from Board engineering staff as needed.

## III. RECOMMENDED METHODS

This section presents an overview of three methodologies that are recommended for use by landfill operators in assessing their remaining capacity. The use of the recommended methodologies is not a regulatory requirement; however, in the interest of all concerned parties, it is recommended that landfill owners and operators follow these guidelines and perform remaining capacity assessments on a regular basis. The information developed through use of the techniques described in this section will assist site managers in meeting reporting requirements, managing remaining fill space, and tracking the use of cover soil. The information will, furthermore, assist in local government, regional, and state-wide planning of integrated waste management facilities and programs.

A variety of factors will influence the frequency with which a landfill operator should determine remaining site capacity. Probably the most common is a timeframe requirement specified in the solid waste facility permit. The 5-year Periodic Site Review also includes a requirement to estimate remaining site life. New computations may be indicated when the reliability or accuracy of previous computations or supporting assumptions is questionable or when it is decided that more accurate projections are needed. The latter could be true when a permit revision is sought or when there is a change of owner or operator. Survey and map data are often updated when a facility reaches a significant milestone in its service life, for example, to confirm the accuracy of a completed unit, or to check specific altitudes and slopes.

All the methods recommended may be used for two types of computations: the use of current and final fill plan data may be used to estimate remaining capacity and site life; and the use of previous and current fill data may be used to determine the extent and rate of fill since the last computation. Both computations are in turn influenced by several factors that must be determined and periodically reconfirmed. These factors are:

- In-place densities (at the time of placement and initial compaction);
- Settlement / decomposition rates; and
- Refuse:soil ratios.

The computations are inter-related and build on each other. For example, volume data derived from surveys and mapping can be used for several purposes, such as to:

- Determine remaining capacity;
- Prepare or revise site life estimates;
- Determine refuse:soil ratios;
- Compute in-place density; and
- Estimate settlement rates.

For each methodology recommended here, however, at least some factors must be assumed or derived from other data. Therefore, all factors should be updated periodically to ensure their accuracy and reliability: the least accurate factor will directly influence the accuracy of all the others.

Each of the three recommended methodologies is discussed here in terms of the basic concept of the method; who might be qualified to carry out the method successfully; equipment and personnel requirements; and the type and size of landfill for which the method is appropriate.

TABLE 2: COMPARISON OF RECOMMENDED METHODS FOR DETERMINING REMAINING CAPACITY

| Method | Cost | Accuracy | Type of Landfill | Size of Landfill | Equipment/ Expertise Required |
|---|---|---|---|---|---|
| Aerial Surveys with Computer-assisted Calculations | Generally highest cost, though may be less expensive than ground surveys for larger (over 10 acres) landfills. | Highest level of accuracy, with built-in cross checks. Should be accurate to within 10%. | All types of area landfills. | Appropriate for landfills over 10 acres. | Airplane, photogram-metry equipment, stereo plotter, autocad with add-on; operators for all of this equipment. |
| Ground Surveys with Manual Calculations | Middle cost; cost is generally less than aerial surveys for sites under 10 acres. | Depending on expertise and care of surveyors, map-makers, and whoever performs calculations, 10-20% accuracy. | Appropriate for all area-type landfills. | Best for landfills under 10 acres, or for larger landfills if it can be accomplished in-house at lower cost. | Manual surveying equipment, drafting equipment, planimeter or grid paper, calculator or computer spreadsheet; operators for all of this equipment. |
| Weight-Based | Low cost, particularly after first use of this method. | Accuracy of 20-25% is possible. | Appropriate for area-type landfills. | Appropriate for smaller and low-volume landfills. | Calculator or computer spreadsheet, accurate records of incoming material in volume or weight; care in performing calculations. |
| Trench Volume | Very low cost. | Accurate to within five percent. | Trench-type landfills with consistent trench dimensions, and area-type landfills with consistent cell dimensions. | Any size. | Calculator or computer spreadsheet; ability to perform basic geometric calculations. |

Appendix A provides more detail on each methodology, including step by step instructions on how to use each method. Appendices B and C discuss methods for determining density of landfilled materials, and assessing the ratio of refuse:soil used in landfill. Appendix D discusses factors that may increase or decrease the ability to utilize remaining permitted capacity.

## A. Topographical Survey Methods

Topographical surveys can be considered the most accurate and reliable method to determine the remaining capacity of a landfill. Topographic surveys are not, however, necessarily the most inexpensive method, and they require considerable surveying and engineering expertise to be done properly. The basic approach involves conducting a ground or aerial survey of the landfill and using the results to develop a map of the current topography of the site. This map is then compared to the base contours and the permitted final design contours of the landfill, and calculations are made to determine the total (gross) volume of airspace remaining in the fill. Gross airspace is then reduced by an estimate of the amount of space that will be taken up with daily, intermediate, and final cover material. The resulting figure is net airspace, or remaining refuse capacity. Net airspace may be used to report the remaining capacity in cubic yards, but if the landfill owner or operator wishes to express remaining capacity in tons, they must develop a density factor to use in converting volume to weight. The remaining capacity expressed in tons can then be used to project the remaining life of the landfill, based on existing and projected rates of disposal. Future settlement should also be taken into account in projecting the remaining lifespan of the facility.

One advantage of using periodic topographic surveys to assess remaining capacity is that the method provides a cross-check for determining in-place density of refuse, an otherwise problematic procedure. To determine in-place density, the current topography is compared to the topography at the time of the previous survey, to determine gross airspace used during that time period. Then total tons and total airspace are known, and one can easily calculate the space required for one ton of material by dividing cubic yards used by total tons landfilled. The volume of cover material used can be subtracted from total airspace used to determine the volume of refuse only. Settlement may also need to be factored in, since underlying lifts may have settled since the last survey and increased available airspace.

Survey methods are appropriate for area-type landfills, including canyon landfills, of any size. There are two different methods in common usage for conducting topographic surveys and two general approaches used for calculating the volume of refuse capacity used since the last computation, and the remaining capacity. Each of these is discussed in the following subsections.

Note that when surveys are used to gather volume data periodically, it is not always necessary to resurvey the entire landfill footprint. In order to save time and money, it is possible to conduct an interim survey of only the portions of the landfill active since the last survey. However, a focused survey may significantly limit the amount of valuable data available to planners, operators, and engineers while considering filling sequences, operational planning, and closure activities. Areas of landfills that are not currently being filled or have not been filled for a specific period of time are excellent field laboratories for settlement and displacement data collection. Consistent settlement monitoring may allow the operator to plan filling operations to

maximize the life of the landfill. Horizontal displacement monitoring can provide the site engineer with an early warning of potential side slope or liner instability concerns.

### *1. Ground Surveys*

This traditional method of gathering field topographic data for mapping is done through use of manual ground surveys conducted with a variety of instruments and techniques. While this approach has been practiced for centuries, it is no longer likely to be the most economical way to develop volume data, except under particular circumstances. It is, however, available practically anywhere either through internal staff or contracted consultant survey crews. Properly calibrated equipment, even instruments several decades old, can be used to gather accurate topographic data, although sophisticated modern instruments are generally significantly more efficient for field data collection.

Ground surveys are usable in essentially all situations where topographic, traverse, or boundary data is needed for landfill operations. Considerations in electing to use this basically manual method include availability of crews, equipment, timeframe, and technical expertise. Ground surveys are essential for setting ground control (targets) for aerial surveys, but are most likely to be cost effective for general surveys only for surveys of sites under 10 acres, or for small data needs (such as spot surveys) at any site. Methods for conducting ground surveys, along with other considerations to be evaluated in deciding whether and how to use ground survey and manual mapping methods, are discussed in Appendix A.

### *2. Aerial Surveys*

While the data resulting from aerial surveys are similar to those from ground surveys, aerial techniques are much more highly automated. The per acre cost for aerial surveys is likely to be less than for ground surveys, especially for larger landfills, but the budget impact may be greater if the landfill owner or operator has to contract out for services. Ground surveys are required to set ground control (targets) for all aerial surveys.

The accuracy of aerial survey maps may be less than for maps made from ground surveys, if the actual ground surface is not clearly visible to the photo reader (a person or a computer). Any ground obscurities, such as snow, leaf, brush, or grass cover, can noticeably misrepresent the actual ground surface. A high level of accuracy is typically not needed for capacity calculations, however, unless actual construction is also to be based on that mapping effort. Where accuracy questions arise in the map use or development, ground spot surveys can often confirm data, but manually filling-in large data gaps can quickly eliminate any cost savings expected from using the automated approach. The steps for conducting aerial surveying (and related mapping) are discussed in detail in Appendix A.

### *3. Determining Remaining Volume of the Landfill Using Manual Techniques*

Volume determinations from contours or cross-sections involve measurement of the area of each designated contour and conversion of those areas to volumes by multiplying times the contour spacing. The determination may be done by either internal staff or contracted service providers, although technical skills are required from either. Basic procedures for conducting volume estimates manually are described in Appendix A.

Landfill owners electing to perform volume calculations in-house must consider that small businesses or local government agencies are unlikely to have the skills or equipment for automated data derivations and computations. For manual methods, planimeters, including highly sophisticated electronic units, are probably available in offices doing road design or by rental from engineering supply stores (in urban areas). Grid counts require only a background grid and can be done by nearly anyone. [Note that if the grid is laid on the contours with the least area first, only the increment of area difference must be determined in moving to each larger contour.] Volume computations can be done quite rapidly once the area data is available; surveying and engineering consulting firms commonly use manual volume computations.

In order to compute airspace used to date and remaining capacity, it is necessary to measure the design plans, both the base plan and the approved final grades for the site. Once these measurements are done, they need not be repeated. Subsequent surveys are, therefore, greatly simplified.

In general, the degree of accuracy that can be achieved with manual volume calculations is influenced by several factors, including:

- Skill of the individual doing the measuring and calculating;
- Number and consistency of planimeter measuring repetitions; and
- Accuracy / calibration of the planimeter used.

All measurements and calculations should be checked for correct methodology and accuracy. Roughly measured dimensions of even irregularly shaped areas will provide some cross-checks of other computations. Measurement repetitions also improve accuracy and provide cross-checks.

### *4. Determining Remaining Volume of the Landfill Using Automated Techniques*

Volume determinations from contours using automated techniques are described below and detailed in Appendix A. They may be performed by either internal staff or contracted service providers.

To complete the computations using automated techniques, the same processes as described for manual computations must be performed by automated means, typically with a computer system. The most effective systems perform both area measurements and volume computations using soft (electronic) topographic data taken directly from an automated map production process. If the soft data is not available, it can be developed by digitizing or possibly scanning the contours from the latest map. Area and volume computations can then be developed using existing specialty software, such as for surveying and/or road design applications, or by automating the processes described under manual computation methods. As with manual computations, automated volume determinations require digitizing of base and final grading plans the first time the calculations are performed.

The accuracy of the method is influenced by several factors, including:

- Skill of the individuals doing mapping, measuring, computer graphics, and calculating;
- Seasonal timeliness of the photography;

- Ability of the photo reader to see the true ground surface; and
- Accuracy of the mapped data used.

As with the manual method, all measurements and calculations should be checked for correct methodology and accuracy. Roughly measured dimensions of even irregularly shaped areas will provide some cross-checks of other computations.

*5. Comparison of Methods*

Ground surveys with manual data development and calculations are likely to be advantageous in these situations:

- A competent workforce is available at internal rates, especially if otherwise funded;
- Area to be surveyed is under 10 acres, or data collection needs are relatively small;
- Site topography is not so variable as to overly restrict foot-access to survey points;
- Survey, mapping, measuring, and/or computing equipment is available economically;
- Aerial survey vendors are not readily available;
- The combined time window for ground visibility and seasonal weather changes is too narrow to schedule aerial photography reliably;
- Cover soil management or other site operations considerations require closer (more frequent) fill rate monitoring than is practical with aerial photography;
- Waste flow quantities are small resulting in only minor topographic changes; and
- Data is needed before the aerial photography process could be completed.

Aerial surveys with automated data development and calculations are likely to be advantageous in these situations:

- Internal field workforces are not readily available;
- Site size and/or data collection needs are substantial;
- Site topography allows placement of ground control target points, but otherwise makes ground survey of the site impractical;
- Aerial survey vendors are available and affordable;
- The seasonal time window, if applicable, is adequate for aerial photography;
- Adequate lead time is available for completing the automated process;
- Automated photography, mapping, and/or computing equipment is available economically; and
- Skilled mapping, data extraction, and computational staff or contractors are available and affordable.

## B. Weight to Volume Conversion and In-Truck Volume to Landfilled Volume Conversion Methods

Using weight to volume or compaction ratios to determine remaining capacity involves tracking the weight or volume of materials received at a landfill, converting these figures to landfilled volume, and calculating net and gross airspace used. This method requires no special expertise beyond careful record keeping and conducting basic mathematic calculations, and requires no special equipment beyond a scientific calculator or spreadsheet program (though a truck scale is an advantage). However, the method has several inherent problems:

- there are a relatively large number of variables in the calculations, and an error in one can compound into significant inaccuracies;

- there are no built-in cross-checks in the method; and

- the method involves developing several assumptions, some of which may require considerable field testing.

Nevertheless, weight to volume conversion can be a relatively simple and inexpensive method for determining remaining capacity, and, if performed carefully and diligently, can result in a reasonable degree of accuracy. Because of the relative ease and low cost of this method, it is recommended primarily for smaller area-type landfills, including canyon-type landfills (say, those receiving less than 10 TPD), or landfills receiving slightly higher volumes but which have a large amount of remaining capacity. Because of the inability to cross check results, the Board recommends that those using this method conduct occasional topographical surveys to provide a more accurate update of the benchmark capacity.

A variation on the weight to volume conversion method is the in-truck volume to landfilled volume conversion method. This method, which can be used by landfill operators who do not have a truck scale, involves measuring the volume of materials in trucks arriving at the facility, making assumptions about the density of these materials, and calculating the weight of the materials. The landfill operator then calculates or estimates the density of landfilled material and refuse:soil ratios to derive an estimate of the amount of landfill space used. This method requires tracking incoming loads by truck type, size, and fullness, then using density assumptions and a simple spreadsheet to convert volume to weight. Like the weight to volume method, this method also involves estimating or calculating refuse:soil ratios and taking into consideration design features and other contingencies.

The use of the weight to volume conversion method and the in-truck volume to landfilled volume method is facilitated by the existence of a number of studies that can be drawn upon to develop most of the crucial assumptions (in-place density, in-truck density, refuse:soil ratio). While sound landfill operating practices dictate that operators occasionally conduct field studies of these parameters, it is possible to estimate remaining capacity relying almost solely on desk-top calculations. Excerpts from Board-commissioned studies are included in Appendices A3 and B.

Depending on the size of the landfill, the time since the last topographical survey, and the completeness of records of in-coming material, daily and intermediate cover usage, and basic operating parameters (such as weight of equipment, average number of passes, depth of spread material, slope of working face), calculating remaining capacity using the weight-to-volume conversion method may take from several hours to several days. If an assessment of remaining capacity has not been performed for a number of years, then operators can assume that they will spend considerable time and effort the first time this method is employed. Thereafter, however, annual updates should be relatively simple and quick, particularly if operating parameters and the character of the waste stream do not change significantly, and if records are complete and accurate.

Costs of conducting an assessment of remaining capacity using weight to volume conversion include labor time for compiling records, developing assumptions, and making calculations; the

cost of labor, equipment, and, if necessary, outside surveying or engineering expertise for conducting density studies or studies of refuse:soil ratios; and, to ensure accuracy, the cost of cross-checking and updating benchmark data by conducting occasional topographical surveys.

To keep costs of conducting occasional surveys to a minimum, landfill operators may be able to use existing equipment and expertise (e.g., having county road surveying crews conduct a ground survey), and using in-house expertise to perform volume calculations. The cost of conducting aerial surveys can be minimized if the photogrammetry of the landfill is conducted as an add-on to another aerial survey in the area, or if and when off-the-shelf (stereographic) commercial aerials become available. If no topographic survey has ever been performed on the fill, there will be the additional expense of digitizing the final contours or conducting manual area and volume calculations of the remaining planned lifts. These steps need not be repeated each time the topographic survey is conducted, unless design parameters change in the interim.

## C. Trench Volume Method

A few landfills in the State are trench-type landfills. Operators of these facilities can easily determine their remaining capacity with simple field observations and mathematical calculations, if their trenches are of consistent dimensions. Determining remaining capacity of a trench-type fill involves measuring the cross section and length of each existing and planned trench to assess the volume of each. Site life, density of landfilled material, and refuse:soil ratio can all be calculated by measuring the length of trench used, the weight of incoming material, and the volume of cover material used. This method allows for cross-checking of remaining capacity by monitoring the rate of fill over time.

For the few operators of landfills that use trenches of consistent dimensions, this method of determining remaining capacity offers unparalleled ease and accuracy. Detailed formulas for performing trench volume calculations appear in Appendix A.

## IV. CONCLUSION

The California Integrated Waste Management Act's mandate to reorganize the management of waste materials giving favor to reducing wastes at the source, then recycling or composting those that cannot be source reducted, then treating only the unrecoverable fraction through environmentally safe transformation or land disposal, is predicated on the necessity to conserve scarce resources, including landfill capacity. Having an accurate account of the capacity remaining in a particular landfill within a county or region, and within the State as a whole, is crucial information for managing this scarce resource, and for local governments to use in planning their transition to an integrated waste management system.

This report is intended as an initial step in assisting California's landfill owners and operators in improving their ability to gauge accurately their remaining permitted capacity, using techniques that are appropriate, reliable, and affordable. Through the establishment of informal standards for assessing remaining permitted capacity, and assistance in using standard methods, the Board hopes to encourage landfill operators to gauge periodically the capacity remaining in their own landfills and develop information that is accurate, that is comparable to data generated by other owners and operators, and that can be accomplished within a variety of situations and budgets.

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# APPENDICES

# APPENDIX A: METHODOLOGIES FOR DETERMINING REMAINING LANDFILL CAPACITY

## APPENDIX A-1: SURVEY METHODS

Topographical survey methods are the preferred methods for determining the remaining permitted capacity of a sanitary landfill, and should be used if economically feasible. This method involves four main steps:

1. Conducting a ground or aerial survey of the site to ascertain current elevations and contours;
2. Mapping these elevations (creating a topographical map);
3. Calculating the volume difference between existing and permitted final grades (gross remaining air space); and
4. Adjusting the volume calculation to determine the amount of usable airspace remaining.

### Surveying

Field or ground surveying methods consist of obtaining location and elevation data for a number of points on the ground and using this data to produce a surface model. The surface model may be in digital (electronic computer file) format, which will allow for automated volume calculations, or drawn manually. In either case, the model is used to produce a representation of the current topography of the site.

Ground surveys can be used efficiently to survey sites up to 10 acres. They are also practical for intermediate surveys to update current conditions such as borrow sites for cover volumes, intermediate lift heights, roadways, landfill settlement, etc. Aerial surveying can deliver the same products as field surveying but is usually much more cost-effective on sites over 10 acres. Aerial surveys also provide photographs of the site, which are an historic record of the area at a certain date.

### Mapping

The two most important considerations in mapping are the size of the area to be mapped and the scale of the final mapping. The size of the area can determine whether ground surveys or aerial surveys are most efficient.

### Volume Determinations

The current surface model or existing contours can be developed from field surveying, photogrammetric surveying, or a combination of both. Either way, an electronic data file can be produced. If volume calculations are to be performed with computer assistance, the final digital

surface model file type must be compatible with the engineering software used for the volume calculations. Most recent software can use many types of files for input; however, it would be prudent to investigate and even ask for an example file from the surveyor in order to assure compatibility, as well as to practice. A number of engineering software programs can be used to generate and display surface models (terminology also used is topographic mapping and contour mapping). These surface models are computer files of location and elevation data which can be used by the software for display and to generate grading plans, volume studies, etc.

All permitted landfills should have a final grading plan. To calculate remaining airspace, the current surface model is subtracted from the final grading plan surface model, resulting in remaining airspace. This is a fairly straight-forward computer calculation, and can also be accomplished manually using either a planimeter or transparent grid paper.

## Adjusting Volume Calculations

Once the volume between existing and final contours has been calculated, it is necessary to subtract from this gross volume figure the volume of material and features other than refuse, to determine the net capacity available for refuse placement. The primary considerations here are the volume of daily, intermediate, and final cover material; special design features that may limit net usable airspace, such as benching of slopes, drainage systems, methane collection systems, liners, and monitoring wells; and landfill characteristics that may increase apparent capacity, such as settlement of lower lifts and of substrate.

The following sections describe in detail the procedures and crucial considerations for conducting ground surveys, aerial surveys, and performing volume calculations using both manual and automated techniques.

### *A. Ground Surveys*

The discussion below is presented as an explanation of the general steps to be followed, listed roughly in the order of likely progression.

1. Define all expected users, uses, and requirements

   Completion of this step prior to initiating the survey provides several benefits. Using this early planning information, the survey can be focused on gathering only the needed data and ensure that all of it is obtained. Related survey needs should also be identified at this time so that opportunities for consolidating surveys and funding can be utilized to reduce the cost for each application. This step may also define other surveys already done or planned that would provide the necessary data and preclude the need for a new survey.

   As data uses and users are identified, complete requirements for each application must also be defined so that correct and complete specifications for the survey and data are developed in the next step.

2. Define survey and data specifications

The nature and extent of the surveys and data are identified in this step prior to sending the field crew(s) to the site. If multiple users with differing data needs are identified in Step 1, those needs must be consolidated in this step to provide for mutually acceptable survey, mapping, and data collection. The considerations in this step can be divided into these elements:

a. Determine the extent, nature, and accuracy of data required

- Determine nature of data required: elevations, point locations, traverses, feature definitions
- Determine the contour interval and required associated survey data accuracy
- Decide which features to note (structures, roads, ponds, ditches, fences, pipes)
- Define area to be covered: whole site, or only partial (depends on whether portions of the site are unchanged since last survey; please note that even inactive portions of the landfill may be re-surveyed to check settlement)

b. Determine the field limits and methodology

- Extent/limits of survey and the layout
- Type of survey(s)
- Placement of survey data points (grids, set-up points)
- Location and number of benchmarks/datums (existing, new)
- Strategy for completing all facets of survey(s)

c. Equipment and crew requirements

- Matched to strategy and data requirements
- How many people/crews with what skills
- Equipment to be used (types, numbers, availability, expendable supplies)

d. Special requirements and limitations

- Weather and ground conditions (snow, dust, rain)
- Hazards on site (landfill gas [LFG], leachate, contact with refuse, heavy equipment and trucks, slippery surfaces, open ponds, hazardous materials or wastes, noise and other nuisance factors)
- Idiosyncrasies of landfill surveys (associated hazards, numerous irregular features, benchmark stability requirements)
- Field safety considerations/plan

The list above is not meant to be chronological, since the order of development of the listed information will vary with each survey.

3. Perform Survey

The survey itself may be performed by in-house staff or contracted out.

Considerations

- Seasonal affects/needs (snow, rain, hazardous conditions)
- Regular/consistent ongoing program
- Landfill surveying idiosyncrasies
- Field safety
- Survey methods (depends on data needs):
  - Elevation and contour data
  - Area grid with levels
  - Contour traversing
  - Polar (vertical and horizontal)
  - Horizontal location and perimeter definition data
  - Traversing
- Establish benchmarks/datums on "solid ground"
- Gather area data (elevations, notable features, other specifically needed data)

***B. Aerial Surveys***

Aerial surveys are typically contracted out to a surveying firm to perform the aerial photography. Depending on the arrangements with the contractor, deliverables may be any or all of the following:

- Aerial photographs
- Hard copy topographic map
- Digital file of topographic features

The steps to be taken in preparing for and performing an aerial survey include:

1. Define all expected users/uses and requirements

2. Set ground control

   - Field surveys
   - Ties to benchmarks/datums

3. Develop flight specifications: vertical/oblique; time frame; location; flight line; number of photos; who sets ground control; photo scale and altitude

4. Define data specifications, including photos: contour interval/accuracy; coverage area; features to note (e.g., structures, roads, ponds, ditches, fences)

5. Flight/photography (typically includes contracted services)

Consider seasonal affects and restrictions, such as snow, leaves, and tall grass. The photogrammetrist must be able to "see" (define) the ground on the aerial photographs.

### *C. Contour Development and Mapping*

The final grading plan for each landfill should include a topographic map of the final design of the landfill area. Current mapping should be accomplished in a manner that is consistent with the mapping on the final plan (see scale and contour interval below). If more modern mapping methods are going to be used, it would be useful to upgrade the final plan topographical map to the style of the current mapping. This can be accomplished in a variety of ways, including digitizing to a CAD program, or having the original photogrammetry remapped to digital output.

To produce a map from aerial photographs, a stereo plotter operator plots locations, contours, and desired features. This was formerly done to a hard copy, but it is now common practice to produce an electronic digital file that can be used by CAD programs for viewing, calculations, and hard copies.

Mapping scale and contour interval determine the accuracy of a map. Normal contract specifications for photogrammetric mapping simply states the resultant mapping scale. The two most common are:

1) 1" = 100' with two-foot contour intervals
2) 1" = 40' with one-foot contour intervals

Although the 1" = 40' scale results in a more accurate map, and therefore a more accurate volume calculation, it is considered impractical for sites over 50 acres.

An important consideration in photogrammetric mapping is the photo scale. Photo scale is directly related to above-ground flying height. Some photogrammetric equipment is more accurate than others, and different equipment may require different flying heights to achieve the same results. The following photo scale requirements were suggested by Al Thorsen of Riverside Flood Control as a general rule of thumb:

1) For mapping scale of 1" = 100' and two-foot contours, use a photo scale of 1" = 500'
2) For mapping scale of 1" = 40' and one-foot contours, use a photo scale of 1" = 200'

There are National Map Accuracy Standards which apply to photogrammetric mapping. Basically they say that if you were to use field surveying methods to check the elevation at 10 random points whose elevation was determined from the map, then 9 of these elevations should be no more than one half the contour interval from the elevations on the map (0.5 feet for a map with one-foot contours). While few surveyors will perform this cross-check routinely, this standard may be cited in the scope of work for a surveyor charged with producing a map of current landfill elevations.

*D. Determining Remaining Volume of the Landfill Using Manual Techniques*

In order to calculate volume between two surfaces using manual techniques, the topographical map of existing grades is used and the area of each contour between the highest point of the existing surface and the lowest point of the original grade is measured. Next, the area of each contour is added to that of the next contour, then divided by two to obtain the average area. This average is then multiplied by the contour interval to obtain a calculation in cubic feet of the volume between each of the two contours. The volumes between all of the contours are then totaled to obtain the total volume of the existing landfill. This figure is then subtracted from the original design capacity (which may be calculated in the same manner, comparing the design final grade to the base grade) to obtain gross remaining airspace.

Either of two methods may be used to measure the area of each contour:

**Using a planimeter:**

Planimeter each contour area at least twice; average the result; multiply times the conversion factor for the planimeter and map scale combination.

**Using transparent graph paper:**

Superimpose the grid; count the full squares; count the part squares and divide by two; add the part squares dividend to the full squares count; determine the area of each square using the map scale (e.g., if using 1/4 inch graph paper and the scale of the map is 1" = 100', then the area of each grid square is 25 * 25 = 625 square feet). Next, multiply the total number of squares by the area of one square. The result is the area of the contour.

**Volume computation by end areas**

For this computation, the average end area (average area of the two adjacent contours or cross-sections) is multiplied by the distance between those contours or cross-sections. The top and possibly the bottom of the landfill may be a point with zero area. In that instance, the average end area is the adjacent contour/cross-sectional area plus zero divided by two. The volumes for each layer are finally added to produce the total landfill volume. All volumes are computed in cubic yards.

It is very helpful to set up a columnar form or computer spreadsheet on which to do these computations. If such a format is developed from "scratch", note that all computations from the combining (totaling) of end areas must be on a line between the end areas source lines. Typical columns should include (from left to right):

1. Contour, expressed as an elevation (e.g., 195')
2. End areas (typically in square feet) of each contour; i.e., the area of each contour
3. Average end area between adjoining contours
4. Contour interval (in feet)
5. Volume in cubic feet: average end area * contour interval = volume

6. Volume in cubic yards: volume in cubic feet ÷ 27
7. Gross volume: the sum of all of the volume in cubic yards calculations

Note 1: Contours are used for most landfill situations; however, cross-sections (similar to the situation for roads) can be used for some trench landfills.

Note 2: Some sources refer to double end areas which are simply the sum of the two adjacent end areas before division by two to obtain the average end area.

### *E. Determining Remaining Volume of the Landfill Using Automated Techniques*

To complete the computations using automated techniques, the same processes as described for manual computations must be performed by automated means, typically with a computer system. The most effective systems perform both area measurements and volume computations using soft (electronic) topographic data taken directly from an automated map production process. If the soft data is not available, it can be developed by digitizing or possibly scanning the contours from the latest map. Area and volume computations can then be developed using existing specialty software, such as for surveying and/or road design applications, or by automating the processes described under manual computation methods.

There are three common methods for volume calculations. All three are based on the mathematical differences between two separate surface models: average end area method, grid method, and triangular surface method. Since the average end area and grid methods both work with cubic models, their answers will commonly be close to one another and will result in a slightly larger volume than the triangular method. The triangular method is generally more accurate for irregularly-shaped surfaces such as landfills, since triangles fit better into the irregularities than do squares.

### *F. Adjustments to Gross Volume Calculations*

1. Calculate necessary earthworks (daily, intermediate, and final cover); see Appendix C.

2. Consider design parameters that may affect ability to use remaining airspace; see Appendix D.

3. Subtract volume of earthworks and other features from gross volume.

4. Using density factor, convert net remaining airspace to tons.

## APPENDIX A-2: METHODOLOGY FOR DETERMINING REMAINING CAPACITY USING WEIGHT TO VOLUME CONVERSION (FOR LANDFILLS THAT TRACK WEIGHT OF IN-COMING MATERIALS)

The simplest and most useful method of converting from weight received at the gate of the landfill, to volume of airspace that the refuse will take up, is to develop and apply a single conversion factor that takes into account both in-place density and the refuse:soil ratio. Once this factor is developed, it can be applied to historic and projected disposal rates to determine how much capacity has been used, how much remains, and how long the remaining capacity is likely to last. This method requires occasional topographic surveys as a cross-check.

The method may be applied as follows:

1. Determine density of landfilled materials, either through field tests or using the desk-top technique described in Appendix B.

2. Determine refuse:soil ratio, as described in Appendix C.

3. To convert from landfilled tons to landfilled volume, use the following formula:

$$V = D * C$$

Where
V = the total volume of landfill space taken up by landfilling and covering one ton of refuse
D = the inverse of the density of in-place material, expressed in tons per cubic yards
C = the waste to soil cover factor, expressed at the total parts/waste parts.

For example, if the density of in-place material is determined to be 1,400 pounds per cubic yard, and the refuse:soil ratio is 5:1, then,
1,400 pounds = .7 tons; the inverse of .7 is 1/.7 = 1.43; use this for D.
5:1 ratio means total parts = 6, waste parts = 5, so C = 6/5, or 1.2.
Solving V = D * C,
V = 1.43 * 1.2
V = 1.71 cubic yards per one ton of refuse.

In other words, for each ton of refuse landfilled, 1.71 cubic yards of airspace is used.

4. From landfill records, determine net tons landfilled since last topographic survey or since site opened (be sure to adjust gate receipts by any salvage or diverted material).

5. Multiply net tons landfilled by the conversion factor (V) to ascertain total airspace used.

6. Subtract the result of Step 5 from the remaining airspace at the time of the last topographic survey, or the total design capacity of the site (whichever was used in Step 4). The result is total remaining airspace.

7. To determine net remaining airspace, subtract the projected volume of the final cover and intermediate cover from the result of Step 6.

8. To determine remaining site life, use projections of annual disposal rates, in tons, multiply by the conversion factor (V) and subtract from net remaining airspace (Step 7) for each future year until net remaining airspace = 0.

9. To cross-check total and net remaining airspace, conduct a topographical survey (see Appendix A-1) of the site.

## APPENDIX A-3: METHODOLOGY FOR PERFORMING IN-TRUCK VOLUME TO WEIGHT CONVERSION (FOR LANDFILLS THAT TRACK INCOMING VOLUME)

Some landfills do not have scales for weighing incoming material. These landfills can use a variation on the the weight-based method by tracking the volume of incoming material and converting to tons, then calculating the density of in-place material to arrive at a volume for landfilled materials. While it is possible to convert directly from in-truck density to in-place density, (by calculating a compaction ratio), recently adopted regulations (Title 14, Div.7, Chapter 9, Article 9) require landfill operators to report the tonnage of incoming material.

The method presented on the following pages is taken from the Board report *Conversion Factor Study In-Vehicle and In-Place Waste Densities* recently adopted by the Board (CalRecovery, et al, 1993). This method provides a relatively simple and accurate means for converting from volume of incoming material to weight. Once the weight of incoming materials since the last accurate capacity assessment is calculated, it is possible to use the steps presented in Appendix A2 to calculate remaining capacity

## EXAMPLE 1: THE SIMPLE MODEL

Imagine a small rural landfill operator who does not have truck scales and does not know the composition of the waste stream in his/her region, or desires a reasonably accurate estimation of incoming tonnage using a simple and easy to use model. Then, the easiest way for this person to determine the number of tons entering the facility in a given time period is to use the Simple Model. To use the Simple Model the following pieces of information are needed:

1. Truck or Vehicle Types Entering the Facility
2. Capacity of Trucks or Vehicles
3. Percent of Capacity Utilized
4. Average Density of Waste in each Truck Type

To obtain the first set of information it is necessary to have someone stationed at the facility entrance recording the type of vehicle entering, its capacity, and percent full, or to set up a system where the drivers would record this information themselves and put it in a common collection box. The driver is often the best source of information as to type of vehicle, capacity, and especially percent full. The estimation of percent full is important to the accuracy of the estimations of the model. These estimates should be performed by trained and knowledgeable personnel. The accuracy calculated for the model indicates that drivers of refuse collection equipment provide accurate estimates of percent of full capacity. As mentioned in Section 1, the error of the Simple Model based on field verification (where percent of capacity was reported) can be expected to be in the range of 8% to 14%.

Once the data is collected, the next step is to input the data into the Simple Model spreadsheet (e.g., as illustrated on page B-13). The first column allows the user to number the entry, i.e., 1, 2, 3. The second column asks for truck type. In this column it is essential that the proper code is entered for each truck since the model depends on recognizing the truck code in that cell and calculating by the correct in-truck density value. The third column requests that the volumetric capacity of the vehicle be entered in units of cubic yards. The fourth column requires the user to input the data describing how full the truck is as it enters the facility, i.e., for a 20-cu yd vehicle filled to 15 cu yd, 75% is entered in this column. After the user completes all the data input, the model calculates the estimated weight in the truck in the fifth and final column. The equation the model uses in doing this is as follows:

estimated in-truck weight = truck density value x truck capacity x percent full

Looking specifically at the Rural Landfill example, the following text examines four data entries and provides a step-by-step process for using the Simple Model. These data entry lines have been highlighted on the spreadsheet to make it easier to follow the example.

First, in the Rural Example, it is assumed that there are four types of vehicles entering the facility: mini-pickups, full-sized pickups, rear loaders, and front loaders. The legend to the model provides the average in-truck density values which are used to estimate the waste entering the facility. If one desires to change these values based on information which is specifically relevant to a particular landfill, one enters the new value in the value column of the legend box next to the appropriate truck code.

In the first example, enter the entry number (1), the truck type (i.e., RL), the truck capacity (20 cu yd), and the percent of the capacity utilized by the incoming truck (i.e., 100%). The model computes the weight of the waste in the vehicle. The following four equations describe the calculations for entries 1, 14, 26, and 39.

1. RL(525 lb/cu yd) x (20 cu yd) x (100%) = 10,500 lb

14. FL(480 lb/cu yd) x (30 cu yd) x (75%) = 10,800 lb

26. FP(316 lb/cu yd) x (2.5 cu yd) x (100%) = 790 lb

39. MP(294 lb/cu yd) x (1.25 cu yd) x (100%) = 367.5 lb

Table A-1 **Recommended In-Truck Density Values for Key Waste Sources and Truck Types in California**

| Waste Source/Truck Type | In-Truck Density (lb/cu yd) |
|---|---|
| Residential Rear Loaders | 525 |
| Commercial Front Loaders | 480 |
| Commercial Roll-Off Compactor | 680 |
| Industrial Roll-Off | 400 |

Table A-2 **Marin County, California Field Study: Density Values for Self-Haul Vehicles**

| Type of Hauler | Waste Category | Vehicle Type | Sample Size | Average Density lb/cuyd | % Error (a) |
|---|---|---|---|---|---|
| Residential | Yard Waste | Mini-pickup | 5 | 273.5 | 57.5 |
| | Misc. | Mini-pickup | 16 | 244.8 | 19.3 |
| | Yard Waste | Full Size Pickup | 7 | 193.3 | 35.2 |
| | Misc. | Full Size Pickup | 8 | 742.1 | 49.3 |
| Commercial | Misc. | Van | 4 | 376.7 | 31.5 |
| | Yard Waste | Mini-pickup | 16 | 293.7 | 27.0 |
| | Misc. | Mini-pickup | 6 | 533.3 | 39.1 |
| | C & D | Mini-pickup | 5 | 574.4 | 33.8 |
| | Yard Waste | Full Size Pickup | 24 | 315.6 | 22.0 |
| | Misc. | Full Size Pickup | 9 | 295.0 | 39.9 |
| | Dirt/Rubble | Full Size Pickup | 8 | 2660.9 | 26.1 |
| | C & D | Full Size Pickup | 9 | 472.7 | 31.3 |
| | Yard Waste | Flat Bed | 4 | 354.0 | 93.2 |
| | Misc. | Flat Bed | 5 | 683.2 | 90.4 |
| | C & D | Flat Bed | 5 | 498.4 | 50.7 |
| | Yard Waste | Dump truck | 12 | 355.9 | 43.7 |
| | Misc. | Dump truck | 4 | 298.3 | 65.7 |
| | Dirt/Rubble | Dump truck | 3 | 1083.1 | 16.0 |
| | C & D | Dump truck | 4 | 623.6 | 111.2 |

a) at 90% confidence

Figure A-1

**IN-TRUCK DENSITY MODEL: Simple Model**

Rural County: 50% Self Haul, 25% Rear Loaders, 25%Front Loaders(Commercial)

**Input Information in the First Four Columns**

| Truck Type | Legend Code | Value (lb/cu yd) |
|---|---|---|
| Mini Pick-up | MP | 294 |
| Full Pick -up | FP | 316 |
| Rear Loader | RL | 525 |
| Front Loader | FL | 480 |
| Compacting Roll-Off | CRO | 680 |
| Open Top Roll-Off | OTR | 400 |

| Entry # | Truck Type | Capacity (cu yd) | % Full | Simple Model Estimated weight (lb) |
|---|---|---|---|---|
| 1 | RL | 20 | 100% | 10,500 |
| 2 | RL | 20 | 75% | 7,875 |
| 3 | RL | 25 | 60% | 7,875 |
| 4 | RL | 18 | 75% | 7,088 |
| 5 | RL | 16 | 100% | 8,400 |
| 6 | RL | 15 | 80% | 6,300 |
| 7 | RL | 18 | 100% | 9,450 |
| 8 | RL | 10 | 100% | 5,250 |
| 9 | RL | 18 | 80% | 7,560 |
| 10 | RL | 20 | 80% | 8,400 |
| 11 | RL | 15 | 100% | 7,875 |
| 12 | RL | 20 | 100% | 10,500 |
| 13 | RL | 25 | 80% | 10,500 |
| 14 | FL | 30 | 75% | 10,800 |
| 15 | FL | 30 | 95% | 13,680 |
| 16 | FL | 35 | 50% | 8,400 |
| 17 | FL | 35 | 60% | 10,080 |
| 18 | FL | 39 | 80% | 14,976 |
| 19 | FL | 39 | 100% | 18,720 |
| 20 | FL | 39 | 25% | 4,680 |
| 21 | FL | 40 | 100% | 19,200 |
| 22 | FL | 39 | 100% | 18,720 |
| 23 | FL | 35 | 100% | 16,800 |
| 24 | FL | 2.5 | 90% | 1,080 |
| 25 | FL | 40 | 90% | 17,280 |
| 26 | FP | 2.5 | 100% | 790 |
| 27 | FP | 2 | 75% | 474 |

| Entry # | Truck Type | Capacity (cu yd) | % Full | Simple Model Estimated weight (lb) |
|---|---|---|---|---|
| 28 | FP | 2.5 | 60% | 474 |
| 29 | FP | 2.5 | 80% | 632 |
| 30 | FP | 2 | 62% | 392 |
| 31 | FP | 2 | 50% | 316 |
| 32 | FP | 2 | 100% | 632 |
| 33 | FP | 2.5 | 100% | 790 |
| 34 | FP | 1.75 | 100% | 553 |
| 35 | FP | 2.5 | 20% | 158 |
| 36 | FP | 2 | 75% | 474 |
| 37 | FP | 2 | 100% | 632 |
| 38 | FP | 2 | 100% | 632 |
| 39 | MP | 1.25 | 100% | 368 |
| 40 | MP | 1.5 | 66% | 291 |
| 41 | MP | 1.25 | 80% | 294 |
| 42 | MP | 1.5 | 20% | 88 |
| 43 | MP | 1.5 | 100% | 441 |
| 44 | MP | 1.5 | 100% | 441 |
| 45 | MP | 2.5 | 40% | 294 |
| 46 | MP | 1.75 | 86% | 442 |
| 47 | MP | 1.5 | 100% | 441 |
| 48 | MP | 1.5 | 100% | 441 |
| 49 | MP | 1.25 | 100% | 368 |
| 50 | MP | 1.5 | 100% | 441 |

**Daily Total Weights** 273,287

Conversion Factor Study: In-Vehicle and In-Place Waste Densities

Data for this example was drawn from three sources, Redwood Sanitary Landfill, Bee Canyon Landfill, and self-haul data from the Marin County Transfer Station.

## APPENDIX A-4: TRENCH VOLUME METHOD FOR DETERMINING REMAINING LANDFILL CAPACITY (FOR TRENCH-TYPE LANDFILLS)

Landfill trenches resemble inverted roads, so the volume formula and computations are based on cross-sections (as opposed to contours for other landfills), similar to conventional road design. In other words, volume is determined by multiplying the length of the trench by the area of the cross section of the trench. Since the floors of trenches typically slope upward at the ends, to allow for equipment access, the volume of the ends should be calculated separately.

The following general formula can be used to calculate total trench capacity, if the cross-sections are consistent:

$$V_{Total} = V_{Ends} + V_{Center}.$$

Where $V_{Total}$ = the total volume of the trench;
$V_{Ends}$ = the volume of the sloped ends; and
$V_{Center}$ = the volume of the main portion of the trench

**$V_{Ends}$ (Volume of the combined trench ends)**

This is typically calculated for each end by multiplying the length of the sloped end, commencing from the beginning of the slope up to original grade, by the cross-sectional area of the trench, then dividing by two. The volume of the two ends is then added to give the answer for $V_{Ends}$.

**$V_{Center}$ (Volume of the center portion of the trench)**

To calculate the volume of the main body of the trench ($V_{Center}$), use which ever of the following formulas applies:

With vertical sides: ($V_{Center}$ = Length x $Factor_{Vertical}$) OR

With sloped sides: ($V_{Center}$ = Length x $Factor_{Sloped}$);

where: $Factor_{Vertical}$ = rectangular cross-sectional area of the trench
= (depth) x (base width)

$Factor_{Sloped}$ = trapezoidal cross-sectional area of the trench
= (depth) x (.5(base width + top width))

# APPENDIX B: METHODOLOGY FOR PERFORMING LANDFILLED DENSITY STUDIES

The method presented on the following pages for determining the density of landfilled material is taken from the Board report *Conversion Factor Study In-Vehicle and In-Place Waste Densities*, recently adopted by the Board (CalRecovery, et al, 1993). This method provides a relatively simple and accurate means for estimating in-place density, based on several operating parameters.

# APPENDIX B

## IN-PLACE DENSITY MODEL

### INTRODUCTION

#### General

This section of the report presents the methodology used to produce a mathematical model of in-place landfill density using primarily density data available from field studies. The development of the model is based on empiricism as well as certain fundamental governing principles. The model is presented both graphically and in terms of mathematical formulations. The impact of varying several landfill operating parameters is also discussed.

This model can be applied to predict the in-place volume of a known quantity (tonnage) of waste on the basis of fundamental parameters of weight of landfill compaction equipment, number of passes, and slope of the landfill working face. The model can also be used to estimate delivered quantity from the change in landfill volume over a known period as a function of the aforementioned parameters.

In-place landfill density has been reported by various investigators. Reports have included information on the density of mixed solid waste in landfills based on one of two principal estimating techniques:

- Annual change in topographic contours of the landfill and annual tonnage delivered.
- Specific tests designed to determine density, which usually include one to three days' landfilling operation with survey of final contours and test tonnage.

Based on previous studies and a literature review, the fundamental parameters that govern in-place solid waste density were initially identified as including variables grouped according to the following list:

A. MSW related parameters, including:

- weight of waste delivered
- composition
- moisture content

B. Landform of the waste pile, including:

- slope
- waste depth



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C. Equipment-related parameters, including:

- compaction method
- type of compaction equipment
- number of equipment passes
- equipment weight
- pressure at the point of contact

MSW-Related Parameters

Of the MSW factors, most previous studies report the composition of the waste under consideration in only the most general terms. For example, Collord's December 1979 Orange County tests indicate that the test was conducted with "Group 2 wastes."[1] Two years later, at Stanislaus County, Collord reports commercially-collected "Group 2 wastes" with minor amounts of "Group 3" but with construction and demolition, tires, woody yard waste, septage, drilling muds, and cannery waste excluded. No water was added in any of the tests conducted by Collord.

In addition to the data reported by Collord, more recent data from studies conducted in Connecticut, Rhode Island, and Vermont are less specific with respect to composition. Waste is reported as "mixed waste, residential waste, or commercial waste" only.

Landform Parameters

Of the landform or topographic factors, isolation of the degree to which slope and waste depth affect in-place density has not been reported with great care in the previous investigations. Where slope has been reported, it has most commonly referred to the maximum slope that the inclined sides of the waste pile are permitted to achieve. Thus, in cases where the in-place density has been reported on the basis of annual data, as in New Milford, Connecticut and Johnston, Rhode Island, the slope should be understood to reflect the general sideslopes of the fill and not the density achieved by compacting directly on such a slope.

Based on in-house information and discussions with landfill managers, waste depth appears to influence compacted density in two ways. Waste that is compacted against the base of a landfill may achieve a slightly higher density upon initial compaction relative to upper lifts. Two factors may contribute to this effect: the unyielding nature of the prepared landfill base and the absence of voids that remain in waste after compaction. Thus, a difference could be expected between the data from test cells (i.e., Vermont and Collord) and annual data from Rhode Island and Connecticut. This potential difference is discussed further in a later subsection.

A second influence of waste depth on density is the consolidation of the lower levels of waste that occurs over time as additional upper lifts are added. The effect of the additional

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[1] The category "Group 2 wastes," as defined by the California Solid Waste Management Board, the predecessor agency to the CIWMB, includes mixed municipal solid wastes.

weight that is added to the landfill can be substantial. For example, a large, privately operated New Jersey landfill that is currently more than 100 ft high has periodically shown only 5 ft of elevation change after the completion of a 10-ft lift because of consolidation of the lower waste layers. Since, however, the Board's stated objective in this study is the determination of waste density in the upper layers of landfills, no further consideration has been given to consolidation of lower landfill layers.

Equipment-Related Parameters

Of the equipment related parameters cited above, compaction method and type of equipment affects density most directly. Thus, landfills that place and compact waste using bulldozer-type tracked equipment typically achieve the lowest in-place density because of the low bearing pressure exerted by the equipment. This observation is supported by reference to the design of tracked equipment in general, i.e., that it is designed to float on the surface of soft soils to avoid sinking that would result from compression of the soils. Alternatively, landfills that employ specially designed compactors generally achieve higher in-place densities than do those using dozers. Wheeled compactors (designed to achieve high bearing pressures) are usually equipped with steel wheels with cleats. Cleats are advertised as creators of high pressure at the point of contact with the waste.

Equipment weight is most obviously the critical variable once equipment type is selected. As shown in a later subsection of this report, within certain limits, increasing machine weight results in higher densities. For each generic machine type (i.e., landfill compactor), a value can be determined that represents the upper limit of density that can be achieved.

The number of passes of the equipment over a given section of waste has been shown in the literature to affect density up to approximately five passes. Beyond five passes, it is likely that the impact and the cost of the passes by the equipment is not offset by the incremental increases in in-place density.

The following section presents the mathematical relationship of the variables to in-place densities of wastes compacted in a landfill.

## IN-PLACE DENSITY MODEL

In this section we present a mathematical model combining three of the most important, easily quantified influences on the in-place density of landfilled waste: weight of the compacting equipment, surface slope, and number of passes made by the compacting equipment. (Model parameters are estimated based on previously published quantitative field test data.) All three factors influencing in-place density are combined in a single equation at the end of this subsection, and are presented in an easy-to-use spreadsheet model. The following text describes the development and utilization of the models. Further discussion and examples of use are given in Appendix

## Model Description

### Machine Weight

Figure B-1 and Table B-1 present the available information relating the weight of compacting equipment to the in-place density. The data are based on five passes by the vehicle over waste on a horizontal surface, i.e., zero slope. The data point at a machine weight of zero represents the uncompacted in-place density of 325 lb/cu yd, as reported in the literature (Diaz, Savage, Golueke, 1982).

As shown in Figure B-1, in-place density initially rises rapidly with machine weight; however, the rate of increase tapers off, and around 60,000 lb a plateau is reached. Such saturation effects are often modeled in the scientific literature by a logistic curve of the form

(4) $Y = a / (1 + be^{-cX})$

where a, b, and c are positive constants, and e = 2.718... is the base of natural logarithms. As X becomes very large, Y approaches a. At X = 0, Y = a/(1+b). The third parameter, c, affects the curvature of the graph.

A logistic curve fitted to the data presented in Table B-1 is also presented in Figure B-1, with a = 1450, b = 3.5, and c = $6.3 \times 10^{-5}$. That is, if Y is in-place density and X is vehicle weight in pounds,

(5) $Y = 1450 / (1 + 3.5 \times e^{-0.000063 \times X})$

This suggests that as vehicle weight becomes large, in-place density (assuming five passes and zero slope) approaches 1450 lb/cu yd. Values for other vehicle weights can be calculated from equation (5) with a scientific calculator; equation (5) is also incorporated in the complete model presented below and in the accompanying spreadsheet model.

### Slope

Either compacting waste on a sloping ground surface, or compacting to a sloping finished grade, results in a lower in-place density than compaction on a level surface. Modeling of the effect of slope is a simple matter of physics. On a level surface compaction depends on vehicle weight, as described above. However, on a slope, the effective weight of the compacting vehicle is reduced.

Compaction depends to a large degree on the weight that is exerted in a direction perpendicular to the working face of the landfill. If the surface is sloped at an angle A to the horizontal, then

(6) Effective weight perpendicular to surface = cos(A) x machine weight

where cos(A), the cosine function of trigonometry, is equal to 1 when A=0. A schematic representing the compaction conditions on a sloped surface is shown in Figure B-2. Values of cos(A) are shown for a number of angles in Table B-2.

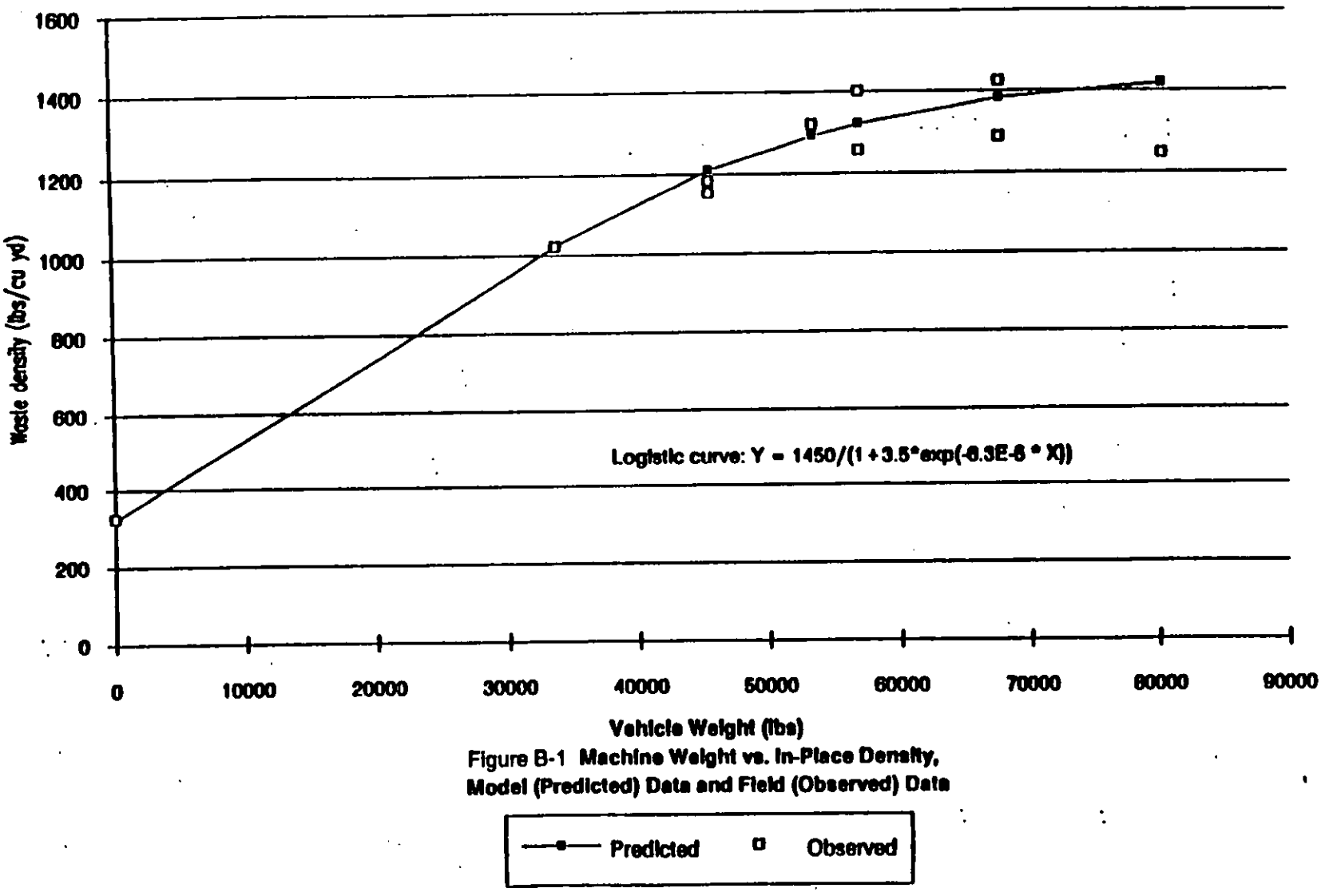


Figure B-1 Machine Weight vs. In-Place Density, Model (Predicted) Data and Field (Observed) Data

Table B-1 Machine Weight and Density Data

| Machine | Machine Weight lb | Density lb/cu yd | Notes | Reference |
|---|---|---|---|---|
| Slope: Flat<br>Number of Passes: 5[a] | | | | |
| Deere JD646-C | 33746 | 1020.8 | | Collord, 1980a |
| Cat816B | 45477 | 1151.1 | Cat Blades | Collord, 1981 |
| Cat816B | 45477 | 1180.05 | Caron Teeth | Collord, 1981 |
| Rexnord 3-70 | 57000 | 1255.63 | | Collord, 1979 |
| Rexnord 3-70 | 57000 | 1398.77 | | Collord, 1979 |
| Cat826C | 67670 | 1287.58 | | Collord, 1980b |
| Cat826C | 67670 | 1423.57 | | Collord, 1980b |
| BomagK701 | 80325 | 1246.77 | | Collord, 1980b |
| Cat966 | 53490 | 1318 | | New Milford, Waste Management, Inc.1991 |

[a] Assumed to be five passes based on analysis of data.

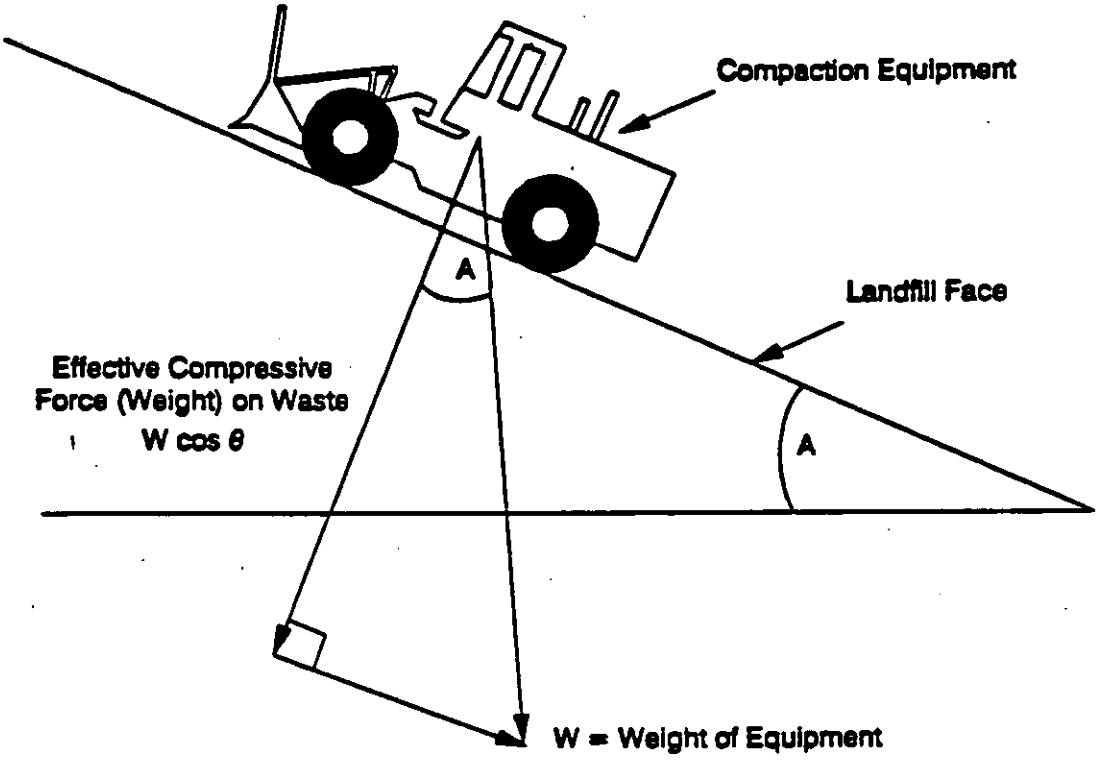


Figure B-2 **Compaction of Waste on a Sloped Surface**

Table B-2 **Machine Weight Conversion Factors For Various Landfill Slopes**

| Slope | Conversion Factor (cos (A)) |
|---|---|
| 1% | 1.00 |
| 5% | 1.00 |
| 10% | 1.00 |
| 5:1 | 0.98 |
| 4:1 | 0.97 |
| 3:1 | 0.95 |
| 2:1 | 0.89 |

At large angles, slippage of equipment on the surface will occur. This reduces the force exerted by the equipment on the surface by even more than equation (6) indicates. However, lacking empirical data on equipment slippage, equation (6) is used in the model. The implication of equation (6) is that vehicle weight, as used for example in equation (5), should be replaced by an effective weight = cos(A) x actual weight.

Number of Passes

Based on the literature (Waste Age, 1981), the number of passes made by landfill compacting equipment over waste affects its in-place density in a pronounced manner. Table B-3 and Figure B-3 illustrate this impact. As the number of passes increases, in-place density at first increases rapidly.

This relationship again suggests a logistic curve, based on equation (4). A logistic curve fitted to the data in Figure B-2, with Y = index of in-place density (5-pass density = 100), and X = number of passes yields the equation:

$$(7) \quad Y = 116 / (1 + 3 \times e^{-0.6 \times X})$$

The limit as the number of passes becomes large is 116% of the 5-pass density. As with equation (5), this can be estimated with a calculator; it is also incorporated into the general model presented in Section 3 and is included in the spreadsheet formulation.

Combining equations (5) and (7) and re-defining the set of parameters as:

D = in-place density in lb/cu yd

P = number of passes

W = weight of vehicle in pounds

A = slope angle of the surface or finished grade

the equation for in-place density becomes:

$$(8) \quad D = 1680 / [(1 + 3.5 \times e^{-0.000063 \times W \times \cos(A)})(1 + 3 \times e^{-0.6 \times P})]$$

The numerator, 1680, is the estimated maximum achievable density via vehicle compaction alone. It is the product of 1450, the limit for 5 passes with heavy vehicles according to equation (5), multiplied by 116%, the maximum increase over the 5-pass density achievable with repeated passes according to equation (7).

Equation (8) does not hold in a physical sense in the limit where either W or P is zero, i.e., if there is no vehicle or number of passes is equal to zero. Equation (8) holds for positive values of W and P. In general equation (8) should apply to those situations where the number of passes is in the range of 2 to 9, the weight of the compaction equipment is 30,000 lb to 90,000 lb, and the slope of the working face is in the range of 6:1 to 2:1.

Table B-3 **Effect of Equipment Passes Over Waste on In-Place Density (Flat Slope)**

| Number of Passes (p) | Density at Pass (p) D(p) (lb/cy) | Change in Density D(p) - D(p-1) (lb/cy) |
|---|---|---|
| 0 | 350 | - |
| 1 | 565 | 215 |
| 2 | 775 | 210 |
| 3 | 970 | 195 |
| 4 | 1125 | 155 |
| 5 | 1225 | 100 |
| 6 | 1300 | 75 |
| 7 | 1350 | 50 |
| 8 | 1375 | 25 |
| 9 | 1395 | 20 |
| 10 | 1405 | 10 |

Reference: Waste Age, September 1981, Page 66.

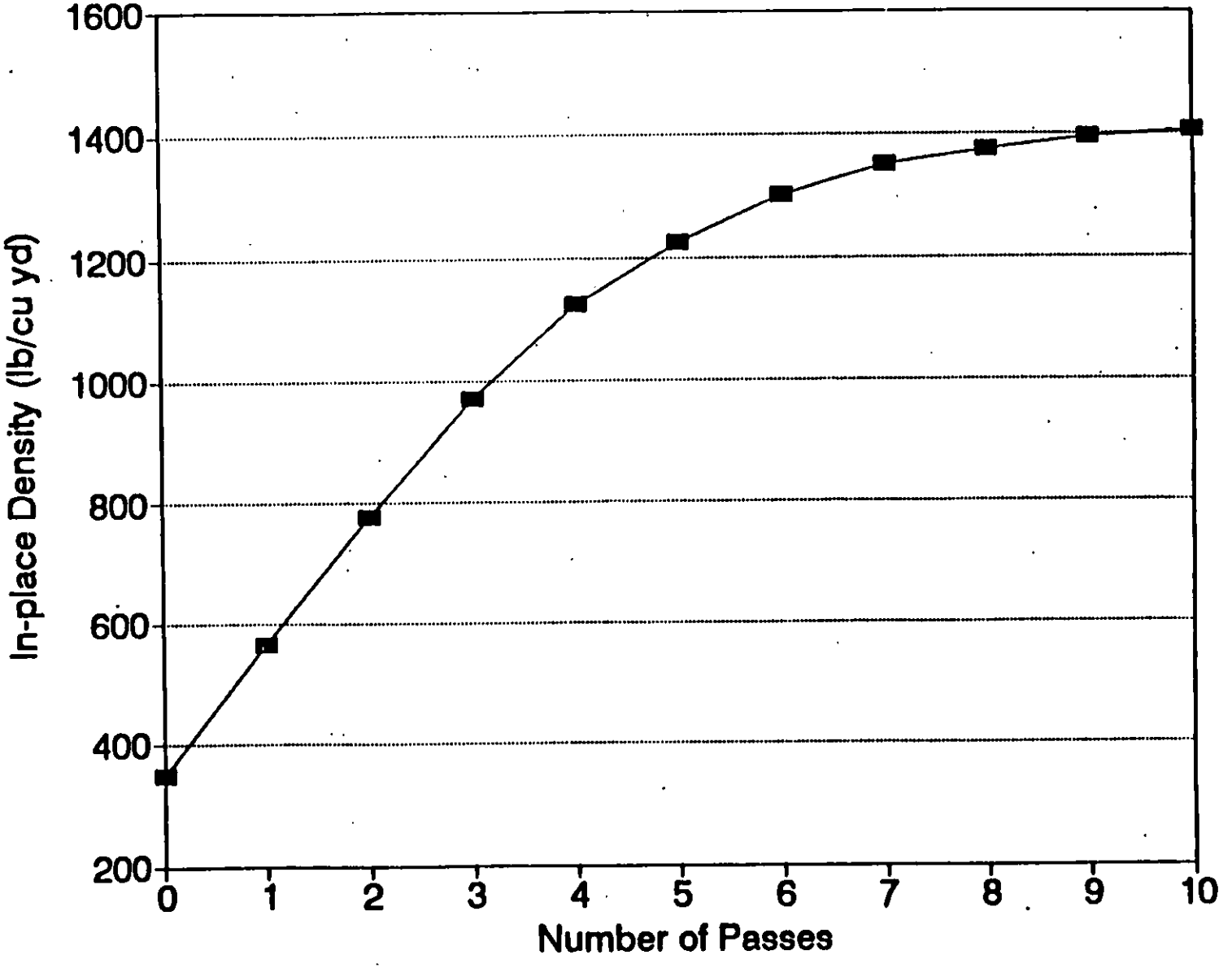


Figure B-3 Influence of Number of Passes on In-place Density.
(zero slope)

Notice, also, that equation (8) does not allow for variation in the composition or as-delivered density of the waste stream. It was estimated based on published data, assuming average or default values for waste stream composition and density. Two further extensions of the model, allowing its integration with the in-truck model, and allowing for variation in the incoming waste stream composition, are presented in Section 3.

After the in-place density (in lb/cu yd) has been calculated, the user can use the density value to compute the volume of landfill occupied by a given weight of solid waste, i.e., volume (in cu yd) of a specified landfill space occupied = weight of solid waste (tons) divided by average in-place density (in lb/cu yd) multiplied by 2000 lb/ton.

**Data Collection and Model Testing**

A telephone survey of California landfills was conducted for the purpose of acquiring in-place compaction data. The landfills which reported on their compaction equipment, together with their responses, are listed in Table B-4. The 31 reported values for in-place density are reported in Table B-4. Data were incomplete or inferred from partial information for many of the reporting locations. Eighteen of the data were judged representative for the purpose of checking the validity of the model. As a point of information, the reported in-place densities were almost always rounded off to the nearest 100 lb/cu yd, introducing rounding errors of up to 5%.

For the 18 points, the average reported actual density was 1165 lb/cu yd, while the model represented by equation (8) predicted an average of 1375 lb/cu yd. The average error was 210, or 19%; the standard deviation of the errors was 181. A better fit can be obtained by modifying some of the parameters in equation (8) above.

A curve fit to the 18 points of data was performed in order to provide an alternative set of values of the constants used in the in-place density model. The alternative values are listed in the spreadsheet for the landfill compaction model described in Appendix B-2 (Examples of the Three Models). The alternative values of course yield more accurate results than the default values. The predicted in-place densities using the alternative values of the constants are compared to the reported densities in the results section of Appendix (Test Results of the Three Models). The average error using the in-place model with the alternative constants is about 9%. The alternative values are used in the in-place density modeling calculations in Appendix –. However, the default values are included for reference in the model. (The default values represent curve fit constants based on rigorous landfill compaction tests.) The alternative values have been selected for use since they provided greater accuracy in the estimated in-place density based on the field survey than do the default values.

Table B-4 Summary Data from California Landfill Compaction Survey

| LF - County | Compaction Equipment Model | Year | Weight | Passes | Slope of Cell | In place density (lb/cu yd) |
|---|---|---|---|---|---|---|
| Durham Rd - Alaimeda | D9H dozer | n/a | 74,900 | 5 | 2.75:1 | 1350 |
| Durham Rd - Alaimeda | Cat 826C | | | 5 | 2.75:1 | |
| Durham Rd - Alaimeda | I/R 750LF | | | 5 | 2.75:1 | |
| Altamont - Alameda | D9L dozer | n/a | 109,200 | 5 | 3.0:1 | 1500 |
| Altamont - Alameda | Cat 826C | | | 5 | 3.0:1 | |
| Amador Cty Sanitary - Amador | Cat D8 | 1968 | | 3 | | |
| Rock Creek - Calaveras | Bomag BC60 | 1990 | 66,230 | 5 | 3.5:1 | 1200 |
| West Contra Costa- Contra Costa | Cat 826B | 1972 | 66,230 | 3.5 | 3.0:1 | 1000 |
| West Contra Costa- Contra Costa | Cat 826C | 1981 | | 3.5 | 3.0:1 | |
| West Contra Costa- Contra Costa | Cat 826C | 1983 | | 3.5 | 3.0:1 | |
| West Contra Costa- Contra Costa | Intl TD25 doz | 1986 | | 3.5 | 3.0:1 | |
| West Contra Costa- Contra Costa | Kom 155A do | 1984 | | 3.5 | 3.0:1 | |
| West Contra Costa- Contra Costa | Kom D65 P | 1984 | | 3.5 | 3.0:1 | |
| West Contra Costa- Contra Costa | Kom TD 15E | 1987 | | 3.5 | 3.0:1 | |
| Acme - Contra Costa | Rex | 1971 | | | | 1250 |
| Union M ine - El Dorado | Cat 816 | 1979 | 39,800 | 9 | slope : "fla | 1200 |
| Union M ine - El Dorado | Cat 826 | 1985 | | 9 | flat | |
| Chateau Fresno - Fresno | Cat 826 | | | 4.5 | 3.0:1 | |
| American Ave - Fresno | Cat 826 | 1986 | 66,845 | 5 | 3.5:1 | 1200 |
| Orange Ave - Fresno | Rex 350 | | | | flat | |
| Orange Ave - Fresno | Cat D9 | | | | flat | |
| Chestnut Ave - Fresno | Cat 826 | | | 4.5 | 3.0:1 | |
| China Grade - Kern | Cat 826C | n/a | 66,845 | 3.5 | 3.0:1 | 1200 |
| China Grade - Kern | Cat D8K doze | n/a | | 3.5 | 3.0:1 | |
| China Grade - Kern | Kom D355 do | n/a | | 3.5 | 3.0:1 | |
| China Grade - Kern | Cat 637D scra | n/a | | 3.5 | 3.0:1 | |
| Arvin Sanitary - Kern | Cat D9H doze | n/a | 74,900 | 3.5 | 3.0:1 | 1200 |
| Arvin Sanitary - Kern | Cat 826B | | | 3.5 | 3.0:1 | |
| Arvin Sanitary - Kern | Cat 623B scraper | | | 3.5 | 3.0:1 | |
| Hanford Sanitary - Kings | I/R LS750 | 1987 | 79,000 | 6 | 3.0:1 | 1200 |
| Western Regional - Placer | CAT826 | n/a | 66,845 | 5 | 3.0:1 | 1100 |
| Highgrove Sanitary - Riverside | I/R LF750 300 | 1989 | 81,000 | 2.5 | 3.0:1 | 1200 |
| El Sobrante - Riverside | Cat826C | 1986 | 66,845 | 7 | 2.0:1 | 1224 |
| El Sobrante - Riverside | REX390 | 1990 | 66,845 | 7 | 2 to 1 | |
| Sacramento County - Sacramento | Cat826 | 1991 | 66,845 | 4 | 5.0:1 | 1200 |
| Sacramento County - Sacramento | Cat826 | 1988 | | 4 | 5 to 1 | |
| Sacramento County - Sacramento | Cat826 | 1986 | | 4 | 5 to 1 | |
| Sacramento City - Sacramento | Cat826 | 1983 | 66,845 | 6 | 0.13:1 | 1100 |
| Milliken Sanitary - San Bernardino | Cat 826 w/spikes | | 66,845 | 6 | | 1000 |
| Colton Refuse - San Bernardino | Cat826 | n/a | 66,845 | 6 | 3.0:1 | 1000 |
| Miramar - San Diego | Cat826 | 1988 | 66,845 | 2 | 3.0:1 | 1280 |
| Miramar - San Diego | D9Trak Dozer | 1988 | 66,845 | 2 | 3.0:1 | |
| North County - San Joaquin | Cat826 | 1988 | 66,845 | 6 | 3.0:1 | 1100 |
| Harney Lane - San Joaquin | Cat826 | 1988 | 66,845 | 6 | 2.0:1 | 1100 |
| City of Paso Robles - San Luis Obispo | D9 dozer | | 66,845 | | 2 to 1 | |
| Tajiquas - Santa Barbara | Cat826C | 1989 | 66,845 | 9 | 2.5:1 | 1275 |
| Tajiquas - Santa Barbara | D9H doz w/ca | 1990 | 84,900 | 9 | 2.5:1 | 1275 |
| City of Lompoc - Santa Barbara | Ingersoll | 1988 | 81,000 | 4.5 | 3.0:1 | 1000 |
| Newby Island - Santa Clara | Cat826 | 1988 | 66,845 | 5 | 3.0:1 | 1750 |



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# APPENDIX C: METHODOLOGY FOR DETERMINING REFUSE:SOIL RATIOS

Many landfill operators assume their refuse:soil ratio is based on the required depth of daily and intermediate cover and the depth and area of refuse filled daily and within each area requiring an intermediate cover. The problem with such an assumption is that it does not account for variations in soil depth required to cover an uneven surface, nor for the soil that sifts down into the interstices between refuse components, nor for the voids in the filled materials. Several landfill operators interviewed commented on their experience assuming that their refuse to soil ratio was 4:1 or 5:1, only to find out after tracking the amount of soil used that the true ratio was 2:1 or even 1:1; one landfill owner discovered they were achieving a ratio of .9:1, in other words, more airspace was being used for soil than for refuse! Obviously, such disparaties between actual and assumed use of soil as a cover material can greatly distort an assessment of remaining capacity.

Because of the basic properties of soil when used as a material to cover refuse, the most accurate means of measuring its use is to track the amount of material being excavated or emplaced, rather than trying to survey the material after it is in-place. Tracking may be accomplished at the borrow site, at the stock-pile site, or by counting the number of vehicle loads of soil being applied to the site, and multiplying this number by the average volume of the loads. Since the density of soil changes between its undisturbed condition, its condition after being excavated, and its condition after being landfilled and compacted, it is necessary to develop and apply soil swell or shrinkage factors, depending on where in the cycle of excavation and emplacement the volume of soil is calculated. This factor will be different for different soils, and may be accurately determined through standard laboratory tests, or by a qualified geotechnical engineer.

To determine the refuse:soil ratio, the density of in-place refuse should already be known (see Appendix B). A time frame for the test should be established (at least one month). Over the time frame, the total weight of refuse landfilled should be tracked and coverted to volume, and the total volume of soil used to cover the refuse should also be tracked. The refuse:soil ratio is then determined by dividing total volume of refuse landfilled by the volume of soil used.

More detail on measuring soil follows.

## SOIL MEASUREMENT

The volume of soil is more reliably estimated than that of refuse, because of soils' relative homogeneity. Several estimation points, described below, are possible for soils. A landfill placement compaction factor (in-place density) for the soil is needed in every instance. The same hauling-vehicle-to-in-place compaction factor should be usable for all of the measurement scenarios described below, since hauling is common to all scenarios and only one method relies on hauling volume for measurement.

### Undisturbed volume measured at the source

The undisturbed (virgin) state is the most dense condition in which any soil is likely to be found. A virgin-soil swell factor to estimate the "fluffing" effect from initial excavation will be needed. The volume removed is typically measured using before-excavation and after-excavation surveys, mapping, and computation of the borrow area. Laboratory tests of undisturbed soil sample cores can provide a typical density for the undisturbed soil.

### In-place volume measured at the stockpile

Stockpiled soil is measured similar to undisturbed soil with some degree of recompaction likely to have occurred during stockpiling and subsequent natural settlement. A stockpiled-soil swell factor to estimate the "fluffing" effect from re-excavation will be needed. The volume removed is typically measured using before-excavation and after-excavation surveys, mapping, and computation of the affected area of the stockpile. Laboratory tests of undisturbed stockpile soil sample cores can provide a typical density for the stockpiled soil.

### Volume and weight per load (as it is hauled)

The volume of soil in a typical load for each hauling vehicle (or vehicle type) is measured or estimated. The number of loads hauled to the landfill multiplied by the volume per load is the volume of soil hauled in that vehicle type. The sum for all vehicle types is the total in-vehicle volume of soil used. The weight can be determined by weighing typical loads (for a per load weight factor) or by laboratory tests to determine an in-vehicle density factor. The in-vehicle total volume(s) converted with in-vehicle weights or density factors will provide the total weight of soil used for conversion to in-place soil volume.

## SOIL DENSITY

### Laboratory property tests

Standard field sampling and laboratory testing methodology and protocols are followed to determine such parameters as wet and dry densities, moisture content, and structural characteristics.

### Field test fills

By this method, a test fill is constructed of a known weight and in-truck volume of soil. Before and after surveys, mapping, and computations are done to define in-place volume. The placement and compaction techniques used should duplicate actual landfill practice and conditions as closely as possible.

# APPENDIX D: FACTORS AFFECTING UTILIZATION OF REMAINING CAPACITY

Several physical characteristics of landfilled refuse, and several features of sanitary landfill design and operations, can affect the ability to use remaining permitted capacity, either limiting or increasing the amount of refuse that can be placed in the fill. These include settlement, slope stability, environmental monitoring and control equipment, decomposition, and the sequence of construction of the landfill.

## Post-Placement Settlement

Refuse placed in landfills compacts over time. Density increases throughout the existence of the refuse fill, due to two primary factors: surcharging compaction (from fill material added on top of it) and refuse decomposition. The result of the densification is some degree of settlement throughout that period. The settlement produces additional fill space that may be usable. The rate of settlement can be projected using previously published methods (see Tchobanoglous, et. al., 1993). A third factor in settlement is compaction of the substrate. This can be predicted based on the original geotechnical investigation of the site.

The longer the filling of each segment of base area takes, the more fill space will be recovered through settlement. Re-use of the recovered space can be managed where sufficient depth remains to add overlying lifts, as long as already constructed final covers, drainage features, gas collection systems, and monitoring wells do not preclude such use. Cost savings or increased revenues from re-using recovered space may be negated, however, if the fill has significant environmental or stability problems. Such problems may be aggravated if overlaid by additional lifts.

Some older landfills may reach a "steady state" for a time, when the rate of settlement equals the rate of new filling. In some cases, the site may stay open for years beyond the expected closure date. While prudent landfill operation would preclude a reliance upon realizing ever-more capacity through settlement, settlement does occur in all landfills, and in some cases may significantly increase the amount of refuse that can be placed in the apparent remaining airspace.

Settlement may also become a factor in trying to construct a landfill to specified final grades. Since the sides and top of the landfill may sag with settlement, settlement must be taken into account in order to achieve a top and sides with particular slopes. With regulatory approval, some degree of over-build may be appropriate to anticipate settlement likely to occur during the life and the afterlife of the landfill, especially in areas where additional lifts to make up for settlement are not practical. Over-build may consist of a slight increase in side slope angle, or building a portion of the landfill slightly above the approved grade.

If a landfill becomes unstable, it may be impossible to build it to its approved height.

## Side Slopes

Several features of landfill side slope construction can have significant effects on capacity. These include design requirements to build benches in the side slopes, settlement of slopes, slope steepness and construction, and slope irregularity.

### *Benching*

Most landfill sideslopes are designed with benches if the fill depth exceeds fifty feet. Each bench, likely to be ten feet or more wide, decreases the potential capacity by deleting the potential fill volume that could have rested on that bench. Simple geometrics can be used to estimate the lost volume. Each succeeding bench removes a parallel "slice" of volume.

### *Settlement and Overlying Fill Surcharging*

The volume reductions discussed in the preceding section will apply to the sideslopes, as well as the landfill top area.

### *Slope Steepness and Constructibility*

In some instances, cutslopes are designed so steeply as to preclude use of field equipment to place and compact liner soils while operating parallel to the slope. Construction can proceed with that equipment by building a road-like cross-section wide enough to support the equipment working on the horizontal top surface, but the resulting liner thickness will far exceed design thickness and potentially waste valuable fill space. Most of the lost space can be recovered during construction by building in lifts and shaving the over-depth off (such as with an excavator) to reach design depth after compaction is completed. The removed liner soil can then be reused when the next liner lift is constructed.

### *Slope Irregularity*

Irregular sideslopes, such as may result from excavation of very coarse or bedrock subsoils, will require overexcavation with placement of smoothing backfill or underexcavation with placement of bridging and smoothing backfill (to protect liners). The latter situation (bridging and smoothing) will infringe on the design capacity, but is sometimes preferable to avoid costly excavation of solid rock or stabilization of loose rocks.

## Design Features

Design features that take up airspace include liners, landfill gas collection systems, and landfill gas and leachate monitoring wells, roads, and other public works. Many older landfills were designed without environmental protection features, and some must retrofit them to meet current regulatory requirements. New expansion areas may also require more advanced engineering in order to be permitted. The volume of these features should be subtracted from the total remaining capacity calculation, along with earthworks.

### Use of Alternative daily cover (adc)

Alternative daily covers that consume little or no landfill space are becoming increasingly popular, and are being used more widely each year in California. A switch to an ADC (which requires regulatory approval) will require a reassessment of the landfill's remaining capacity.

### Finishing the Fill

Operating space must be provided to allow operations near the final surfaces. Some designs, such as pyramids and ridged tops, may be difficult to operate on in their final stages.

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

Board Meeting
May 23, 1995

**AGENDA ITEM 72**

**ITEM:** APPROVAL OF DEPARTMENT OF FINANCE REPORT--"DISPOSING OF CALIFORNIA'S MUNICIPAL SOLID WASTE: A FUTURE FOR WASTE-TO-ENERGY?"

## I. SUMMARY

The Department of Finance prepared a report on the feasibility of constructing and operating new waste-to-energy facilities in California. This study was pursuant to an Interagency Agreement (# IWM-C2009 in 1992) between the Board and the Department of Finance (DOF). Under the Agreement, the Department of Finance was to be paid $100,000 for performance of the specified work tasks.

## II. PREVIOUS BOARD ACTION

There has been no action by the Integrated Waste Management Board since the award of the Interagency Agreement in 1992. Department of Finance and Board staff have met with advisors to the members of the Policy, Research and Technical Assistance Committee during the preparation and review of the report.

## III. OPTIONS FOR THE BOARD

The Board members may decide to:

1. Adopt the report as written and presented.
2. Direct the Department of Finance to revise the current text.
3. N/A.

## IV. STAFF RECOMMENDATION

Staff recommends that the Board adopt the recommendation of the Policy, Research and Technical Assistance Committee.

## V. ANALYSIS

Background

There are three municipal waste-to-energy projects, which combust about 2400 tons per day, currently operating in California.Additionally, there a is small incinerator on Santa Catalina Island that handles less than 20 tons per day and the Modesto Energy Project that burns in excess of five million tires every year. At the present time, there are no proposals to develop new municipal waste combustion facilities.

There are nearly 200 municipal solid waste combustion facilities in the United States of which about 125 recover the heat energy for the production of steam and/or electricity for off-site use. These plants range is size from approximately 5 to 4000 tons per day.

The Integrated Waste Management Act of 1989 created a "hierarchy" of waste management practices that places "transformation" (includes incineration) along with land disposal on the bottom of the rankings. The Act requires cities and counties through various source reduction, recycling and composting activities to reduce the amount of waste being disposed by 25 percent by 1995 and 50 percent by 2000. Transformation facilities may be used to divert 10 percent of the wastes by the year 2000.

In light of these statutory mandates and that transformation technologies are costly and the construction of incineration facilities often face significant community opposition, the Board asked DOF to assess the economic feasibility of waste-to-energy technologies. Specifically, DOF was charged with reviewing the current literature, conducting surveys of existing California projects and air pollution control districts.

Key Issues

Subsequent to the preparation of the final draft there were two US Supreme Court decisions that may have impact on the economic/financial feasibility of waste-to-energy projects. Reference to these two decisions were noted in the text of the report, but no analysis was provided.

The first decision--City of Chicago v Environmental Defense Fund, held that the ash residues are not specifically exempted from regulation under RCRA as a hazardous waste. The Court ruled that the 'municipal waste exemption,' which Congress had enacted in 1984, did not apply to materials that are generated from the transformation of solid waste. It is the opinion of Board staff that California's statutory requirements (Health and Safety Code Section 25143.5 and Public Resources Code Section 44150) of

periodic testing of the ash and the already existing ash management techniques (including chemical treatment) meet the requirement of the Supreme Court's decision.

The second case--C & A Carbone v Town of Clarkstown--struck down the town's flow control ordinance. In this case, the Court held that the ordinance, which required all wastes generated or collected within Clarkstown be delivered to a specified material recovery facility (MRF), violated the Commerce Clause by depriving competing solid waste interests access to the waste. The town had enacted the ordinance to assist in financing of the MRF.

Following submittal of the final draft report the CIWMB staff (and assigned advisors) decided that a "peer review" would aid the Board in assessing the reliably of the information and responding to its customer needs. Copies of the draft report were mailed to eighteen potential reviewers. Unfortunately, only a small number of reviewers actually provided comments.

The most substantive comments were provided by Wheelabrator Technologies. Wheelabrator was concerned that the report "implied the, above-referenced [Supreme] Court's ruling classifies the ash as a hazardous waste." It is the staff opinion that Wheelabrator may have over-reacted to the Department of Finance's interpretation of the regulation of the ash residues.

Report's Conclusions

The Department of Finance concluded that the inclusion of waste-to-energy as a component of an integrated waste management system warrants further consideration. The authors encouraged the Board, local solid waste planners to continue to examine the benefits of waste-to-energy technologies.

The Department felt that control systems exist to mitigate the potential environment impacts of burning municipal waste. The real impediments to the siting of waste-to-energy projects are the high capital costs, questions about control of waste, disposal of ash residues, air emissions offsets, and the "not in my backyard" attitudes of the public.

Fiscal Impacts

The Board staff has approved the payment of $100,000 for the work by DOF. The Department submitted invoices that showed nearly $110,000 in labor charges.

## VI. ATTACHMENTS

Executive Summary of Report: DISPOSING OF CALIFORNIA'S MUNICIPAL SOLID WASTE: A FUTURE FOR WASTE-TO-ENERGY?

## VII. APPROVALS

Prepared by: Neal Johnson NJ 5-15-95 Phone 255-2580

Reviewed by: Martha Gildart MG 5/15/95 Phone 255-2619

Reviewed by: Daniel Gorfain DG 5/15/95 Phone 255-2320

Legal review: _____ Phone _____

AN INFORMATION REPORT

# Disposing of California's Municipal Solid Waste: A Future for Waste-to-Energy?

Prepared By:
Office of State Audits and Evaluations
California Department of Finance

933910078DMR

July 1994

# EXECUTIVE SUMMARY

California residents generated nearly 45 million tons of municipal solid waste in 1990 at a time when existing landfill space to dispose of the waste was rapidly disappearing. Today, some areas of the State have no remaining space to dispose of the waste and others will be without landfill capacity within the next five years. Based on current remaining capacity, state solid waste planners project that by the end of the century jurisdictions representing more than 50 percent of the State's population will have no local place to dispose of their waste. As a result, fees to dispose of the waste may skyrocket as the remaining landfill capacity becomes a premium. This condition has prompted state policy makers and solid waste planners to examine ways to reduce the amount of waste that is destined for landfills.

With the passage of the California Integrated Waste Management Act of 1989, the State Legislature prescribed source reduction, recycling and composting as priority solid waste management practices to divert waste from landfills. Further, the Act established landfill diversion goals through the use of the three practices: a reduction of 25 percent by 1995 and 50 percent by the year 2000. The Act allows the "transformation" of waste to help achieve the 50 percent goal, but transformation technologies, such as incineration, can only account for ten percent.

Although state law currently allows the use of transformation practices, the technologies have made slow inroads into California's municipal solid waste disposal practices. Several reasons have contributed to this situation, including concerns about the public health and safety of transformation technologies and local opposition to the construction of transformation facilities in their neighborhood. Moreover, most transformation technologies are costly, especially the processing of waste to generate energy, and solid waste planners are reluctant to pursue the technology when construction of a processing plant is highly unlikely. Nevertheless, the growing shortage of landfill capacity and the escalating cost of new, as well as existing landfills are causing policy makers and planners to take another look at transformation technologies. To assist in its consideration of the technologies, the California Integrated Waste Management Board asked the Department of Finance to assess the economics of waste-to-energy (WTE) technologies.

As we conducted this review, we found that determining the economic value of waste-to-energy technologies might have limited application to the Board unless the analysis was made for a specific waste-to-energy proposal. However, we found that several factors affect the economics and, depending on a specific proposal, each factor could take one of several values. To prepare a "generic" waste-to-energy analysis, we would be required to make assumptions about certain factors, such as plant size and type, costs, air pollution offsets, and

air pollution control measures. Since our assumptions would influence the results of the analysis, a reader could be misinformed and misled about the economics of waste-to-energy technologies. Consequently, we present only a model which shows the types of factors to be included in an analysis and their relationship to a 'tipping fee'; i.e., the fee charged to dump waste at a WTE facility. This model is presented in Appendix F.

Equally important to a review of waste-to-energy technologies, we found that municipal solid waste planners and other local officials should consider several other issues when reviewing alternative solid waste management practices. This report includes a discussion of many issues including: content and volume of the waste stream, waste-to-energy by-products, existing recycling and composting programs, transportation routes, the jurisdiction's ownership of the waste (i.e., flow control), plant size and technology and air emission offsets. In addition, since processing waste at a waste-to-energy facility is an alternative to disposing of the waste in landfills, the environmental effects and complete costs of landfills are important. Moreover, local officials need a full and accurate understanding of these issues not only to properly size any possible waste-to-energy plant but also to fully inform its community members about the advantages and disadvantages of the various waste management options.

Based on our readings and discussions with industry representatives, we found that WTE proponents believe that integrated waste management systems that include recycling, composting and waste-to-energy processing can reasonably divert 90 to 95 percent of municipal solid waste from landfills. Current 'best available control technology' seems to exist for waste-to-energy facilities to bring air emissions within acceptable federal, state and local standards, rules and regulations. In addition, surveys of existing waste-to-energy facilities throughout the United States indicate that recycling and waste-to-energy processing can work well together. In fact, most surveyed jurisdictions where an integrated system is in place reported recycling rates higher than the national average.

Whether waste-to-energy facilities are part of an integrated system or operated independent of other diversion programs, local officials are cautioned about overbuilding a waste-to-energy plant. Elsewhere in the United States, current experience shows that some waste-to-energy facilities are not operating at full capacity because of a shortage of solid waste. As a result, higher tipping fees are causing an even greater shortage of waste as waste haulers transport the waste to less costly disposal sites. Compounding the problem, when sufficient volume is not available to operate plants at contracted levels, local officials are often required to pay private operators for the shortage under a "put or pay" provision.

Complete and accurate education of the public also was viewed by many successful developers of waste-to-energy facilities as a primary requirement. The "not-in-my-backyard" opponents to waste-to-energy have successfully prevented many proposed projects from advancing. By properly educating the public, much of the distrust and misinformation about WTE technologies can be overcome, thus creating better harmony between the waste facility and the community.

Despite the apparent benefits of waste-to-energy, several critical issues pertaining to the technology remain in doubt. The United States Supreme Court is currently hearing cases involving two waste-to-energy issues. The first involves a ruling on whether ash from waste-to-energy processing will be labeled a hazardous material. Two federal appeals courts have made conflicting rulings. As a hazardous material, the cost of ash disposal could increase to ten times the rate for non-hazardous material. The second issue involves a jurisdiction's right to restrict the flow of municipal solid waste out of its boundaries. This issue is key to ensuring financial institutions, bondholders and taxpayers that sufficient waste will be available to operate a waste-to-energy facility at, or near, design capacity. *(Editor's Note: in May 1994, the United States Supreme Court issued decisions in these two cases. In the case involving ash, the Court held that Congress had not specifically exempted municipal solid waste incinerator ash from the definition of a hazardous waste and, therefore, the ash is regulated under Subtitle C of the Resources Conservation and Recovery Act of 1976. In the case regarding flow control, the Court struck down a flow control ordinance enacted in the Town of Clarkstown, New York.)*

Another deterring factor to new development of waste-to-energy facilities may be a recent challenge by major utility companies to a federal law requiring the purchase of non-utility power from "qualifying facilities". While waste-to-energy technologies should be primarily considered as an alternative method for the disposal of solid waste, the sale of its by-products nevertheless is important to keeping the tipping fee at a minimum. The reduction in electricity revenues could drastically impact some waste-to-energy operations.

At a time when waste-to-energy technologies are encountering challenges, recycling and landfill operations also are experiencing difficult times. Several recent published articles noted that some jurisdictions are re-assessing their recycling goals as they are only recovering about 25 percent of their recycling costs. Low market demand coupled with an abundant supply of recycled goods have caused jurisdictions to stock pile and, in some cases, landfill unsold goods. With the flood of recycled goods on the market place, some foreign countries, such as Germany that had a high recycling rate, are now turning to alternative means of waste disposal. As the market continues to decline, recycling advocates are urging state and federal legislatures to enact mandatory re-use programs but, to date, the response has been slow.

New environmental control requirements on landfills continue to increase the cost of landfill operations and permit approval for new or expanded operations grows increasingly difficult to obtain. Also, the full cost of landfill operations may not be reflected in a landfill tipping fee as jurisdictions use other revenue sources to subsidize the fee. If total landfill costs, including all closure and post-closure costs, as well as costs reflecting the lost value of the land are fully reflected in a tipping fee, the costs could more reasonably be compared to a tipping fee of a waste-to-energy facility. In addition, while only a few California air pollution control districts and air quality management districts currently require "offsets" for new landfill air emission, the practice could become more widespread. Because availability of specific emission offsets may be difficult to obtain in certain locations, some landfill

operations as well as some new waste-to-energy facilities may be extremely difficult to implement or site in California.

We encourage the Board, local solid waste planners and other local officials continue to examine the potential benefits of waste-to-energy technologies, even though several issues are undecided. Moreover, in view of reported accomplishments, we believe an integrated waste management system that includes a waste-to-energy component warrants further review. Critical to the continued assessment of waste-to-energy is more complete information about landfill costs and air emissions from landfills. This information will help to "level the playing field" so that a more accurate comparison can be made between the alternative methods of disposing of municipal solid waste.

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

Board Meeting
May 23, 1995

**AGENDA ITEM 74**

**ITEM:** CONSIDERATION OF FINAL DESIGNATION OF THE MOJAVE RECYCLING MARKET DEVELOPMENT ZONE

## I. SUMMARY

On March 30, 1994, the Board designated Mojave as a Recycling Market Development Zone. The Mojave Zone designation was conditionally approved to allow the Zone Administrator time to comply with California Environmental Quality Act (CEQA) requirements.

By regulation, conditionally designated zones must fulfill all conditions of approval prior to being granted final designation. After receiving final designation, zones and businesses would be eligible to receive program benefits, including Recycling Market Development Zone loans.

## II. PREVIOUS COMMITTEE ACTION

This item was considered by the Market Development Committee at its May 11 meeting. The Committee approved the staff recommendation and forwarded the item to the Board on consent.

## III. OPTIONS FOR THE BOARD

1. Approve the staff recommendation
2. Not approve the staff recommendation

## IV. STAFF RECOMMENDATION

Staff recommends that the Board approve the Mojave Recycling Market Development Zone for final designation.

## V. ANALYSIS

Background:

Section 17911 of Title 14, of the California Code of Regulations, requires conditionally designated zones to send the Board a

formal request for final designation status upon meeting conditions of approval. To receive program benefits, such as low interest loans, zones must be granted final designation status. Staff has received a letter of request for final designation.

Findings:

Staff of the Diversion, Planning and Local Affairs Division has reviewed and commented on the Negative Declaration for the Mojave Recycling Market Development Zone. Mojave has submitted a Notice of Determination as proof of CEQA compliance (see attachment #2).

Board staff finds the Mojave Recycling Market Development Zone has completed all conditions for final designation, and satisfied the criteria for designation as set forth in Title 14 of the California Code of Regulations, Sections 17900-17914.

## VI. ATTACHMENTS

1. Resolution 95-223
2. Notice of Determination

## VII. APPROVALS

Prepared by: Phil Hyson PH 5/12/95 Phone: 255-2443

Reviewed by: John R. Blue JB 5/12/95 Phone: 255-2451

Reviewed by: Carole Brow CB 5/12/95 Phone: 255-2426

Reviewed by: Daniel Gorfain DG 5/12/95 Phone: 255-2320

Legal Review: TKCM Date/Time: 5/15/95 - 9:15 a.m.

Attachment #1

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**
**RESOLUTION 95-223**

**FOR FINAL DESIGNATION OF THE**
**MOJAVE RECYCLING**
**MARKET DEVELOPMENT ZONE FOR**
**DESIGNATION CYCLE 1993-94**

WHEREAS, Public Resources Code Sections 42010-42023 establish the Recycling Market Development Zone Program for the development of Secondary Materials Business Enterprises; and

WHEREAS, Public Resources Code Sections 40502 and 42013 grant the Board the authority to develop regulations describing the process for Recycling Market Development Zone application and designation; and

WHEREAS, in accordance with Title 14, California Code of Regulations, Section 17910, designated zones must comply with California Environmental Quality Act (CEQA) requirements in order to receive final designation and be eligible for program incentives; and

WHEREAS, the Mojave Zone was granted conditional designation as a Recycling Market Development Zone in March 1994; and

WHEREAS, the Mojave Zone has demonstrated compliance with CEQA and completed all requirements for final designation as a zone pursuant to regulatory requirements found in Title 14, CCR section 17910-17911;

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby grants final designation as a Recycling Market Development Zone to the Mojave Recycling Market Development Zone.

CERTIFICATION

The undersigned Executive Director of the California Integrated 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 Integrated Waste Management Board held on May 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

# NOTICE OF DETERMINATION

To: (X) Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

(X) Clerk of the Board of Supervisors
County of San Bernardino
385 North Arrowhead Ave., 2nd Flr.
San Bernardino, CA 92415-0130

From: Mojave Desert/Mountain Solid Waste JPA
P.O. Box 5001
Victorville, CA 92393-5001

Clearinghouse # 95022047

*SUBJECT:*
**Filing of Notice of Determination in Compliance with Section 21108 or 21152 of the Public Resources Code.**

## Project Description

Title: Mojave Recycling Market Development Zone (RMDZ)

Designation of the Mojave RMDZ focuses State and local incentives to encourage industrial use of recycled materials such as paper, tires, and organic waste. Zone boundaires include commercial and industrial zoned properties within the Towns of Apple Valley and Yucca Valley, and the Cities of Barstow, Twentynine Palms and Victorville. The Mojave Desert and Mountain Solid Waste Joint Powers Aauthority (the JPA) administers the RMDZ on behalf of the five communities. RMDZ designation changes the JPA organization by including Zone Administration responsibliities as part of the JPA Administrator's activities, and including marketing, outreach, and economic development referal and coordination as part of the JPA program. Specific development projects will be considered and approved by each of the member municipalities. The JPA does not exercise any land use authority within the five RMDZ municipalities. All specific project decisions, including analysis of environmental immpacts, remain the responsibility of the municipalities in accordance with their established procedures.

Location: Incorporated Apple Valley, Barstow, Twentynine Palms, Victorville and Yucca Valley

## Applicant

Mojave Desert/Mountain SWJPA
Name

P.O. Box 5001
Address

Victorville CA 92393-5001

(619) 955-5027
Phone

## Representative

John C. Davis
Name

P.O. Box 5001

Victorville CA 92392-5001
Address

(619) 955-5027
Phone

State Clearinghouse Number _____

John C. Davis, Administrator
Lead Agency Contact Person

(619) 955-5027
Area Code/Telephone Number

CLERK OF THE BOARD OF SUPERVISORS
95 MAR -9 PM 4:35
COUNTY OF SAN BERNARDINO

This is to advise that the JPA BOARD OF DIRECTORS approved the above described project on March 9, 1995
(X) Lead Agency ( ) Responsible Agency
and has made the following determinations regarding the above project.

1. The project will not have a significant effect on the environment.
2. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were not made a condition of the approval of the project.
4. A Statement of Overriding Considerations was not adopted for this project.
5. Findings were not made pursuant to the provisions of CEQA.

| Signature (Public Agency) John C. Davis | March 9, 1995 | Administrator |
|---|---|---|
| | Date | Title |

Date received for filing at OPR: _____

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**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

Board Meeting
May 23, 1995

**AGENDA ITEM 15**

**ITEM:** CONSIDERATION OF FINAL DESIGNATION OF THE ANAHEIM RECYCLING MARKET DEVELOPMENT ZONE

## I. SUMMARY

On March 30, 1994, the Board designated Anaheim as a Recycling Market Development Zone. The Anaheim Zone designation was conditionally approved to allow the Zone Administrator time to comply with California Environmental Quality Act (CEQA) requirements.

By regulation, conditionally designated zones must fulfill all conditions of approval prior to being granted final designation. After receiving final designation, zones and businesses would be eligible to receive program benefits, including Recycling Market Development Zone loans.

## II. PREVIOUS COMMITTEE ACTION

This item was considered by the Market Development Committee at its May 11, 1995, meeting. The Committee approved the staff recommendation and forwarded the item to the Board on consent.

## III. OPTIONS FOR THE BOARD

1. Approve the staff recommendation
2. Not approve the staff recommendation

## IV. STAFF RECOMMENDATION

Staff recommends that the Board approve the Anaheim Recycling Market Development Zone for final designation.

## V. ANALYSIS

Background:

Section 17911 of Title 14, of the California Code of Regulations, requires conditionally designated zones to send the Board a

formal request for final designation status upon meeting conditions of approval. To receive program benefits, such as low interest loans, zones must be granted final designation status. Staff has received a letter of request for final designation.

Findings:

Staff of the Diversion, Planning and Local Affairs Division has reviewed and commented on the Negative Declaration for the Anaheim Recycling Market Development Zone. Anaheim has submitted a Notice of Determination as proof of CEQA compliance (see attachment #2).

Board staff finds the Anaheim Recycling Market Development Zone has completed all conditions for final designation, and satisfied the criteria for designation as set forth in Title 14 of the California Code of Regulations, Sections 17900-17914.

## VI. ATTACHMENTS

1. Resolution 95-223
2. Notice of Determination

## VII. APPROVALS

Prepared by: John R. Blue JRB 5/12/95 Phone: 255-2451

Reviewed by: Carole Brow 5/12/95 Phone: 255-2426

Reviewed by: Daniel Gorfain 5/12/95 Phone: 255-2320

Legal Review: Nam Date/Time: 5/15/95

Attachment #1

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**
**RESOLUTION 95-223**

**FOR FINAL DESIGNATION OF THE**
**ANAHEIM RECYCLING**
**MARKET DEVELOPMENT ZONE FOR**
**DESIGNATION CYCLE 1993-94**

WHEREAS, Public Resources Code Sections 42010-42023 establish the Recycling Market Development Zone Program for the development of Secondary Materials Business Enterprises; and

WHEREAS, Public Resources Code Sections 40502 and 42013 grant the Board the authority to develop regulations describing the process for Recycling Market Development Zone application and designation; and

WHEREAS, in accordance with Title 14, California Code of Regulations, Section 17910, designated zones must comply with California Environmental Quality Act (CEQA) requirements in order to receive final designation and be eligible for program incentives; and

WHEREAS, the Anaheim Zone was granted conditional designation as a Recycling Market Development Zone in March 1994; and

WHEREAS, the Anaheim Zone has demonstrated compliance with CEQA and completed all requirements for final designation as a zone pursuant to regulatory requirements found in Title 14, CCR sections 17910-17911;

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby grants final designation as a Recycling Market Development Zone to the Anaheim Recycling Market Development Zone.

CERTIFICATION

The undersigned Executive Director of the California Integrated 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 Integrated Waste Management Board held on May 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

Attachment #2

F 81695

CITY OF ANAHEIM, CALIFORNIA 92803

POSTED

MAR 02 1995

OFFICE OF THE CITY CLERK

NOTICE OF DETERMINATION

GARY L. GRANVILLE, County Clerk

By _____ DEPUTY

To: Old County Courthouse
County Clerk's Office
Public Service Division
P. O. Box 22013
Santa Ana, CA 92702

Date: March 2, 1995
EIR No:
State CH No: 95011032

In accordance with Section 21152 of the Public Resources Code, forwarded for filing and posting is the Notice of Determination for the following project:

PROJECT IDENTIFICATION: Anaheim's Recycling Market Development Zone Program.

LOCATION: Anaheim Canyon Industrial Area including the Northeast Area of Redevelopment Project Alpha.

PROJECT DESCRIPTION: Anaheim's Recycling Market Development Zone (RMDZ) program is an economic and technical assistance program authorized and funded by the State of California which includes a low interest loan program available to manufacturers within the RMDZ that make new products from recycled matarials, including glass, plastic and paper.

PROJECT CONTACT: City of Anaheim Community Development Dept., 201 South Anaheim Blvd., Anaheim, CA 92805.

AGENT: Mike Welch, Sr. Pjct. Mgr., 201 S. Anaheim Blvd., #1003, Anaheim, CA 92805.

This is to advise that at a regular meeting held February 28, 1995, the City Council approved the above described project, and has made the following determinations:

1. The project will not have a significant effect on the environment.

2. Mitigation measures were not made conditions of approval of the project.

3. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

4. A Statement of Overriding Considerations was not adopted for this project.

5. Findings were made pursuant to the provisions of CEQA.

It is respectfully requested that the original and one copy of the Notice, as filed, be stamped as received by the County Clerk, that the posting information be provided, and that one certified copy be returned to this office.

Leonora N. Sohl
City Clerk

LNS:aw

FILED

MAR 02 1995

GARY L. GRANVILLE, Clerk-Recorder

By _____ DEPUTY

200 South Anaheim Boulevard, P.O. Box 3222, (714) 254-5166

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**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

Board Meeting
May 23, 1995

**AGENDA ITEM** 76

**ITEM:** CONSIDERATION OF FINAL DESIGNATION OF THE SAN FRANCISCO RECYCLING MARKET DEVELOPMENT ZONE

## I. SUMMARY

On February 22, 1995, the Board designated San Francisco as a Recycling Market Development Zone (RMDZ). The San Francisco RMDZ designation was conditionally approved to allow the zone administrator time to comply with California Environmental Quality Act (CEQA) requirements.

By regulation, conditionally designated zones must fulfill all conditions of approval prior to being granted final designation. After final designation, zones and businesses are eligible to receive program benefits, including Recycling Market Development Zone loans.

## II. PREVIOUS COMMITTEE ACTION

At the time the Board agenda item was due, the Market Development Committee had not yet met. The results of the May 11, 1995, Market Development Committee will be presented at the Board meeting.

## III. OPTIONS FOR THE BOARD

The Board members may decide to:

1. Approve the staff recommendation
2. Not approve the staff recommendation

## IV. STAFF RECOMMENDATION

Staff recommends that the Board approve the San Francisco RMDZ request for final designation.

## V. ANALYSIS

Background

Section 17911 of Title 14, California Code of Regulations, requires conditionally designated zones to send the Board a formal request for final designation status upon meeting conditions of approval. To receive program benefits, such as low interest loans, zones must be granted final designation status.

In December 1994, on the advice of Board legal counsel, RMDZ staff began to require a Notice of Determination as proof of CEQA compliance. The Notice of Exemption provided by San Francisco as proof of CEQA compliance was dated September 27, 1994 but not filed with the County Clerk until January 30, 1995. While the document wasn't presented to Board staff until March 1995, it is evident that the CEQA documentation was prepared in accordance with guidance provided by Board staff well in advance of this date.

Findings

Staff of the Waste Prevention and Market Development Division has received a request for final designation (Attachment #2) and finds that the San Francisco RMDZ has complied with CEQA requirements. Therefore, the San Francisco RMDZ has completed all conditions for final designation. The application is complete and has met the criteria for designation as set forth in Title 14 of the California Code of Regulations, Sections 17900-17914.

## VI. ATTACHMENTS

1. Resolution # 95-435
2. San Francisco Zone Administrator letter requesting final designation
3. Notice of Exemption

**VII. APPROVALS**

Prepared by: Lin Lindert 5/7/95 Phone: 255-4453

Reviewed by: John R. Blue 5/8/95 Phone: 255-2451

Reviewed by: Carole Brow 5/8/95 Phone: 255-2426

Reviewed by: Daniel Gorfain 5/8/95 Phone: 255-2320

Legal Review: Date/Time: 5/9/95 2:30pm

Attachment #1

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**
**RESOLUTION # 95-435**

**FOR FINAL DESIGNATION OF THE SAN FRANCISCO RECYCLING MARKET DEVELOPMENT ZONE FOR DESIGNATION CYCLE 1994-95**

WHEREAS, Public Resources Code Sections 42010-42023 establish the Recycling Market Development Zone Program for the development of Secondary Materials Business Enterprises; and

WHEREAS, Public Resources Code Sections 40502 and 42013 grant the Board the authority to develop regulations describing the process for Recycling Market Development Zone application and designation; and

WHEREAS, in accordance with Title 14, California Code of Regulations (CCR), Section 17910 designated zones must comply with California Environmental Quality Act (CEQA) requirements in order to receive final designation and be eligible for program incentives; and

WHEREAS, San Francisco was granted conditional designation as a Recycling Market Development Zone in February 1995; and

WHEREAS, the San Francisco Zone has demonstrated compliance with CEQA and completed all requirements for final designation as a zone pursuant to regulatory requirements found in 14 CCR 17910-17911;

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby grants final designation as a Recycling Market Development Zone to San Francisco.

CERTIFICATION

The undersigned Executive Director of the California Integrated 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 Integrated Waste Management Board held on May 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

Attachment #2

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

# SOLID WASTE MANAGEMENT PROGRAM

SAN FRANCISCO RECYCLING PROGRAM • HAZARDOUS WASTE MANAGEMENT PROGRAM

March 13, 1995

Mr. Wesley Chesbro, Acting Chair
Integrated Waste Management Board
California Environmental Protection Agency
8800 Cal Center Drive
Sacramento, CA 95826

**RE: Final Designation of San Francisco Recycling Market Development Zone**

Dear Mr. Chesbro:

By this letter, the City and County of San Francisco is requesting final designation as a Recycling Market Development Zone. Last month your Board awarded San Francisco conditional zone designation, pending completion of the environmental review requirements. Attached is a copy of the filed Certificate of Determination, which completes our environmental review.

We look forward to working with your Board on developing markets for the many recyclables collected in San Francisco each year. If you have any questions about our request or plans, please feel free to call me at (415) 554-3400.

Sincerely,

Sharon Maves
Manager, San Francisco Recycling Program
Administrator, San Francisco RMDZ

attachment

✓cc: Lin Lindert, CIWMB

sm:4/finaldes

1145 MARKET STREET, SUITE 401 SAN FRANCISCO, CALIFORNIA 94103 (415) 554-3400 FAX (415) 554-3434

Printed on Recycled Paper

Attachment #3

City and County of San Francisco
The Planning Department
1660 Mission Street
San Francisco, CA 94103-2414
(415) 558-6395

#2100

ENDORSED
FILED
San Francisco County Clerk-Recorder
JAN 30 1995
BRUCE B. JAMISON, County Clerk-Recorder
BY: KEITH WONG

CERTIFICATE OF DETERMINATION
OF EXEMPTION/EXCLUSION FROM ENVIRONMENTAL REVIEW

Project Title : 94.504E: Recycling Market Development Zone
Location: San Francisco
City and County : San Francisco

Description of Nature and Purpose of Project:
The proposed project is a request to the State of California Integrated Waste Management Board to designate San Francisco a Recycling Market Development Zone (RMDZ). The California Integrated Waste Management Board (State Board) has established the Recycling market Development Zone Program which is designed to encourage businesses in California to use recycled feedstock (postconsumer waste materials). A Zone designation is an economic overlay which makes relevant businesses within the Zone eligible for limited low-interest loans from the State.

Name of Person, Board, Commission or Department Proposing to Carry Out Project:
San Francisco Solid Waste Management Program with approval of the California Integrated Waste Management Board.

EXEMPT STATUS: (Check One)

X Categorical Exemption (State Guidelines, Section 15300-15329; Public Resources Code, Section 21085). State Class Number: Class 20

REMARKS:
The proposed project is an application to establish an RMDZ, as described above. The RMDZ would be citywide and would not alter any existing zoning controls or land use categories. Establishment of the RMDZ would facilitate the coordination of several economic vitality groups within City departments. The Mayor's Office of Business and Community Services, the San Francisco Redevelopment Agency and the Solid Waste Management Program would implement a collaborative effort to utilize the RMDZ to retain and attract eligible businesses which is part of their current duties. The designation would have no direct physical consequences. It would simply establish eligibility for additional financing. All business would be required to meet all local codes and obtain all necessary permits. Any subsequent individual development project that might be proposed in response to the RMDZ program would be subject to separate environmental review. (Continued next page)

Contact Person: Jim McCormick 558-6394

Date of Determination: Sept 27, 1994

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

Barbara W. Sahm
BARBARA W. SAHM,
Environmental Review Officer

cc: Robert Passmore
Monica Jacobs
Gerald Green
Sponsor
Bulletin Board
M.D.F.
Exemption/Exclusion File

ADMINISTRATION (415) 558-6414
CITY PLANNING COMMISSION (415) 558-6414
PLANS AND PROGRAMS (415) 558-6264
IMPLEMENTATION/ZONING (415) 558-6377
FAX: 558-6409
FAX: 558-6426

#2100

ENDORSED
FILED
San Francisco County Clerk-Recorder

JAN 30 19

BRUCE H. JAMISON, County Clerk-Recorder

BY: KEITH WONG

REMARKS: (Cont)

Class 20 of the State Guidelines exempts from environmental review reorganization of local governmental agencies where the changes do not change the geographical area in which previously existing powers are exercised. Examples include but are not limited to establishment of a subsidiary district. The proposed project would establish a district that would facilitate the coordination of ongoing activities of city departments and potentially enhance their effectiveness through an indirect increase in available funds. The project would be consistent with Class 20 and therefore no environmental review is required.

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

Board Meeting
May 23, 1995

**AGENDA ITEM 77**

**ITEM:** CONSIDERATION OF THE EXPANSION OF THE CENTRAL COAST RECYCLING MARKET DEVELOPMENT ZONE TO INCLUDE THE CITY OF EL PASO DE ROBLES

## I. SUMMARY

The Board approved the Central Coast Recycling Market Development Zone (CCRMDZ) during the second designation cycle in March 1993. The CCRMDZ is comprised of Monterey County and its cities, and the unincorporated areas of San Benito, San Luis Obispo, Santa Cruz counties and the cities of Watsonville and Hollister. The zone covers 8,461 square miles and includes a population of 828,680. The components of the wastestream to be targeted for recycling business development come primarily from the large agricultural sector with a diverse number of crops, and the tourist industry, especially along the Pacific Coast. The County of Monterey's recycling coordinator currently serves as the zone administrator for the CCRMDZ.

The CCRMDZ has submitted an application to expand the RMDZ to include the City of el Paso de Robles (Paso Robles). Staff has reviewed this application and found it to be complete. Paso Robles will be a voting member of the governing body of the CCRMDZ and will be the first city in the County of San Luis Obispo to join the CCRMDZ.

By regulation, all members of an existing RMDZ must approve the expansion. The Board received resolutions from the existing six zone members approving this expansion. The 12 cities in Monterey County are represented by the zone administrator for the County of Monterey, through a joint powers agreement. Upon expansion, businesses located within Paso Robles will be eligible to receive RMDZ program benefits, including RMDZ low interest loans.

## II. PREVIOUS COMMITTEE ACTION

At the time the Board agenda item was due, the Market Development Committee had not yet met. The results of the May 11, 1995, Market Development Committee will be presented at the Board meeting.

## III. OPTIONS FOR THE BOARD

Board members may decide to:

1. Approve the expansion of the CCRMDZ to include the City of el Paso de Robles.

2. Not approve the expansion.

## IV. STAFF RECOMMENDATION

Staff recommends that the Board approve the request for expansion of the CCRMDZ to include the City of el Paso de Robles.

## V. ANALYSIS

Background

Title 14, California Code of Regulations (CCR), Section 17914 requires that an RMDZ submit an application to the Board describing proposed changes for an existing zone plan. For a zone expansion, the applicant must include zone maps, a resolution, and a marketing plan as well as evidence of compliance with California Environmental Quality Act (CEQA). In addition, the proposed new jurisdiction must include letters of commitment and support. The jurisdictions comprising the existing RMDZ must approve the proposed zone changes and submit resolutions from their governing bodies indicating this approval.

The objectives of the expansion are to enable Paso Robles to actively pursue a recycling market development strategy to locate new and/or expand existing recycling based businesses in the area. In addition, as a participating member of the CCRMDZ, Paso Robles will have a stronger basis to comply with the mandates of the Integrated Waste Management Act of 1989. By creating a stronger and more diversified infrastructure to use secondary materials, less waste will go to local landfills.

Paso Robles will target paper, plastics, glass, metals, and textiles as materials for diversion activities that include encouraging businesses to use these secondary feedstocks in manufacturing processes.

Findings

Staff of the Waste Prevention and Market Development Division has reviewed the application, submitted on January 29, 1995, and has found it to be complete and to have met the requirements of the CCR. Staff of the Diversion, Planning and Local Affairs Division has reviewed and commented on the Negative Declaration and Initial Study for the expansion of the CCRMDZ to include the City of el Paso de Robles. The CCRMDZ has submitted a Notice of Determination as proof of CEQA compliance (see attachment 3).

## VI. ATTACHMENTS

1. Resolution # 95-434
2. Letter from the Central Coast Zone Administrator requesting inclusion of the City of el Paso de Robles in the CCRMDZ.
3. Notice of Determination for the City of el Paso de Robles
4. Description of the City of el Paso de Robles

## VII. APPROVALS

Prepared by: Lin Lindert 5/7/95 Phone: 255-4453

Reviewed by: John Blue JLB 5/9/95 Phone: 255-2451

Reviewed by: Carole Brow 5/9/95 Phone: 255-2426

Reviewed by: Daniel Gorfain 5/9/95 Phone: 255-2320

Legal review/Approval: Date/Time: 5/9/95 - 3pm

Attachment #1

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**
**RESOLUTION # 95-434**

**FOR REDESIGNATION OF THE**
**CENTRAL COAST RECYCLING MARKET DEVELOPMENT ZONE**
**TO INCLUDE THE CITY OF EL PASO DE ROBLES**

WHEREAS, Public Resources Code Sections 42010-42023 establish the Recycling Market Development Zone Program for the development of Secondary Materials Business Enterprises; and

WHEREAS, Public Resources Code Sections 40502 and 42013 grant the Board the authority to develop regulations describing the process for Recycling Market Development Zone application, designation, and redesignation; and

WHEREAS, in accordance with Title 14, California Code of Regulations (CCR), Section 17914 zones requesting redesignation must submit an application for redesignation including resolutions approving the expansion from all participating jurisdictions, a marketing plan for the proposed new jurisdiction, and proof of compliance with the California Environmental Quality Act (CEQA) requirements for the new jurisdiction in order to be approved for redesignation; and

WHEREAS, the City of el Paso de Robles has demonstrated compliance with CEQA and completed a marketing plan; and

WHEREAS, the Central Coast Recycling Market Development Zone has completed all the requirements for redesignation to include the City of el Paso de Robles pursuant to regulatory requirements found in 14 CCR 17914;

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby approves the redesignation of the Central Coast Recycling Market Development Zone to include the City of el Paso de Robles.

CERTIFICATION

The undersigned Executive Director of the California Integrated 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 Integrated Waste Management Board held on May 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

Attachment #2

# MONTEREY COUNTY


**DEPARTMENT OF HEALTH** ROBERT J. MELTON, M.D., M.P.H., Director

FAMILY AND COMMUNITY HEALTH ENVIRONMENTAL HEALTH HEALTH PROMOTION
MENTAL HEALTH ALCOHOL AND DRUG PROGRAMS EMERGENCY MEDICAL SERVICES

☑ 1270 NATIVIDAD ROAD, SALINAS, CALIFORNIA 93906-3198 (408) 755-4500
☐ 1200 AGUAJITO ROAD, MONTEREY, CALIFORNIA 93940-4898 (408) 647-7650
☐ 1180 BROADWAY, KING CITY, CALIFORNIA 93930 (408) 385-8350
☐ 1292 OLYMPIA AVENUE, SEASIDE, CALIFORNIA 93955 (408) 899-8100
☐ 1000 S. MAIN ST., #306, SALINAS, CALIFORNIA 93901 (408) 755-8486

PLEASE REPLY TO ADDRESS CHECKED


January 29, 1995

Ms. Lin Lindert
California Integrated Waste Management Board
8800 Cal Center Drive
Sacrament, CA 95826

Dear Lin;

It is my pleasure to forward to you the completed application and resolutions for the City of El Paso de Robles to join the Central Coast Recycling Market Development Zone (CCRMDZ).

As you can see by the enclosed resolutions, all of our jurisidctions are in agreement to redesignate the CCRMDZ to include the City of El Paso de Robles.

Please let me know if I can be of further assistance.

Sincerely,

Kurt Hunter
Zone Administrator
Central Coast Recycling MArket Development Zone

# Notice of Determination

Attachment #3

To: X Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

X County Clerk
County of San Luis Obispo
County Government Center
San Luis Obispo, CA 93408

From: (Public Agency) City of El Paso de Robles
801 - 4th Street
(Address)
Paso Robles, CA 93446

(ENDORSED)
FILED
FEB 27 1995
JULIE L. RODEWALD, COUNTY CLERK
By ELEANOR PORTER
Deputy Clerk

*Subject:*
**Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.**

Application for designation as a member of the Central Coast Recycling Market Development Zone.
**Project Title**

| | | |
|---|---|---|
| 95021022 | John McCarthy | (805) 237-3970 |
| State Clearinghouse Number (If submitted to Clearinghouse) | Lead Agency Contact Person | Area Code/Telephone/Extension |

City Wide
**Project Location** (include county) City of El Paso de Robles, San Luis Obispo County

**Project Description:** Application for designation as a participating member of the Central Coast Recycling Market Development Zone.

This is to advise that the City Council / Planning Commission (☒ Lead Agency ☐ Responsible Agency) has approved the above described project on February 21, 1995 (Date) and has made the following determinations regarding the above described project:

1. The project [☐ will ☒ will not] have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☐ were ☒ were not] made a condition of the approval of the project.
4. A statement of Overriding Considerations [☐ was ☒ was not] adopted for this project.
5. Findings [☐ were ☒ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval is available to the General Public at:

*Signature* (Public Agency) John R. McCarthy *Date* 2/23/95 *Title* Public Works Director

...e received for filing at OPR:

250

Attachment #4

## DESCRIPTION OF THE CITY OF EL PASO DE ROBLES

The City of el Paso de Robles (Paso Robles) is located in northern San Luis Obispo County. The population is approximately 17,000 residents and the growth rate is 9.1 percent, making it the fastest growing community in San Luis Obispo County. In addition, Paso Robles' commercial and industrial sectors have grown dramatically in the past ten years.

The city has a strong commitment to economic development and has implemented an Economic Strategy Plan that contains a number of strategies, such as marketing plans and reducing fees, that will complement the Recycling Market Development Zone program. Paso Robles has an Economic Development Department and an Economic Development Manager. In addition, the city has an active Business Improvement Association and Chamber of Commerce. The city plans to actively recruit recycling based manufacturers. In addition, Paso Robles has numerous sites that are appropriate for locating recycling based manufacturers.

The primary economic sectors are manufacturing, tourism, and retail/commercial development. In addition, because the city is located in a strong agricultural area, support businesses for the area's grape growing and cattle grazing businesses also make contributions.

Paso Robles initiated its curbside collection system in 1992. Since that time, quantities of recoverable materials have been growing and will provide a feedstock base for recycling manufacturers wishing to locate in Paso Robles. The city has targeted Paper, plastics, glass, metals, and textiles as materials for diversion activities such as encouraging recycling based manufacturing.

Paso Robles will be the first city in San Luis Obispo County to join the Central Coast Recycling Market Development Zone (CCRMDZ). The Director of Public Works, John R. McCarthy, will be the contact person for the city, and will be a voting member of the CCRMDZ committee. The city will provide the zone administrator with $3,000 to support the efforts of the CCRMDZ and will sign a Memorandum of Understanding which obligates members of the zone to support both financially and administratively the efforts of the zone.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

May 23, 1995

Agenda Item 78

**ITEM:** Consideration of State Legislation

**SUMMARY**

This item presents analyses of 20 bills for the Board's consideration. Also included in the packet is the *Status Report of Priority Bills*, which is provided for the Board's information.

**PREVIOUS COMMITTEE ACTION**

At its May 9, 1995 meeting, members of the Legislation and Public Education Committee (LPEC) voted to forward 22 bills to the full Board for a position. Two additional bills on the agenda for the LPEC meeting, SB 739 (Polanco) and SB 1023 (Johnston), were not heard because they had become two year bills. Since the LPEC meeting, a third bill, AB 926 (Rainey), has also been designated a two year bill and removed from the Board's agenda. Further, SBXX 17 (Craven) was enrolled to the Governor on May 11, 1995.

The Committee recommended that the following bills be placed on the Board's consent agenda for adoption of position:

| | |
|---|---|
| AB 241 (Horcher): | Oppose |
| AB 242 (Sher): | Support if amended |
| AB 362 (Setencich): | Oppose unless amended |
| AB 381 (Baca): | Support |
| AB 626 (Sher): | Support if amended |
| AB 1135 (Morrissey): | Defer to Trade & Commerce Agency |
| AB 1932 (Sweeney): | Support |
| SB 1026 (Dills): | Oppose |
| SB 1163 (Leslie): | Support |

**STAFF RECOMMENDATION**

Legislative Staff suggests that the Board take positions on the 20 bills before them.

**ANALYSIS**

Analyses have been prepared this month for the following bills:

- **AB 241 (Horcher) - BKK Solid Waste Facility**
  Would allow the City of West Covina to revoke the Conditional Use Permit (CUP) that has been granted to the BKK solid waste disposal facility if the city council makes a finding that the operator of the facility is in violation of the permit and that the facility's operation poses a threat to the public health and safety. The bill would

require the enforcement agency to revoke the solid waste facility permit for the facility, and the operator to undergo closure of the facility, if the city revokes the CUP. Urgency measure.

**LPEC RECOMMENDATION:** Oppose (3-0)

- **AB 242 (Sher) - Rural Regional Agencies: Penalties**
  Would require that any civil penalty imposed by the CIWMB on a rural regional agency for failure to submit an integrated waste management plan, or element thereof, or for failure to implement its source reduction and recycling element (SRRE) or household hazardous waste element (HHWE), be imposed on the individual member of the rural regional agency which has committee the violation rather than the regional agency as a whole.

  **LPEC RECOMMENDATION:** Support if amended (3-0)

- **AB 362 (Setencich) - Solid Waste Disposal Sites: Water Quality**
  Would prohibit the CIWMB and the State Water Resources Control Board (SWRCB) from adopting or enforcing regulations related to solid waste disposal sites which exceed any requirement imposed on unapproved states under the federal Subtitle D regulations adopted under the Resource Conservation and Recovery Act (RCRA).

  **LPEC RECOMMENDATION:** Oppose unless amended (3-0).

- **AB 381 (Baca) - Solid Waste: Diversion Requirements**
  Would revise the definition of "good faith efforts" -- part of the criteria used by the CIWMB in determining whether or not to impose civil penalties on a local jurisdiction for failure to implement certain planning elements -- to include the evaluation by a city, county, or regional agency of improved technology for the handling and management of solid waste that would result in specified benefits.

  **LPEC RECOMMENDATION:** Support (3-0). Legislative staff was directed to work with program staff on whether the language of the bill is consistent with the Countywide Integrated Waste Management Plan (CIWMP) Enforcement Report adopted by the CIWMB.

- **AB 407 (Kuehl) - Solid Waste Disposal Facilities: Santa Monica Mountains Zone**
  Would prohibit a solid waste enforcement agency from issuing, modifying, or revising, a solid waste facility

permit for the operation of a new or expanded disposal facility within the Santa Monica Mountains Zone.

**LPEC RECOMMENDATION:** Support (2-1). This analysis is being rewritten to reflect recent amendments taken in the Assembly Natural Resources Committee.

- **AB 626 (Sher) - Solid Waste: Reporting Requirements**
  Would consolidate the CIWMB's annual reporting requirements into a series of seven progress reports which would be submitted to the Governor and the Legislature on an annual basis. It would also require the annual progress reports by local jurisdictions to be submitted to the CIWMB on or before March 1 of every other year. It would further make a clarifying change to the intent language of the Integrated Waste Management Act (IWMA), extend indefinitely a specified provision of the State Assistance for Recycling (STAR) Markets Act of 1989, and make a number of general "code cleanup" changes. Finally, it would amend the Open Meeting Act to allow the CIWMB to hold closed sessions when considering trade secret, confidential proprietary, or financial proprietary data of manufacturers or businesses.

  **LPEC RECOMMENDATION:** Support if amended (3-0).

- **AB 1135 (Morrissey) - Administrative Regulations: Adverse Job Creation Impact**
  Would require all state agencies proposing to adopt or substantively amend any administrative regulation to: 1) consider the cumulative impact of all regulations on specific affected private entities and include the information in the notice of proposed action, and 2) permit a public comment period on the cumulative impact of regulations.

  **LPEC RECOMMENDATION:** Defer to Trade and Commerce Agency (3-0). This analysis is being rewritten to reflect April 26 amendments.

- **AB 1179 (Bordonaro) - Regulations: Impact on Business**
  Would exempt California businesses from all regulations adopted on or after January 1,1996, unless the adopting agency makes findings that the intended regulatory benefits justify the costs and the regulations are the most cost effective of available options. In addition, the bill would expand the role of the Secretary of the Trade and Commerce Agency in the adoption of regulations proposed by all agencies and permit the Secretary to reject any proposed regulations upon a finding of significant adverse economic

impact as well as inadequate justifications of cost effectiveness.

**LPEC RECOMMENDATION:** Oppose (2-1).

- **AB 1202 (Woods) - Public Utilities: Electrical Generation**
  Would require the Public Utilities Commission (PUC) and all other energy regulatory agencies to establish a set-aside of 1.5 percent to be provided exclusively by biomass-fueled electricity generating plants located in California. Urgency measure.

  **LPEC RECOMMENDATION:** Support (2-0, with one abstention).

- **AB 1647 (Ducheny) - Solid Waste Facilities: Regulations**
  Would make a legislative finding and declaration that the CIWMB should be statutorily authorized to adopt regulations for solid waste facilities that impose different levels, or "tiers" of regulation for different types of solid waste facilities.

  **LPEC RECOMMENDATION:** Forward to the Board without recommendation (3-0). This analysis is being rewritten to reflect Assembly Natural Resources Committee amendments.

- **AB 1851 (Sher) - Solid Waste: Trash Bags**
  Would extend the date by which manufacturers of plastic trash bags of 0.75 mil or greater thickness are required to ensure that 30% of the material in those plastic trash bags is recycled plastic postconsumer material (RPPCM). Urgency measure.

  **LPEC RECOMMENDATION:** Forward to the Board without recommendation (3-0).

- **AB 1902 (McPherson) - Solid Waste: State Agencies**
  Would require state government agencies to develop an integrated waste management program similar to those required to be adopted by local government agencies.

  **LPEC RECOMMENDATION:** Support (2-1).

- **AB 1932 (Sweeney) - Solid Waste: Diversion Requirements: Regional Diversion Facilities**
  Would allow a jurisdiction to come before the CIWMB and petition for a modification to its reported disposal amounts based on information regarding increase disposal amounts from, and lack of feasible diversion alternatives for, waste from regional diversion facilities.

**LPEC RECOMMENDATION:** Support (3-0).

- **SB 174 (Killea) - Reorganization: Beverage Container Recycling: Solid Waste Management**
  Would reduce the membership of the CIWMB from six to five members and transfer the Division of Recycling (DOR) within the Department of Conservation (DOC) to the CIWMB.

  **LPEC RECOMMENDATION:** Support (2-1).

- **SB 205 - (Kelley) - Waste Discharge Requirements: Sewage Sludge: Waiver**
  Would, among other things related to waste discharge requirements prescribed by the Regional Water Quality Control Board (RWQCB), state that the waste discharge requirements prescribed by the RWQCB shall supersede regulations adopted by any other state agency to regulate sewage sludge and other biological solids.

  **LPEC RECOMMENDATION:** Forward to the Board without recommendation (3-0). This analysis is being rewritten to reflect author's amendments.

- **SB 426 (Leslie) - Environmental Advertising**
  Would repeal the existing Green Marketing Law and the definitions contained within this law. The bill would instead provide that it is unlawful for a person to make an environmental marketing claim that does not meet or exceed the *Guides for Use of Environmental Marketing Claims*, published by the Federal Trade Commission (FTC) on July 27, 1992.

  **LPEC RECOMMENDATION:** Oppose (2-1). This analysis is being rewritten to reflect author's amendments.

- **SB 605 (Mello) - Rigid Plastic Packaging Containers**
  Would extend indefinitely an existing exemption from certain manufacturing requirements for rigid plastic packaging containers (RPPCs) used in the shipment of hazardous materials.

  **LPEC RECOMMENDATION:** Support if amended (3-0).

- **SB 1026 (Dills) - Solid Waste: Tire Recycling**
  Would require Caltrans to request that the U.S. Department of Transportation set aside the federal Intermodal Surface Transportation Efficiency Act (ISTEA) utilization requirements for asphalt pavement containing recycled rubber if Caltrans finds that the use of waste tires for fuel

production at cement manufacturing plants in California provides an adequate waste reduction alternative to the recycled rubber requirements of ISTEA.

**LPEC RECOMMENDATION:** Oppose (3-0).

- **SB 1163 (Leslie) - Solid Waste: Disposal Facilities and Sites**
  A CIWMB sponsored, Governor's approved (CEPA 95-23) proposal, would make various technical and clarifying changes to the solid waste management statutes to facilitate adoption of a consolidated set of solid waste facility regulations by the CIWMB and the SWRCB.

  **LPEC RECOMMENDATION:** Support (3-0). Legislative staff was asked to work with program and legal staff on coordination of definitions.

- **SB 1174 (Killea) - Public Purchases: Recycled Steel**
  Would add "steel" to the list of recycled products and materials approved by the state for purchase by state agencies and the Legislature as "recycled content" products.

  **LPEC RECOMMENDATION:** Forward to the Board without recommendation (3-0).

**ATTACHMENTS**

1. Bill analyses of the following bills: AB 241 (Horcher), AB 242 (Sher), AB 362 (Setencich), AB 381 (Baca), AB 407 (Kuehl), AB 626 (Sher), AB 1135 (Morrissey), AB 1179 (Bordonaro), AB 1202 (Woods), AB 1647 (Ducheny), AB 1851 (Sher), AB 1902 (McPherson), AB 1932 (Sweeney), SB 174 (Killea), SB 205 (Kelley), SB 426 (Leslie), SB 605 (Mello), SB 1026 (Dills), SB 1163 (Leslie), and SB 1174 (Killea).

2. Status Report of Priority Bills

**APPROVALS**

Prepared by: Pat Chartrand Phone: 255-2416

Approved by: Patty Zwarts Phone: 255-2203

LEGISLATION AND PUBLIC
EDUCATION COMMITTEE

BILL ANALYSIS

| California Integrated Waste Management Board | Author<br>Horcher | Bill Number<br>AB 241 |
|---|---|---|
| Sponsor<br>Author | Related Bills<br>AB 35, AB 407, AB 961, SB 387 | Date Amended<br>As Introduced |

**BILL SUMMARY**

AB 241 would allow the City of West Covina to revoke the Conditional Use Permit (CUP) that has been granted to the BKK solid waste disposal facility if the city council makes a finding that the operator of the facility is in violation of the permit and that the facility's operation poses a threat to the public health and safety. The bill would require the enforcement agency to revoke the solid waste facility permit for the facility, and the operator to undergo closure of the facility, if the city revokes the CUP. This bill is an urgency measure.

**BACKGROUND**

The BKK Landfill is located in the City of West Covina and has operated the 583 acre landfill since 1962. Under a notice and order issued by the local enforcement agency, the landfill operator has been authorized to increase its daily tonnage capacity above the permitted capacity up to a total volume of 12,000 tons of solid waste per day. The operator's intention is to operate the landfill until 2006.

There are a number of lawsuits involving the City of West Covina and BKK Corporation. The cornerstone litigation relates to the meaning of a 1995 Memorandum of Understanding (MOU) concerning the closure of the landfill and the reuse of the property. The City of West Covina contends that the MOU requires the closure of the landfill in November, 1985. BKK's position is that the November, 1995 date is the date to come to agreement on a plan for closure and reuse, but that the land use permit is still effective until the year 2006.

| Departments That May Be Affected<br>State Water Resources Control Board | | |
|---|---|---|
| Committee Recommendation<br>Oppose | Committee Chair<br>Janet Gotch | Date<br>5-15-95 |

There are two additional lawsuits involving the City of West Covina and BKK Corporation. One is over attorneys' fees billed by the city to BKK for legal services to the LEA. The other was filed on January 26, 1995. In that case the city is seeking a mandatory injunction against BKK to force it to apply for a "revised" permit (a more thorough and detailed "overhaul of a permit), rather than a "modified" permit (a technical updating of a permit). BKK had requested an administrative hearing before the city in September, 1994 in an attempt to resolve the dispute over whether a revised or modified permit was necessary. The city interpreted the statutory provisions which provide for an administrative hearing as not applying to this situation.

There have been four bills introduced during the 1994-95 Legislative Session that are similar in nature to AB 241. They are: AB 35 (Mazzoni), which would prohibit the expansion of a landfill (West Marin Sanitary Landfill, and possibly others) located with two miles of a federal park or recreation area; AB 407 (Kuehl), which would prohibit the siting of a new, or expansion of an existing, landfills in the Santa Monica Mountain Region (Calabasas Landfill, and possibly others); AB 961 (Gallegos), which would prohibit the issuance, modification, or revision of a solid waste facilities permit to a landfill (Puente Hills Landfill and many others) located within 2,000 feet of an area zoned for single or multiple family residences; and SB 387 (Mountjoy), which would prohibit the issuance of a solid waste facilities permit for a proposed solid waste material recovery facility in a city (proposed material recovery facility in the City of Industry) if it would have unmitigated environmental impacts on a neighboring city, unless a joint powers of agreement is entered into by the host city and the neighboring cities.

AB 35 is a reintroduction of AB 1910 (Bronshvag) of the 1993-94 Legislative Session, which was vetoed by the Governor. AB 961 (Gallegos) is similar to AB 1751 (Solis) of the 1993-94 Legislative Session, which was vetoed by the Governor. SB 387 (Mountjoy) is similar to AB 2969 (Horcher) of the 1993-94 Legislative Session, which failed passage on the Senate Floor. The CIWMB opposed all of these measures last year.

**EXISTING LAW**

A fundamental cornerstone of the solid waste management planning process is that the authority for the siting of solid waste facilities rests with local governments. This authority is exercised through the local land use decision making process.

The solid waste facilities permitting process is developed at the local level and is conditioned upon the issuance of, and the restrictions imposed by, the local land use decision.

After the issuance of a land use permit, and the preparation of a solid waste facilities permit, the California Integrated Waste Management Board (CIWMB) either concurs or objects to issuance of the permit by the LEA. The CIWMB's objection or concurrence is based on the issuance of the land use permit, and whether the operation and design of the facility would be in compliance with state minimum standards.

## ANALYSIS

AB 241 would:

1. State Legislative intent related to the history of the BKK site and the need for the measures prescribed by the bill;

2. Authorize the City of West Covina to revoke the conditional use permit that has been granted to the BKK facility if the city council makes a finding that the operator of the facility is in violation of the permit and that the facility's operation poses a threat to the public health and safety of the residents of the city;

3. Require the LEA to: a) revoke the solid waste facilities permit that has been granted to the facility, b) prohibit the facility from accepting any solid waste for disposal, and c) require the closure of the facility in accordance with an approved closure and postclosure and maintenance plan, if the city revokes the conditional use permit; and

4. Take effect as an urgency statute.

## COMMENTS

The relationship between the City of West Covina and the owners of the BKK landfill has resulted in several lawsuits that appear to have prevented the parties from reaching consensus on how and what should be included in the updating (required every 5 years, if necessary) of the solid waste facility permit. In recent months the CIWMB has monitored, and attempted to facilitate, the preparation of an update to the solid waste facilities permit as a matter separate from the controversy over the land use permit. It appears that an argument could be made that if this bill were to become law, and the permit was not properly updated prior to the bills enactment, the City of West Covina might be able to revoke the land use permit for a violation of its permit. However, given the propensity for lawsuits between the city and the operator, such an attempt would likely wind up in court also since the LEA appears to have delayed the updating of the permit unless it includes the November, 1985 closure date the city believes was agreed to in the 1985 MOU.

At the March 29, 1995, meeting of the CIWMB, the CIWMB voted to assume the lead agency role for compliance with the California Environmental Quality Act (CEQA). In this capacity the CIWMB will ensure that the updating of the solid waste facilities permit will be accomplished in a timely manner. This action became necessary when the CIWMB determined that there was not a reasonable possibility for the CEQA process to be completed in a timely manner that would be necessary for the updating of the permit. In this case the CEQA process will focus on the environmental impacts associated with updating the solid waste facilities permit to include the additional daily tonnage accepted by BKK over the current permit amounts, but which was authorized by a notice and order issued by the Local Enforcement Agency.

The Board may wish to consider whether AB 241 would set an inappropriate precedent by setting separate standards for a specific landfill within the state. The existing statewide process established by law for the operation of landfills provides consistent statewide

standards for protection of the public health and safety and the environment. The existing process provides a significant amount of opportunity for public review and comment at the state and local levels.

## LEGISLATIVE HISTORY

There have not been any previous bills introduced that would have been directed at the BKK Landfill. However, as briefly noted in the background section of this analysis, in each Legislative Session there are typically three more bills of a similar nature (directed at specific landfills) that are introduced. Governor Wilson has consistently vetoed these bills. In vetoing the bills, Governor Wilson's veto messages have been based on the fact that these types of bills, "run contrary to the existing solid waste management planning process which allows local governments to make their own decisions regarding land use planning and that existing law already prescribes an elaborate process for public review and comment and a case-by-case review of individual solid waste facility permits to ensure that the public health and environment are protected."

AB 241 was introduced on February 2, 1995, and has been referred to the Assembly Natural Resources Committee. A hearing date has not been scheduled.

Support: Mr. Steve Herfert, Mayor Pro Tem, City of West Covina

Oppose: BKK Corporation

## FISCAL AND ECONOMIC IMPACT

AB 241 would not have a fiscal impact on the CIWMB.

AB 241 could have a negative economic impact on the business and residential customers of the landfill by potentially increasing the costs of transporting solid wastes farther distances for disposal if the city council decided to force the closure of the landfill by revoking the land use permit.

Analyst: Ross Warren 255-2415

LEGISLATION AND PUBLIC
EDUCATION COMMITTEE

BILL ANALYSIS

| California Integrated Waste Management Board | Author<br>Setencich, et. al. | Bill Number<br>AB 362 |
|---|---|---|
| Sponsor<br>Madera County | Related Bills<br>AB 1649, AB 644 | Date Amended<br>April 3, 1995 |

**BILL SUMMARY**

AB 362 would prohibit the California Integrated Waste Management Board (CIWMB) and the State Water Resources Control Board (SWRCB) from adopting or enforcing regulations related to solid waste disposal sites which exceed any requirement imposed on unapproved states under the federal Subtitle D regulations adopted under the Resource Conservation and Recovery Act (RCRA).

**BACKGROUND**

The SWRCB has primary regulatory authority for water quality issues at solid waste disposal sites. Due to wide variations in California's climate, depth to groundwater or underlying soil permeability, the SWRCB has established a standards for the maintenance of water quality that are stricter than that required by Subtitle D.

The CIWMB has primary regulatory authority for setting minimum regulatory standards for the design and operation of solid waste facilities. These standards are required to be consistent with locally imposed terms and conditions that exceed minimum standards, but are not to be in conflict with, or duplicate, the authority of the State Water Resources Control Board's regulation of water quality issues, or the State Air Resources Board's regulation of air quality.

On October 9, 1993, the U.S. Environmental Protection Agency (USEPA) adopted regulations, known as Subtitle D, under the Resource Conservation and Recovery Act. These regulations are self implementing through citizen lawsuit. However, states that can demonstrate a solid waste regulatory mechanism with functional equivalency to Subtitle D are granted approved state status. California was one of the first states in the nation to be granted "approved state" status. The CIWMB does not have positions on either of these two bills.

There are two bills that have been introduced in the 1994-95 Legislative Session that are similar in nature to this bill. AB 644 (Richter) would prohibit the Department of Toxic

| Departments That May Be Affected<br>State Water Resources Control Board | | |
|---|---|---|
| Committee Recommendation<br>Oppose unless amended | Committee Chair<br>Janet Gotch | Date<br>5-15-95 |

Substances Control (DTSC) from adopting or enforcing any regulations stricter than what is required by the federal government. AB 1649 (Richter) which contains language very similar to this bill but has been made a two-year bill, would prohibit the CIWMB from adopting or enforcing regulations stricter than what is required by federal law.

**EXISTING LAW**

Federal Law:

1. Subtitle D of the RCRA requires that each state submit to the USEPA its solid waste disposal site permitting programs and demonstrate that its programs will achieve compliance with the Subtitle D regulations. These regulations, which became effective October 9, 1993, established a new part in the RCRA regulations, and set forth minimum national standards for the safe siting, design, operation, closure, and post closure of municipal solid waste landfills.

2. Each state is required to demonstrate to USEPA that its laws and regulations governing solid waste disposal sites will achieve compliance by solid waste landfill operators in each state with USEPA's new minimum national standards. States that demonstrate this to the USEPA are granted "approved state" status, which provides states with greater flexibility in the implementation of the Subtitle D regulations.

3. The Subtitle D regulations are not directly enforceable against landfill owners or operators by the USEPA or the states, but rather, are enforceable by citizen lawsuits. However, USEPA "approval" of a state program constitutes a defense to any citizen lawsuit.

State Law:

1. Designates the SWRCB as the primary regulatory authority for maintaining water quality in the state, including water quality issues at solid waste landfills.

2. Designates the CIWMB as the primary regulatory authority for solid waste landfill design and operation that are not duplicative of the SWRCB or California Air Resources Control Board.

**ANALYSIS**

AB 362 would:

1. Prohibit the CIWMB from adopting or enforcing regulations that exceed the requirements imposed on unapproved states, as that term is used for the purposes of federal regulations set forth in Subtitle D and Subpart E of the Code of Federal Regulations, and

2. Prohibit the SWRCB from adopting or enforcing regulations that exceed the requirements imposed on unapproved states, as that term is used for the purposes of federal regulations set forth in Subtitle D and Subpart E of the Code of Federal Regulations.

## COMMENTS

Although unclear, and without specificity, it appears that bill could undermine California's "approved state" status under Subtitle D regulations by prohibiting the CIWMB and SWRCB from adopting or enforcing standards that exceed the requirements imposed on unapproved states. It is unclear what purpose this language would serve since Subtitle D regulations are self implementing in unapproved states, and are less flexible than what can be gained through approved state status.

Since Subtitle D is primarily performance based, rather than prescriptive, it may difficult to determine what specific regulations exceed the Subtitle D requirements. Accordingly, it may be more practical to pursue maximum flexibility under Subtitle D on a case-by-case basis.

The author's office has indicated that they are pursuing amendments that would clarify that the bill is not requiring the adoption or enforcement of regulations that are less than what is required to retain approved state status. Further, they have indicated that the intent of the bill is to encourage the SWRCB to utilize the maximum flexibility available under Subtitle D, and that the only reason the CIWMB is referenced in the bill is because of our regulatory role at solid waste disposal sites.

## SUGGESTED AMENDMENTS

The Board may wish to consider suggesting the following amendment:

1. Replace the existing language with a statement that the CIWMB *"pursue the maximum amount of flexibility available to an approved state under Subtitle D."*

## LEGISLATIVE HISTORY

AB 362 was introduced on February 10, 1995, and has been referred to the Assembly Environmental Safety and Toxic Materials Committee. A hearing date has not been scheduled.

| | |
|---|---|
| Support: | San Diego County Board of Supervisors<br>Imperial County Board of Supervisors<br>Placer County Department of Public Works<br>California State Association of Counties<br>California Refuse Removal Council |
| Oppose: | None on file |

## FISCAL AND ECONOMIC IMPACT

This bill would not have a fiscal impact on the CIWMB.

To the extent that this bill could reduce costs of compliance with Subtitle D and state law for both public and private solid waste landfill operators, this bill could have a positive economic

impact for both local governments, private landfill operators, and their customers as a result of the potential for reduced disposal rates.

Analyst: Ross Warren 255-2415

**PROPOSED AMENDMENTS TO AB 362 (SETENCICH)**
**(AS AMENDED APRIL 3, 1995)**

Replace the existing language in Section 1 of the bill as follows:

43021. (a) Regulations shall include standards for the design, operation, maintenance, and ultimate reuse of solid waste facilities, but shall not include aspects of solid waste handling or disposal which are solely of local concern or which are within the jurisdiction of the State Air Resources Board, air pollution control districts and air quality management districts, or the state water board or regional water boards.

(b) The regulations shall reflect, and board shall pursue, the maximum amount of flexibility available under the federal regulations set forth in Subtitle D (commencing with Section 258.40) and Subpart E (commencing with 258.40) of Part 258 of Title 40 of the Code of Federal Regulations. Nothing in this subdivision shall be construed to mean that the board should adopt less stringent, or fail to enforce, regulations that are necessary to maintain the states approval under the federal regulations. ~~Notwithstanding any other provision of law, the board shall not adopt or enforce any regulations with regard to solid waste disposal sites that exceed the requirements imposed on unapproved states, as that term is used for purposes of federal regulations set forth in Subpart D (commencing with Section 258.40) and Subpart E (commencing with Section 258.40) of Part 258 of Title 40 of the Federal Code of Regulations.~~

LEGISLATION AND PUBLIC
EDUCATION COMMITTEE

BILL ANALYSIS

| California Integrated Waste Management Board | Author<br>Woods | Bill Number<br>AB 1202 |
|---|---|---|
| Sponsor<br>California Biomass Energy Alliance | Related Bills | Date Amended<br>April 25, 1995 |

## BILL SUMMARY

AB 1202 would require the Public Utilities Commission (PUC) and all other energy regulatory agencies to establish a set-aside of 1.5 percent to be provided exclusively by biomass-fueled electricity generating plants located in California. This bill is an urgency measure.

## BACKGROUND

An interim electricity utility set-aside program was established in 1991 for renewable resources. This measure was established as an interim measure until the PUC completed a methodology that values the environmental and diversity costs and benefits associated with various electrical generation technologies, and as means to reduce reliance on carbon intensive resources, stimulate in-state economic growth, and enhance the continued diversification of California's energy mix. Biomass-fueled generators represent a portion of the renewables helping to supply that set-aside.

In April 1994, the PUC announced its intent to "deregulate" California's electricity services market. The primary reason for the proposal is the belief that such deregulation would significantly reduce the cost of electricity in California, where according to the PUC, electricity rates are about 140-150% of the national average. Since the announcement, the issues raised by various affected parties have slowed the original implementation time frame. The CIWMB has submitted comments expressing concern about the proposal's effect on the biomass industry to the California Energy Commission, the agency appointed to coordinate responses from affected state agencies.

The sponsor has introduced this bill to protect the biomass industry because the inherent costs in generating power through biomass technology necessarily tend to make the price of power produced more expensive than other renewables. These costs, not found in other renewable resource electricity generators, include gathering, processing, and transport of biomass fuel.

| Departments That May Be Affected<br>Public Utilities Commission, Department of Forestry and Fire Protection, California Energy Commission | | |
|---|---|---|
| Committee Recommendation<br>Support | Committee Chair<br>Janet Gotch | Date<br>5-15-95 |

AB 1202 was scheduled to be heard by the Assembly Utilities and Commerce Committee on May 8, 1995, at a hearing limited to seven electrical restructuring bills. However, according to the author's office, the Utilities and Commerce Committee has decided to hold these bills until the PUC releases its next report on the rate restructuring proposal.

## EXISTING LAW

State Law:

1. States Legislative intent that, in addition to other ratepayer protection objectives, a principal goal of electric and natural gas utilities' resource planning and investment shall be to minimize the cost to society of the reliable energy services that are provided by natural gas and electricity, and to improve the environment and to encourage the diversity of energy sources through improvements in energy efficiency and development of renewable energy resources, such as wind, solar, biomass, and geothermal energy.

2. Requires the PUC to establish a set-aside of electrical generating capacity for renewable resources until the commission completes an electric generation procurement methodology that values the environmental and diversity costs and benefits associated with various generation technologies.

3. For purposes of the Integrated Waste Management Act (IWMA), defines "biomass conversion" as the controlled combustion, when separated from other solid waste and used for producing electricity or heat, of the following materials:

   - Agricultural crop residues.
   - Bark, lawn, year, and garden clippings.
   - Leaves, silvicultural residue, and tree and brush pruning.
   - Wood, wood chips, and wood waste.

## ANALYSIS

AB 1202 would require the PUC and all other energy regulatory agencies of the state to direct, establish, and maintain a set-aside of future electricity supply from renewable resource electricity generators, and further direct that not less than 1.5 percent of all electricity, measured in kilowatt hours, provided by suppliers of electricity to California consumers, and not less than 1.5 percent of the electricity purchased annually be purchased from biomass-fueled electricity generating plants located in California.

## COMMENTS

According to the Biomass Processors Association (BPA), the current urban wood waste consumed by the biomass industry is approximately 1.6 million bone dry tons (BDT) out of the 4.6 million BDT of urban wood waste generated in the state each year. Converting to wet or "green" tons at 30% moisture yields 2.25 million green tons consumed by the biomass industry per year.

Presently, there are nearly 60 biomass plants in operation in California. Approximately 30 of these plants hold power purchase agreements with utilities which are called Interim Standard Offer No. 4 (ISO#4) contracts. The fixed price periods under these contracts will end over the next eight years. Although the biomass industry is currently capable of generating electricity at about six to seven cents per kilowatt hour (kwh), the average current market price stands at about three to four cents/kwh. The biomass plants with ISO#4 contracts have been identified as at risk under the new rate structures proposed by the PUC.

According to the biomass plant operators, the PUC's deregulation proposal will reward generators that use lower cost technologies such as "run of the river" hydro, and oil and natural gas while penalizing other, higher cost technologies such as waste combustion. Under the proposed restructuring, waste combustion will not be able to compete economically with the lower cost sources and will be driven out of the market. Among waste-fired plants, biomass plants are particularly at risk because they handle large quantities of waste and yet do not have the advantage of being able to charge a fee for the disposal of waste. In fact, biomass plants typically pay for their fuel.

According to an issue paper prepared by CIWMB staff, if a number of the 30 at-risk biomass plants close, a significant quantity of urban wood waste and some amount of agricultural waste could be directed to landfills. Materials going to biomass facilities have not been going to landfills or permitted Waste to Energy (WTE) facilities, and therefore, have been outside the measured waste stream. As such, any wastes formerly consumed by biomass facilities will be new components in a jurisdiction's waste stream and will adversely affect its ability to meet the waste diversion mandates of the IWMA (25% by 1995 and 50% by 2000).

Further, the closure of any biomass plants will have a negative impact on waste haulers and processors. Those who divert wood waste from the waste stream at a landfill, material recovery facility (MRF), or composting operation and transport it to biomass plants, may lose a significant amount of business. Many MRF operators have installed sorting and and processing equipment at their facilities to provide wood wastes to the biomass industry as well as residues to composters. These operations represent significant financial investments and jobs.

Loss of revenues from sales of wood waste may force some operators to cut back on the recycling and composting services provided to local jurisdictions, preventing the jurisdictions from meeting the diversion mandates. Some operations will be forced to close or sell off processing equipment, in many instances at a loss. The dismantling of this recycling infrastructure, created in response to the dual needs of waste diversion and alternative fuels, would take years to rebuild if and when fuel prices again increase.

Supporters of AB 1202 note that existing biomass power plants have benefited California in other respects, including the generation of major tax revenue, improved air quality (as an alternative to open-field burning of agricultural wastes), the creation of local jobs, and wildfire hazard reduction in rural areas (dead and diseased material removed from wildfire areas is now biomassed, but will no longer be economically feasible to do unless it has another purpose such as generating electricity).

Opponents of AB 1202 note that most biomass generators benefitted from the Standard Offer Contracts which set electricity above the actual market price. Now, faced with competition from other renewables, the biomass generators cannot produce electricity at or below the market price. Further noted is that this bill only applies to investor-owned utilities and that municipal utilities and other unregulated utilities would be exempt from the requirement of buying relatively expensive biomass electricity. Therefore, while others benefit from this program, such as landfill operators, foresters, and the agricultural community, they do not contribute any funds to the biomass producer and the entire cost of keeping the biomass industry competitive will be borne by the ratepayers.

## LEGISLATIVE HISTORY

AB 1202 was introduced on February 23, 1995. It is being held in the Assembly Utilities and Commerce Committee, along with other electrical restructuring bills, until the PUC releases its next report on the rate restructuring proposal.

Support: California State Association of Counties (CSAC); Rio Bravo Fresno, Rocklin, Jasmin; Fairhaven Power Company; Thermo Fuels; Tracy Operators; Burney Forest Products; Colmac Energy; Shasta County; Plumas County; Tulare County; Northern Sierra Air Quality Management District; City of Sunnyvale; California Licensed Foresters Association; Coment Energy Company; Handel & Wilson Farms; Shearwater Capital Corporation; Shafter-Wasco Ginning Company; Belridge Farms; Billings Ranches; Apollo Wood and Metal Recycling; Crane Mills; Almond Growers Council; Almond Hullers & Processors Association; Wilson Agriculture; Merz & Merz; High Sierra Resource Conservation and Development Area; Bay Area Pallet Company; South Tahoe Refuse Company; Payless Building Supply; Williamson Equipment; P&M Cedar Products; Wheelabrator Environmental Systems; Sierra Pacific Industries

Oppose: Pacific Gas & Electric Company

## FISCAL AND ECONOMIC IMPACT

This bill would have no fiscal impact on the CIWMB and its programs.

However, it could result in preserving and maintaining the biomass facilities that are dependent upon contracts to provide energy to utilities, and the attendant benefits to society as a whole -- jobs, tax revenue, increased landfill capacity, wildfire hazard reduction, air quality, and the ability of local jurisdictions to meet waste reduction mandates of the Integrated Waste Management Act.

Analyst: Pat Chartrand 255-2416

LEGISLATION AND PUBLIC
EDUCATION COMMITTEE

BILL ANALYSIS

| California Integrated Waste Management Board | Author<br>Sher | Bill Number<br>AB 1851 |
|---|---|---|
| Sponsor<br>Ironclad Corporation | Related Bills | Date Amended<br>As Introduced |

## BILL SUMMARY

AB 1851 would extend the date by which manufacturers of plastic trash bags of 0.75 mil or greater thickness are required to ensure that 30% of the material in those plastic trash bags is recycled plastic postconsumer material (RPPCM). This bill is an urgency measure.

## BACKGROUND

The sponsors of AB 1851 have introduced this measure to provide a two year extension of time in which to comply with the trash bag RPPCM minimum content requirement. The sponsors believe that many manufacturers are unable to comply with the law due to problems associated with the strength and quality of trash bags that meet the RPPCM requirements.

## EXISTING LAW

State Law:

1. Requires that on and after January 1, 1993 every manufacturer of plastic trash bags of 1.0 mil or greater thickness for sale in this state shall ensure that at least 10 percent of material used in those trash bags is recycled plastic postconsumer material

2. Requires that on or after January 1, 1995 every manufacturer of plastic trash bags of 0.75 mil or greater thickness that is for sale in this state shall ensure that at least 30 percent of the material used in those trash bags is recycled plastic postconsumer material.

3. Provides two exemptions from the RPPCM requirement. Trash bag manufacturers are not required to comply with RPPCM requirement if: 1) postconsumer plastic material is not available in sufficient quantities to meet the RPPCM requirement, or 2) the quality of the postconsumer plastic material does not meet the quality standards adopted by the California Integrated Waste Management Board (CIWMB).

| Departments That May Be Affected | | |
|---|---|---|
| Committee Recommendation<br>No recommendation | Committee Chair<br>Janet Gotch | Date<br>5-15-95 |

## ANALYSIS

AB 1851 would:

1. Extend the RPPCM minimum content compliance date from January 1, 1995 to January 1, 1997; and

2. Is an urgency measure.

## COMMENTS

It could be questioned if there is a need to extend the compliance date for RPPCM minimum content requirement in trash bags since exemptions from the RPPCM requirements for lack of supply and quality of material are provided for under current law. Calendar year 1993 was the first year manufacturers were required to use a minimum of 10% RPPCM among the regulated trash bags sold in California. Certifications of compliance for the 1993 year were due to the CIWMB by March 1, 1994. Only one manufacturer out of the approximately 50 manufacturers subject to the RPPCM requirements certified that they could not attain the RPPCM requirement for 1993. Certifications of compliance for the 1994 year were due to the CIWMB by March 1, 1995. Again, only one manufacturer out of the approximately 50 manufacturers subject to the RPPCM requirements certified that they could not attain the RPPCM requirement for 1994.

Since the 30% RPPCM requirement became effective January 1, 1995, and the CIWMB will not receive certifications from manufacturers for 1995 until March 1996, evidence of the manufacturers' inability to meet the 30% RPPCM requirement is unavailable at this time. Further, CIWMB staff has not been made aware of significant problems for manufacturers in achieving compliance with the 10% RPPCM minimum content requirement or their inability to meet the 30% RPPCM for 1995.

It may be appropriate to consider what impact the bill would have on future CIWMB efforts to gain compliance with its programs in a timely manner when last minute statutory changes are sought to extend compliance deadlines.

## LEGISLATIVE HISTORY

AB 1851 was introduced on February 24, 1995. The bill passed the Assembly Natural Resources Committee (9-2) on April 3, 1995, passed the Assembly Appropriations Committee (15-1) on April 19, 1995, passed the Assembly Floor (72-1) on April 27, 1995, and has been referred to the Senate Committee on Governmental Organization (no hearing date set).

Support: First Brands Corporation

Oppose: Californians Against Waste

## FISCAL AND ECONOMIC IMPACT

AB 1851 would have a minor, absorbable fiscal impact on the CIWMB for correcting the regulations to be consistent with this measure.

Establishing a two year extension of RPPCM minimum content requirement could place businesses that have expended the capital resources necessary to comply with the law at a competitive disadvantage with the companies that have not the resources to comply since presumably these competitors will be operating at a lower cost.

Analyst: Ross Warren 255-2415

LEGISLATION AND PUBLIC
EDUCATION COMMITTEE

BILL ANALYSIS

| California Integrated Waste Management Board | Author<br>Sweeney | Bill Number<br>AB 1932 |
|---|---|---|
| Sponsor<br>City of Oakland | Related Bills | Date Amended<br>April 25, 1995 |

## SUMMARY

AB 1932 would allow a jurisdiction to come before the California Integrated Waste Management Board (CIWMB) and petition for a modification to its reported disposal amounts based on information regarding increased disposal amounts from, and lack of feasible diversion alternatives for, waste from regional diversion facilities.

## BACKGROUND

According to the sponsor, this bill is intended to expand the authority of the CIWMB to take into account the regional recycling benefits derived from regional diversion facilities so as not to unfairly penalize cities such as the City of Oakland which have taken steps to site and allow the operation of such facilities.

Schnitzer Steel Corporation is a company located within the City of Oakland that accepts for recycling used auto bodies and other scrap metal. The plant accepts car bodies from throughout Northern California, thereby providing a valuable recycling service to the region. Without the changes proposed in AB 1932, however, the city may be disadvantaged due to the fact that the facility generates residual solid waste from its recycling activities.

Any city or county which sites, or considers siting, a regional diversion facility within its jurisdiction is faced with the same problem. Because these facilities dispose of significant amounts of residual solid waste (as a byproduct of the manufacturing process), their disposal tonnages are disproportionately skewed for purposes of the disposal reduction mandate of the Integrated Waste Management Act (IWMA). The extra disposal these facilities generate may discourage jurisdictions from siting them because of difficulty in complying with IWMA waste reduction mandates.

AB 688 (Sher), Chapter 1227, Statutes of 1994, addressed this problem for regional medical waste treatment facilities such as the Stericycle plant in Loma Linda, but current law does not apply to any other types of regional diversion facilities.

| Departments That May Be Affected | | |
|---|---|---|
| Committee Recommendation<br>Support | Committee Chair<br>Janet Gotch | Date<br>5-15-95 |

## EXISTING LAW

State Law:

1. Requires cities and counties to reduce the amount of waste sent to landfills by 25% in 1995 and 50% by the year 2000. Jurisdictions face potential fines of up to $10,000 per day for failure to comply with diversion mandates.

2. Requires counties to submit periodic reports to cities within the county and to the regional agency of which it is a member agency, and to the CIWMB, on the amounts of waste disposed by jurisdiction or region of origin, and on the categories and amounts of waste diverted to recycling and composting facilities within the county or region.

3. Allows the CIWMB to make adjustments to the amounts reported in (2) above, if the city, county, or regional agency demonstrates, and the CIWMB concurs, based on substantial evidence in the record, that achievement of the diversion requirements is not feasible due to the fact that a medical waste treatment facility accepts untreated medical waste, which was generated outside of the jurisdiction, for purposes of treatment, and the medical waste, when treated, becomes solid waste.

4. Requires a jurisdiction granted an adjustment described in (3) above to include the following information in its annual progress report to the CIWMB:

   - The total amount of residual solid waste produced at the facility.
   - The waste types and amounts in the residual solid waste that cannot feasibly be diverted.
   - The factors that continue to prevent the waste types from being feasibly diverted.
   - Any changes since the petition for adjustment was granted or since the last annual report.
   - The additional efforts undertaken by the jurisdiction to divert the waste produced at the facility.

5. Requires the CIWMB to rescind the adjustment granted if, based on the information submitted in (4) above, the CIWMB finds that the residual solid waste that previously could not be diverted can now be diverted.

## ANALYSIS

AB 1932 would:

1. Define "regional diversion facility" as a facility which meets all of the following criteria:

- The facility processes at least 70 percent of the solid waste it receives on a quarterly basis into recycled materials.

- The facility accepts solid waste for recycling from both within and without the jurisdiction of the city or county within which it is located.

- All solid waste accepted by the facility has been source-separated for the purpose of being processed prior to it arrival at the facility.

- The residual solid waste generated by the facility is a byproduct of the recycling that takes place at the facility.

- The facility provides a measurable benefit to regional efforts to divert solid waste from disposal.

- The facility is not a solid waste facility (defined as a solid waste transfer or processing station, a composting facility, a transformation facility, and a disposal facility); and

2. Add as a circumstance under which the CIWMB may make adjustments to the amounts of waste disposed by a jurisdiction or region of origin, a regional diversion facility within a jurisdiction that accepts waste generated outside the jurisdiction and the conversion or processing of that waste results in the production of residual solid waste that cannot feasibly be diverted. (This language would be added to the same section of current law that addresses medical waste treatment facilities and would be subject to the same informational requirements.)

**COMMENTS**

Diversion facilities are a market for materials collected by diversion programs; they create end products from diverted materials. Diversion facilities are the critical link between collecting materials and returning them to the market place. Market forces, including economies of scale, promote the development of larger, regional diversion facilities. Regional diversion facilities can be very efficient uses of the limited resources available to jurisdictions, particularly rural jurisdictions that otherwise could not sustain numerous small diversion facilities.

To reduce waste in California and make the most of the waste diversion programs in existence and under development, the siting of regional waste diversion facilities should be promoted and encouraged.

AB 1932 would allow a jurisdiction to come before the CIWMB and petition for a modification to its reported disposal amounts based on information regarding increased disposal amounts from, and lack of feasible diversion alternatives for, waste from regional diversion facilities.

To prepare a petition for disposal modification, a jurisdiction with a regional diversion facility would need to measure the approximate amount of yearly disposal from the facility, the types of material from the facility which are not feasibly divertable, and the contribution of these waste types to the total disposed. Jurisdictions would also have to demonstrate that the waste types were not feasibly divertable by meeting criteria in statutes or regulations as part of the petition.

This procedure would not set a precedent for exempting a waste source or type. However, it would allow for a case-by-case review of the impact of a specific regional facility on a specific jurisdiction.

AB 1932 would not change how compliance with the waste diversion goals are measured for most jurisdictions. It would only modify the reported disposal amounts for those which petition for a disposal modification and only correct for material which could not have been diverted.

There would be no impact or increased reporting on disposal facilities, haulers, and transfer stations because it is easier and more accurate to do the measurement at the regional facility, rather than other facilities which may not know the specific exemptions/circumstances at hand.

## LEGISLATIVE HISTORY

AB 1932 was introduced on February 24, 1995. It passed the Assembly Natural Resources Committee (13-0) on April 17, 1995 and is scheduled to be heard by the Assembly Appropriations Committee on May 17, 1995.

| | |
|---|---|
| Support: | City of Oakland (sponsor)<br>California State Association of Counties (CSAC)<br>City of Oceanside<br>League of California Cities<br>City of Soledad |
| Oppose: | Norcal Waste Systems, Inc. |

## FISCAL AND ECONOMIC IMPACT

AB 1932 would impose minor, absorbable costs (less than $10,000) on the Integrated Waste Management Account to develop procedures for providing relief to jurisdictions hosting regional diversion facilities.

AB 1932 could have a positive economic impact on local jurisdictions by increasing the number of jurisdictions reaching the 25% and 50% waste reduction goals.

Analyst: Pat Chartrand 255-2416

LEGISLATION AND PUBLIC
EDUCATION COMMITTEE

BILL ANALYSIS

| California Integrated Waste Management Board | Author<br>Killea | Bill Number<br>SB 174 |
|---|---|---|
| Sponsor<br>Author | Related Bills<br>AB 926 (Rainey) | Date Amended<br>April 18, 1995 |

**BILL SUMMARY**

SB 174 would reduce the membership of the California Integrated Waste Management Board (CIWMB) from six to five members and transfer the Division of Recycling (DOR) within the Department of Conservation (DOC) to the CIWMB.

**BACKGROUND**

During this current session another reorganization bill, AB 926 (Rainey), has been introduced. AB 926 would abolish the board member structure of the CIWMB and transfer its powers and duties to a newly created Division of Integrated Waste Management in the Resources Agency. AB 926 has been referred to the Assembly Natural Resources Committee; no hearing date has been set. The author intends to make AB 926 a two-year bill.

Neither SB 174, nor AB 926, reflect the Governor's 1995 reorganization proposal which would, among other things, reduce the board member structure of the CIWMB from six full-time members to four part-time members, plus one full-time chairperson appointed by the Governor. In addition, the Governor's proposal would transfer the DOR to the CIWMB. To date, the specific statutory changes necessary for implementing the Governor's reorganization proposal have not been introduced in the Legislature.

The Legislative Analyst, in its 1993-94 budget analysis, recommended transferring the DOR to the CIWMB because the Board is responsible for all other waste recycling programs, and consolidation with the CIWMB would improve coordination of state recycling efforts. The Legislative Analyst noted that the Wilson Administration had not yet provided a specific plan for its proposed reorganization of the CIWMB and the Beverage Container Recycling Program into a new Department of Waste Management.

The Milton Marks Commission on California State Government and Economy (the Little Hoover Commission) published a report in March 1994, entitled *Beyond Bottles and Cans: Reorganizing California's Recycling Efforts.* The Commission found that with the existence

| Departments That May Be Affected<br><br>Department of Conservation | | |
|---|---|---|
| Committee Recommendation<br>Support | Committee Chair<br>Janet Gotch | Date<br>5-15-95 |

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of multiple laws and two state agencies addressing waste control and recycling, there is a need for a coordinated, comprehensive approach to waste reduction and resource reuse and recycling in California. The Commission's letter of support for SB 174 states, "The evolution of several different legislative approaches to recycling has splintered the State's policy, created duplication of efforts, and reduced the needed focus on primary objectives, such as ensuring markets are available for increasing amounts of diverted waste materials."

In its March 1995, *Review of Governor's Reorganization Plan No. 1*, the Little Hoover Commission reported that moving the beverage container recycling program to a revised Integrated Waste Management Board fulfills recommendations made by the Little Hoover Commission in 1994. In addition, the Commission reported that the elimination of 15 staff from the revised Board member structure will produce a savings of $1.5 million annually, with an additional $2 million in savings from consolidation of duplicative activities now carried out by separate programs.

**EXISTING LAW**

State Law:

1. Contains substantially all the statutes relating to solid waste into the Public Resources Code (California Integrated Waste Management Act, AB 939, Sher, Chapter 1085, Statutes of 1989). The Act requires cities and counties to reduce, recycle and/or compost 25% of the solid waste generated within their jurisdictions by 1995 and 50% by the year 2000.

2. Establishes the membership of the CIWMB. The Act establishes a new full-time, six-member CIWMB to administer the law. Four members of the CIWMB are appointed by the Executive branch and two are appointed by the Legislative branch. The Governor's appointees consist of one member with private sector experience in the solid waste industry, one member who has served as an elected or appointed official of a nonprofit environmental protection organization, and two members who represent the public. The Legislature's appointees consist of one member appointed by the Senate Rules Committee and one member appointed by the Speaker of the Assembly to represent the public. The Board Members are required to elect a Chairperson by majority vote.

3. Makes the Department of Conservation (DOC) a subdivision of the Resources Agency. The DOC consists of the Division of Mines and Geology, the Division of Oil and Gas, the Division of Land Conservation, and the Division of Recycling (DOR). The DOR administers the California Beverage Container Recycling and Litter Reduction Act, which promotes the recycling of beverage containers.

## ANALYSIS

SB 174 would:

1. Decrease the membership of the six-member CIWMB to five members by eliminating one of the Governor's appointees (public member);

2. Delete the requirement that the Chairperson of the CIWMB be elected by a majority of the CIWMB, and instead require that the Governor appoint the Chairperson;

3. Transfer the Division of Recycling (responsible for the California Beverage Container Recycling and Litter Reduction Act program) from the Department of Conservation (DOC) to the CIWMB;

4. Require the CIWMB to:

   a) Submit an annual report to the Governor and the Legislature concerning the implementation of the California Beverage Container Recycling and Litter Reduction Act;

   b) Combine existing programs for public education and advertising, public information services, grants and contracts and other activities under the Act by January 1, 1997;

   c) Review the process for collecting materials for recycling and submit recommendations for making collection programs more efficient and expanding those programs to include more material to the Governor and Legislature by January 1, 1997; and

   d) Review existing statutes and regulations that require manufacturers of consumer products to pay fees, to make products recyclable, or to display consumer information to promote recycling and submit recommendations to the Governor and the Legislature by January 1, 1997.

5. Make a statement of legislative intent concerning the reduction of solid waste; and

6. Make other conforming technical changes.

## COMMENTS

The purpose of the bill, according to the author, is to eliminate overlapping recycling mandates, duplication of work and enable the state to achieve a coordinated, comprehensive approach to waste reduction, resource reuse and recycling.

SB 174 is inconsistent with the Governor's 1995 reorganization proposal, which would reduce the CIWMB board structure from six full time members to four part time members plus one

full time chairperson appointed by the Governor. SB 174 proposes to reduce the CIWMB membership to five members by eliminating one of the Governor's public member appointees. Three members would constitute a quorum. The Governor would appoint the Chairperson.

However, both SB 174 and the Governor's 1995 reorganization proposal transfer the Division of Recycling to the CIWMB.

## LEGISLATIVE HISTORY

SB 174 is a reintroduction of SB 1089 (Killea), 1993-94 Session. SB 1089 would have reduced the membership of the CIWMB from six to five members and transferred the DOR within the DOC to the CIWMB. SB 1089 failed passage in the Assembly Natural Resources Committee.

During the 1993-94 Session, two other reorganization bills were introduced, SB 2026 (Bergeson) and AB 2548 (Rainey). SB 2026, which failed passage in the Senate Governmental Organization Committee, was the Wilson Administration proposal to eliminate the board member structure of the CIWMB, and transfer the DOR in the DOC to a new Department of Waste Management. AB 2548, which would have eliminated the board member structure of the CIWMB, and transferred its powers and duties to a newly-created department, the Division of Integrated Waste Management in the Resources Agency, failed passage in the Assembly Natural Resources Committee.

SB 174 was introduced on January 30, 1995. The bill passed the Senate Governmental Organization Committee (6-4) on April 18, 1995, passed the Senate Appropriations Committee (7-5) on May 1, 1995, and passed the Senate Floor (39-0) on May 4, 1995. The bill is currently at the Assembly Desk awaiting referral to an Assembly policy committee.

Support: Little Hoover Commission

Opposition: Department of Finance
California Manufacturer's Association
Department of Conservation

## FISCAL AND ECONOMIC IMPACT

SB 174 would result in cost savings to the Integrated Waste Management Account of $172,760 (4 PY) in FY 1995-96, and $345,519 (4 PY) annually every year thereafter (see below).

| **Salaries (annual)** | |
|---|---|
| Board Member | $94,645 |
| Advisor | $74,664 |
| Committee Analyst | $58,632 |
| Executive Secretary II | $29,568 |
| Subtotal | $257,509 |

| | |
|---|---|
| Less Salary Savings (5%) | ($12,875) |
| Total Salaries | $244,634 |
| | |
| Plus Benefits (28%) | $68,497 |
| Total Personnel Expenses | $313,131 |
| | |
| **Operating Expenses** | |
| Board Member | $11,697 |
| Staff ($6,897) | $20,691 |
| | $32,388 |

**TOTAL REDUCTION -- $345,519**

SB 174 would require the CIWMB and the DOC to combine existing programs, including public education and advertising, public information hotline services, grants and contracts, and market development. According to CIWMB staff, it is anticipated that there will be an additional savings from combining the two programs and removing duplication and overlap. The CIWMB staff do not have estimates of those savings at this time.

The transfer of the DOR, which is being proposed in the Governor's budget, would add $344,460,000 and 252 positions (annually) to CIWMB beginning January 1, 1996.

There would be no fiscal or economic impact to local government agencies and businesses.

Analyst: Barbara Peavy 255-2313

LEGISLATION AND PUBLIC
EDUCATION COMMITTEE

BILL ANALYSIS

| California Integrated Waste Management Board | Author<br>Mello | Bill Number<br>SB 605 |
|---|---|---|
| Sponsor<br>Soap and Detergent Association | Related Bills<br>SB 1155 (Costa) | Date Amended<br>May 2, 1995 |

## SUMMARY

SB 605 would extend indefinitely an existing exemption from certain manufacturing requirements for rigid plastic packaging containers (RPPCs) used in the shipment of hazardous materials.

## BACKGROUND

Proponents of SB 605 indicate that existing U.S. Department of Transportation (U.S. DOT) regulations prohibit the use of recycled plastic in containers used to transport hazardous materials. These regulations are based on United Nations Protocols that establish standards for containers used to ship hazardous materials in international markets and are unlikely to change in the foreseeable future. Proponents emphasize that this measure is necessary because of the conflict between the federal regulations and state law, which provides an exemption for RPPCs used in the shipment of hazardous materials until January 1, 1996.

Related legislation, SB 1155 (Costa), would authorize the CIWMB to allow payment of fines for violations of the RPPC program in installments, based on the financial ability of the violator. SB 1155 is scheduled to be heard by the Senate Appropriations Committee on May 15, 1995.

## EXISTING LAW

State Law:

1. Requires every rigid plastic packaging container, on average, to meet one of the following criteria:

| Departments That May Be Affected | | |
|---|---|---|
| Department of Toxic Substances Control, Office of Environmental Health Hazard Assessment, Trade & Commerce Agency | | |
| Committee Recommendation<br>Support if amended | Committee Chair<br>Janet Gotch | Date<br>5-15-95 |

- Contain at least 25% postconsumer material;
- Be source reduced at least 10%;
- Be refillable;
- Be reusable; or
- Be recycled at one of three specific rates;

2. Applies the requirements in (1) above only to containers having a minimum capacity of eight ounces and a maximum capacity of five gallons;

3. Provides several exemptions to the RPPC program, including:

   - RPPCs produced in or out of the state which are destined for shipment to other destinations outside the state and which remain with the products upon that shipment.

   - RPPCs which contain drugs, medical devices, medical food, or infant formula as defined by the Federal Food, Drug and Cosmetic Act.

   - RPPCs which contain toxic or hazardous products regulated by the Federal Insecticide, Fungicide, and Rodenticide Act.

   - RPPCs which are manufactured for use in the shipment of hazardous materials and are prohibited from being manufactured with used material by federal packaging material specifications and testing standards set forth in the U.S. DOT regulations;

4. Requires the CIWMB to determine the basis for the U.S. DOT regulations and the likelihood of those regulations being amended in the foreseeable future. The CIWMB must report its determination and recommendation on whether to continue this exemption to the Legislature on or before January 1, 1995, and

5. States that the exemption for RPPCs used in the shipment of hazardous materials shall remain in effect only until January 1, 1996.

**ANALYSIS**

SB 605 would:

1. Remove the January 1, 1996 sunset date on the existing exemption for RPPCs which are manufactured for use in the shipment of hazardous materials and are prohibited from being manufactured with used material by federal packaging material specifications and testing standards set forth in the U.S. DOT regulations;

2. Remove the now obsolete provision of existing law which requires the CIWMB to determine the basis for the U.S. DOT regulations and the likelihood of those regulations being amended in the foreseeable future, and report its determination and

recommendation on whether to continue this exemption to the Legislature on or before January 1, 1995; and

3. Revise the citation to pertinent federal regulations and United Nations Recommendations on the transport of dangerous goods.

**COMMENTS**

The CIWMB staff has completed its report to the Legislature, *Assessment of the Federal Department of Transportation's Prohibition of the Use of Used Plastics in Hazardous Material Containers*, as required by current law. The report, adopted by the CIWMB at its January 25, 1995 meeting, recommends that the exemption for RPPCs used to ship hazardous materials and regulated by the U.S. DOT, be extended to January 1, 2001. The report has since been approved by Cal/EPA and is awaiting approval by the Governor's Office.

The report determined that the basis of the federal regulation prohibiting the use of used (postconsumer) material was:

- To avoid the risk of permeation of the container walls by the hazardous material, and
- To achieve consistency with the regulations of other federal agencies and foreign countries, which also prohibit the use of used material in the construction of containers for the transport of hazardous materials.

The federal regulations provide that an "equivalent container" containing used plastic material may be approved if it can pass a series of tests demonstrating it has an integrity equivalent to containers using virgin material. Two approvals have been given by the U.S. DOT for plastic drums containing an inner and outer layer of virgin plastic (HDPE) and a middle layer of regrind or used plastic of the same type.

The report found that the U.S. DOT is not likely to amend the regulation prohibiting the use of used material until approved "equivalent containers" have established a history of satisfactory performance in the transport of hazardous materials in a wide variety of situations. Even if the U.S. DOT is convinced used plastic material can be used in particular situations, it would not amend the regulation without first petitioning the United Nations (U.N.) committee which established the prohibition against the use of postconsumer plastic. The U.N. Recommendations are established as the international standard for regulations adopted by most countries. Amending the U.S. DOT regulations and making them inconsistent with international regulations would be contrary to the U.S. DOT National Transportation Policy and the Trade Agreements Act.

The report also found information to indicate that the amount of RPPCs in the California waste stream that might be subject to the exemption for containers used in the shipment of hazardous waste is a very small proportion of the total HDPE waste generated.

For purposes of consistency with the report adopted by the CIWMB, the Board may wish to request an amendment to SB 605 which would extend the exemption for containers used in the shipment of hazardous waste to January 1, 2001 instead of extending it indefinitely.

## SUGGESTED AMENDMENT

The Board may wish to consider the following amendment:

1. Limit the term of the exemption for containers used in the shipment of hazardous waste to January 1, 2001.

## LEGISLATIVE HISTORY

SB 605 was introduced on February 22, 1995. It passed the Senate Governmental Organization Committee (11-0) on March 28, 1995, the Senate Appropriations Committee (28.8) on May 1, 1995, and is on the Senate Floor.

Support: The Soap and Detergent Association (sponsor)
Grocery Manufacturers of America
International Sanitary Supply Association, Inc.
California Chamber of Commerce
Chemical Specialties Manufacturers Association

Oppose: None on file.

## FISCAL AND ECONOMIC IMPACT

SB 605 would impose minor, absorbable costs (less than $10,000) on the Integrated Waste Management Account to amend the RPPC program regulations.

The bill would have no fiscal impact on local governments. It would benefit RPPC manufacturers by providing more certainty regarding the status of the existing law exemption for containers used in the shipment of hazardous waste.

Pat Chartrand 255-2416

**PROPOSED AMENDMENTS TO SB 605 (MELLO)**
**(AS AMENDED MAY 2, 1995)**

Add subsection (e) to Section 42340, as follows:

(e) This section shall remain in effect only until January 1, 2001, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2001, deletes or extends that date.

LEGISLATION AND PUBLIC
EDUCATION COMMITTEE

BILL ANALYSIS

| California Integrated Waste Management Board | Author<br>Dills | Bill Number<br>SB 1026 |
|---|---|---|
| Sponsor<br>California Cement Producers Association | Related Bills<br>AB 1071 (Morrow) | Date Amended<br>April 6, 1995 |

**BILL SUMMARY**

SB 1026 would require Caltrans to request that the U.S. Department of Transportation set aside the federal Intermodal Surface Transportation Efficiency Act (ISTEA) utilization requirements for asphalt pavement containing recycled rubber if Caltrans finds that the use of waste tires for fuel production at cement manufacturing plants in California provides an adequate waste reduction alternative to the recycled rubber requirements of ISTEA.

**BACKGROUND**

Similar legislation includes AB 1071 (Morrow), which would exempt a cement manufacturing plant from the requirement to obtain a major waste tire facility permit as long as the owner or operator of the plant stores not more than a one-month supply of waste tires at any time and is in compliance with the California Integrated Waste Management Board (CIWMB) regulations pertaining to waste tire storage and disposal. The CIWMB has a support, if amended, position on this measure.

The California Integrated Waste Management Board (CIWMB) released a report in 1992 entitled, *Tires as a Fuel Supplement: Feasibility Study,* which assessed the feasibility of using tires as a fuel supplement for cement kilns, lumber operations, and other industrial processes. The report indicated that over 27 million used tires are generated each year in California. Of this amount, 21 million are waste tires, which present significant risks to the environment and public health. The CIWMB concluded that under the right conditions, tires can be safely burned as a fuel supplement and recommended that support be provided for the use of tires as fuel in cement kilns.

The CIWMB found that use of tires in cement kilns displaces coal. The effect is that coal does not have to be mined or transported and, if the emissions are equivalent, an overall environmental benefit is realized because the tires are consumed in a way that leaves no residue. According to the report, emissions tests at two California cement kilns burning waste tires with coal fuel showed no appreciable difference in toxic air contaminant emissions when

| Departments That May Be Affected<br>Caltrans | | |
|---|---|---|
| Committee Recommendation<br>Oppose | Committee Chair<br>Janet Gotch | Date<br>5-15-95 |

compared to burning coal fuel only. The CIWMB report concluded that use of waste tires as a fuel source has the potential to eliminate all of the waste tires stockpiled and generated in the state.

The CIWMB report identified eleven cement manufacturing facilities in California. Three facilities are located in Northern California in Redding, Permanente (north of Cupertino), and Davenport (north of Santa Cruz). The remaining eight facilities are located in Southern California at Lebec, Tehachapi, Mojave, Oro Grande, Victorville, Lucerne Valley, Colton, and Riverside.

Currently, three of these facilities are supplementing primary fuel with tires. They include the Calaveras Cement Company in Redding, the Southwestern Cement Company in Victorville, and the Mitsubishi Cement Company in Lucerne Valley. In addition, the California Portland Cement Company in Mojave is currently test burning tires as a fuel supplement. Also, the Riverside Cement Company in Oro Grande is in the process of obtaining a permit to construct a tire handling system and test-burn tires as fuel.

**EXISTING LAW**

State Law:

1. Requires the Director of Transportation (Caltrans), in consultation with the CIWMB, to review and modify all bid specifications relating to the purchase of paving and paving-related materials that are made from recycled materials including, but not limited to, recycled asphalt pavement, crushed concrete subbase, foundry slag, and paving materials using recycled materials including, but not limited to, crumb rubber from automobile tires, ash, and glass and glassy aggregates. The standards and specifications set by Caltrans cannot reduce quality standards for road construction and contracts for pavement using recycled materials. Contracts for pavement using recycled materials may be allowed only if the price is cost-effective and competitive with other materials for the purposes intended.

Federal Law (ISTEA):

1. Requires the Department of Transportation to meet minimum requirements for asphalt pavement containing recycled rubber. In 1995, a minimum of 10% of the total tons of finished asphalt used in a state and financed in whole or in part by federal funds must use rubber recycled from tires. This requirement increases to 15% in 1996 and 20% thereafter. States may increase these percentages if it is feasible to do so. Up to 5% of other recycled materials may be substituted for recycled rubber.

2. Permits a waiver of the utilization requirements if the U.S. Environmental Protection Agency (USEPA) determines that manufacture or use of recycled rubber is hazardous to humans or the environment, or if recycled rubber asphalt proves substantially less fit for recycling than conventional asphalt. Additionally, a waiver may be granted if

evidence suggests that recycled rubber asphalt does not perform adequately for use in roads.

**ANALYSIS**

SB 1026 would:

1. Require Caltrans to request that the U.S. Department of Transportation set aside federal minimum requirements for asphalt pavement containing recycled rubber if Caltrans finds that the use of waste tires for fuel production at cement manufacturing plants in this state provides an adequate waste reduction alternative to the federal ISTEA requirements; and

2. Make findings and declarations with respect to utilization of used tires as fuel for cement kilns and the realized environmental benefits.

**COMMENTS**

The purpose of the bill, according to the author, is to promote an environmentally safe alternative to achieve the maximum use of used tires. The author believes that this measure will lead to disposal of a difficult material to handle, a decrease in the quantity of fossil fuel that is used in cement kilns, and a measurable decrease in air pollutants.

Proponents state that, in general, cement kilns offer the most ideal environment for combustion of used tires due to their design and existing state of the art pollution control equipment. Also, when tires are combusted in the cement kiln, the ash residue resulting from combustion becomes part of the chemistry of the cement and offers the additional advantage of reducing cement additive cost such as iron oxide that comes from the steel beads and radial wires in tires.

The federal ISTEA act requires state and local agencies to, together, use at a minimum the following percentages of asphalt pavement containing recycled rubber for materials utilized in the state and financed in whole or part by state or federal funds: 10% in 1995; 15% in 1996; and 20% in 1997; and each year thereafter. Federal transportation funds will be withheld if a state fails to meet this requirement.

A CIWMB report published in January 1993, *State Recycled Procurement*, reported that local governments have funded several rubber modified asphalt paving projects. Caltrans considered all but one asphalt concrete containing recycled rubber use experimental. In addition, the report mentioned several other uses for scrap tires including mats and padding and rubber roofing materials.

According to the CIWMB staff, this bill should have been written as a joint resolution, rather than a bill enacting statute. The bill, as written, is not enforceable, because federal law takes precedence over state law. Currently, Caltrans meets the 20% minimum percentage of asphalt pavement containing recycled rubber.

## LEGISLATIVE HISTORY

Similar legislation from the 1993-94 Legislative Session, AB 1984 (Bornstein) would have required state and local agencies to use increasing percentages of asphalt pavement containing recycled rubber where financed in whole or in part by state and federal funds. Governor Wilson vetoed this legislation because he felt that AB 1984 would unnecessarily duplicate recycled materials usage requirements in state law that are already required under federal law as a precondition for receiving federal highway funds. The CIWMB reviewed AB 1984 in 1993, but did not adopt a position.

SB 1026 was introduced on February 24, 1995. The bill passed the Senate Governmental Organization Committee (11-0) on April 18, 1995, passed the Senate Appropriations Committee per Senate Rule 28.8 (non-fiscal bills) on May 1, 1995, and passed the Senate Floor (30-1) on May 4, 1995. The bill is currently at the Assembly Desk awaiting assignment to policy committee.

Support: California Cement Producers Association (Sponsor)

Opposition: Californians Against Waste (CAW)
Citizens for a Better Environment

## FISCAL AND ECONOMIC IMPACT

SB 1026 would have no fiscal impact on the CIWMB and its programs. SB 1026 could stimulate market development demand for used tires. In addition, this could increase the use of other recycled materials including ash and glass, by providing an increased demand for their recycling and use in paving materials.

Analyst: Barbara Peavy 255-2313

LEGISLATION AND PUBLIC
EDUCATION COMMITTEE

BILL ANALYSIS

| California Integrated Waste Management Board | Author<br>Leslie | Bill Number<br>SB 1163 |
|---|---|---|
| Sponsor<br>California Integrated Waste Management Board | Related Bills | Date Amended<br>April 17, 1995 |

**BILL SUMMARY**

SB 1163, a California Integrated Waste Management Board (CIWMB) sponsored, Governor's approved (CEPA 95-23) proposal, would make various technical and clarifying changes to the solid waste management statutes to facilitate the adoption of a consolidated set of solid waste facility regulations by the CIWMB and State Water Resources Control Board (SWRCB).

**BACKGROUND**

Solid waste disposal facilities are subject to the CIWMB permitting and minimum standards contained in the Public Resources Code (PRC) and Title 14, California Code of Regulations (CCR). These facilities are also subject to SWRCB waste discharge requirements as specified in the Water Code (WC) and Title 23, CCR. The CIWMB regulations were approved by the Office of Administrative Law (OAL) to implement provisions of the PRC. The SWRCB regulations were approved by OAL to implement provisions of the WC.

In 1993, the CIWMB and the SWRCB released results of a study to identify and make clarifying recommendations regarding their respective regulatory responsibilities at solid waste facilities. The joint report entitled *Reforming the California Solid Waste Disposal Regulatory Process,* pointed out the need for removal of overlap and duplication between the CIWMB and the SWRCB in the regulatory structure and included recommendations for developing a consolidated set of regulations. The comments contained in this joint report ultimately resulted in CIWMB-sponsored legislation, AB 1220 (Eastin, Chapter 656, Statutes of 1993).

AB 1220 requires the CIWMB and the SWRCB to develop a consolidated set of solid waste disposal facility regulations to remove overlap and duplication as well as a simplified permit application.

Staff from the CIWMB and SWRCB have met with members of the regulated community and staff from other regulatory agencies to receive suggestions for carrying out the mandates of AB 1220. CIWMB and SWRCB staff are currently in the process of drafting the new

| Departments That May Be Affected<br>State Water Resources Control Board | | |
|---|---|---|
| Committee Recommendation<br>Support | Committee Chair<br>Janet Gotch | Date<br>5-15-95 |

regulatory framework. Through the ongoing development of the regulations package, staff continue to identify needed changes to existing law so that the provisions of AB 1220 can be effectively implemented.

## EXISTING LAW

State Law:

1. Requires the SWRCB and CIWMB to develop one consolidated set of solid waste disposal facility regulations where distinct chapters are written and implemented by the appropriate agency, and one consolidated permit application, including one technical report to incorporate the requirements of both the solid waste facilities permit and the waste discharge permit;

2. The regulations must ensure that a clear and concise division of authority be maintained in statutes and regulation to remove all areas of overlap, duplication, and conflict between the CIWMB, SWRCB, and other state agencies.

## ANALYSIS

SB 1163 would:

1. Define "solid waste disposal" or "disposal" as the final deposition of solid waste onto land, and delete the language referencing disposal as "into the atmosphere or into the waters of the state";

2. Make other technical corrections to cross references to the definition of "solid waste landfill" that were not included in AB 1220;

3. Make a technical correction to delete "local" before "enforcement agency" in various parts of the codes; and

4. Make a technical correction to correctly identify the Department of Toxic Substances Control, rather than Department of Health Services, as the appropriate agency to be notified of possible violations of standards within their regulatory jurisdiction.

## COMMENTS

AB 1220 made various changes to the law clarifying each agency's responsibilities with respect to regulating the activities of solid waste facilities. The bill also required that the CIWMB and SWRCB produce a consolidated set of regulations related to solid waste facilities and simplify the permitting process. In developing the consolidated regulations package required by AB 1220, the CIWMB and SWRCB continue to identify differences in statutory definitions in the PRC and the WC which apply to solid waste disposal facilities.

SB 1163, a technical and housekeeping measure, is needed so that a common set of definitions will exist in the PRC and WC concerning solid waste disposal facilities, allowing for the development of consolidated regulations as required by AB 1220. In addition, the unified set of definitions established by SB 1163 will facilitate OAL's adoption of the new regulations. The CIWMB and SWRCB have developed draft regulations for AB 1220 and expect to release the document for informal public comment by May 1995.

Further, by relying on the consistent definitions and terminology contained in SB 1163, CIWMB and SWRCB staff can effectively develop a simplified permit application, making it easier for the regulated community to comply with state standards.

The bill would amend the definition of "disposal" which is used for the purposes of regulating landfills and disposal sites only. The solid waste regulatory definition of disposal is being amended to exclude references to disposal to the air or waters of the state in a effort to clarify that the definition is consistent with AB 1220 with respect to eliminating regulatory overlap and duplication between the Air Resources Board, SWRCB, and CIWMB at landfills and disposal sites. This definition of disposal is distinctly different from the definition of "disposal" used for solid waste management planning purposes which provides that disposal includes landfill disposal and transformation (incineration). The result of the different definition is that under the planning definition transformation does not count as "diversion" for purposes of the Integrated Waste Management Act's goal of diverting 25% of the wastestream by 1995, and 50% by 2000, through source reduction and recycling.

It is also noted that eliminating the references to disposal to air and water from the regulatory definition of disposal would not preclude the CIWMB from exercising its regulatory authority over transformation facilities since a definition of "transformation" is defined within existing law, and a transformation facility is included within the definition of "solid waste facility".

As the development of the regulations package proceeds, it is anticipated that further statutory changes of a technical or housekeeping nature may be identified and proposed for inclusion in SB 1163.

## LEGISLATIVE HISTORY

SB 1163 was introduced on February 24, 1995, passed the Senate Committee on Governmental Organization (11-0) on April 18, 1995, passed the Senate Floor (29-0) on April 27, 1995, and has been referred to the Assembly Committee (no hearing date set).

Support: None on file

Oppose: None on file

## FISCAL AND ECONOMIC IMPACT

SB 1163 would not have a fiscal impact on the CIWMB.

SB 1163 could have a positive economic impact on the solid waste industry by facilitating the

development of regulations that will streamline the permitting process, and reduce overlap, conflict, and duplication in the regulation of solid waste disposal facility operators.

Analyst: Ross Warren 255-2415

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**
**Status Report of Priority Bills**
**State Legislation**

**May 15, 1995**

Bill No: **AB 59 (Sher)**
Subject: **Solid Waste Facilities: Permits: Enforcement**
Intro: 12/16/94
Amended: 4/26/95

Revises solid waste facility permitting and enforcement activities carried out by the CIWMB and Local Enforcement Agencies (LEAs). Provides for the imposition of civil liabilities administratively by the LEA or the CIWMB when a solid waste facility operator is not in compliance with permitting requirements, permit terms and conditions, or state minimum standards related to permitting, handling, or disposal of solid waste, and establishes classes of violations based on their threat to public health and safety or the environment. Establishes detailed procedures for the CIWMB when acting as the enforcement agency (EA), and clarifies processes, procedures, and requirements for the designation, operation, and evaluation of LEAs. Clarifies in statute the requirements for operators who wish to change solid waste facility design or operations. (Note: This bill is a reintroduction of AB 1829 of 1994.)

Status: Passed the Assembly Natural Resources Committee (12-1) on 4/17/95; set to be heard before the Assembly Appropriations Committee on 5/24/95

LPEC Position: 2/7/95 - Support
CIWMB Position: 2/22/95 - Support

Bill No: **AB 116 (Speier)**
Subject: **Legislative Oversight: Reports**
Intro: 1/11/95
Amended: 3/2/95

Provides that no state or local agency shall be required to prepare and submit any written report to the Legislature or the Governor until January 1, 1997, except under specified conditions. Continues to require specified reports. Repeals provisions of the bill on 1/1/97. Urgency measure.

Status: Passed the Assembly Consumer Protection Committee (11-0) on 3/7/95; passed the Assembly Appropriations Committee (18-0) on 4/5/95; passed the Assembly (74-0) (Consent Calendar) on 4/20/95; referred to the Senate Rules Committee for committee assignment

LPEC Position: 3/14/95 - Defer to Cal/EPA
CIWMB Position: 3/29/95 - Defer to Cal/EPA

Bill No: **AB 227 (Sher)**
Subject: **Environmental Advertising**
Intro: 2/1/95
Amended:

Deletes the current definition of "recyclable" (for purposes of environmental advertising) and instead requires any person who represents any consumer good

4/6/95 that it manufactures or distributes as "recyclable" to comply with specified Federal Trade Commission rules. Urgency measure.
Status: Failed passage in the Assembly Consumer Protection, Governmental Efficiency and Economic Development Committee (4-7) on 4/18/95; reconsideration granted; hearing postponed by committee
LPEC Position: 3/14/95 - Support
CIWMB Position: 3/29/95 - Support

Bill No: **AB 241 (Horcher)**
Subject: **BKK Solid Waste Facility**
Intro: 2/2/95 Authorizes the City of West Covina to revoke the conditional use permit (CUP) that has been granted to the BKK solid waste disposal facility located in the City of West Covina, if the city council makes findings as to permit violations and a threat to public health and safety. Requires that if the city revokes the facility's CUP, the enforcement agency must immediately revoke the solid waste facilities permit that has been granted to the facility, prohibit the facility from accepting any solid waste for disposal at the facility, and require the closure of the facility in accordance with the closure and postclosure maintenance plan. Urgency measure.
Status: Referred to Assembly Natural Resources Committee
LPEC Position: 5/9/95 - Oppose
CIWMB Position: None at this time

Bill No: **AB 242 (Sher)**
Subject: **Rural Regional Agencies: Penalties**
Intro: 2/2/95 Amended: 4/6/95 Requires that any civil penalty imposed on a rural regional agency by the CIWMB for failure to submit or implement an element or plan shall be imposed only on a member rural city or county that is in violation, irrespective of its membership in the rural regional agency. Extends the date for submittal of the initial report to the Legislature on nonyard wood waste diversion from March 31, 1993 to March 31, 1996.
Status: Passed the Assembly Natural Resources Committee (12-0) on 3/27/95; passed the Assembly Appropriations Committee (17-0) on 4/26/95; passed Assembly Floor (74-0) on 5/4/95; referred to the Senate Governmental Organization Committee
LPEC Position: 5/9/95 - Support If Amended
CIWMB Position: None at this time

Bill No: **AB 381 (Baca)**

Subject: **Solid Waste: Diversion Requirements**
Intro: 2/14/95
Amended: 4/20/95
Revises the definition of "good faith efforts," -- part of the criteria used by the CIWMB in determining whether or not to impose civil penalties on a local jurisdiction for failure to implement certain planning elements -- to include the evaluation by a city, county, or regional agency of improved technology for the handling and management of solid waste that would result in specified benefits.
Status: Passed the Assembly Natural Resources Committee (9-1) on 4/3/95; set to be heard before the Assembly Appropriations Committee on 5/17/95
LPEC Position: 5/9/95 - Support
CIWMB Position: None at this time

Bill No: **AB 407 (Kuehl)**
Subject: **Solid Waste Disposal Facilities: Santa Monica Mountains Zone**
Intro: 2/24/95
Amended: 3/27/95
Prohibits a solid waste enforcement agency from issuing, modifying, or revising, a solid waste facility permit for the operation of a new or expanded disposal facility within the Santa Monica Mountains Zone, as the zone is defined as of 1/1/95.
Status: Failed (3-5) the Assembly Natural Resources Committee on 5/1/95; granted reconsideration; passed (8-6) the Assembly Natural Resources Committee on 5/8/95; on Assembly Second Reading File
LPEC Position: 5/9/95 - Support
CIWMB Position: None at this time

Bill No: **AB 626 (Sher)**
Subject: **Solid Waste: Reporting Requirements**
Intro: 2/17/95
Amended: 4/17/95
Consolidates the CIWMB's ongoing annual reporting requirements into a series of seven progress reports, which would be submitted to the Governor and the Legislature on an annual basis. Also requires the annual progress reports by local jurisdictions to be submitted to the CIWMB on or before March 1 of every other year. Further makes a clarifying change to the intent language in the Integrated Waste Management Act (IWMA), extends indefinitely a specified provision of the State Assistance for Recycling (STAR) Markets Act of 1989, and makes a number of general "code cleanup" changes. Amends the Open Meeting Act to allow the CIWMB to hold closed sessions when considering trade secret, confidential proprietary, or financial proprietary data of manufacturers or businesses.

Status: Passed the Assembly Natural Resources Committee (13-0) on 4/17/95; set to be heard before the Assembly Appropriations Committee on 5/24/95
LPEC Position: 5/9/95 - Support If Amended
CIWMB Position: None at this time

Bill No: **AB 644 (Richter)**
Subject: **Non-RCRA Hazardous Waste: Regulation**
Intro: 2/21/95
Amended: 4/26/95
Requires the DTSC, by January 1, 2001, to evaluate and readopt regulations that prescribe the criteria for determining non-RCRA hazardous waste and prescribes related guidelines.
Status: Passed the Assembly Environmental Safety and Toxic Materials Committee (10-0) on 4/20/95; set to be heard before the Assembly Appropriations Committee on 5/24/95
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 995 (Sher)**
Subject: **Beverage Containers**
Intro: 2/23/95
Extends requirements of the California Beverage Container Recycling and Litter Reduction Act, relating to the calculation by the DOC of processing fees paid by beverage manufacturers to January 1, 1998.
Status: Set to be heard before the Assembly Natural Resources Committee on 4/17/95; hearing cancelled at the request of the author
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 1071 (Morrow)**
Subject: **Waste Tires: Cement Manufacturing Plant**
Intro: 2/23/95
Amended: 4/4/95
Exempts a cement manufacturing plant from the requirement to obtain a major waste tire facility permit as long as the owner or operator of the plant stores not more than a one-month supply of waste tires at any time and is in compliance with CIWMB regulations pertaining to waste tire storage and disposal.
Status: Passed the Assembly Natural Resources Committee (13-0) on 4/17/95; passed Assembly Appropriations Committee on 5/3/95; passed the Assembly Floor on 5/11/95; referred to the Senate Rules Committee for policy committee assignment
LPEC Position: 4/4/95 - Support
CIWMB Position: 4/25/95 - Support, if amended.

Bill No: **AB 1103 (Sher)**
Subject: **Oil Recycling: Used Oil Collection Centers**
Intro: 2/23/95 Requires that signs at a used oil collection center include either specified wording or a logo adopted by the CIWMB. Makes various technical and clarifying changes.
Status: Passed the Assembly Natural Resources Committee on 4/3/95; passed the Assembly Appropriations Committee (18-0) on 4/19/95; passed the Assembly Floor (73-0) on 4/27/95; referred to the Senate Government Organization Committee
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 1135 (Morrissey)**
Subject: **Administrative Regulations: Cumulative Impact**
Intro: 2/23/95 Amended: 4/26/95 Requires all state agencies within the Trade and Commerce Agency as of July 1, 1995, proposing to adopt or substantively amend any regulation to consider the cumulative impact of all regulations that become effective on and after January 1, 1990, on specific private sector entities that may be affected by the proposed adoption or amendment of the regulation.
Status: Passed the Assembly Consumer Protection Committee (11-1) on 4/18/95; set to be heard before the Assembly Appropriations Committee on 5/17/95
LPEC Position: 5/9/95 - Defer to Trade and Commerce Agency
CIWMB Position: None at this time

Bill No: **AB 1179 (Bordonaro)**
Subject: **Regulations: Impact on Business**
Intro: 2/23/95 Amended: 5/4/95 Exempts California businesses from all regulations adopted on or after January 1, 1996, unless the adopting agency makes findings that the intended regulatory benefits justify the costs and the regulations are the most cost effective of available options. Additionally, expands the role of the Secretary of the Trade and Commerce Agency (TCA) in the adoption of regulations proposed by all agencies and permits the Secretary to reject any proposed regulations upon a finding of significant adverse economic impact as well as inadequate justifications of cost effectiveness. Requires the Office of Administrative Law (OAL) review all regulations rejected by the Secretary of the TCA.
Status: Passed the Assembly Consumer Protection Committee (7-2) on 4/18/95; referred to the Assembly Appropriations Committee

LPEC Position: 5/9/95 - Oppose
CIWMB Position: None at this time

Bill No: **AB 1202 (Woods)**
Subject: **Public Utilities: Electrical Generation**
Intro: 2/23/95
Amended: 4/25/95
Requires the Public Utilities Commission (PUC) and other regulating agencies to direct that a set-aside of 1.5 percent to be provided exclusively by biomass-fueled electricity generating plants located in California. Urgency Measure.
Status: Set to be heard before the Assembly Utilities and Commerce Committee on 4/17/95; hearing postponed by committee; hearing reset in the Assembly Utilities and Commerce Committee on 5/8/95; hearing postponed by committee
LPEC Position: 5/9/95 - Support
CIWMB Position: None at this time

Bill No: **AB 1475 (Pringle)**
Subject: **Regulatory Fees**
Intro: 2/24/95
Amended: 4/26/95
Requires the State Board of Equalization to establish a regulatory fee register to serve as a central repository of information concerning regulatory fees collected by specified agencies. Requires each agency to submit to the board quarterly reports of the total dollar amount of regulatory fees collected by the agency.
Status: Passed the Assembly Environmental Safety and Toxic Materials Committee (10-0) on 4/18/95; set to be heard before the Assembly Appropriations Committee on 5/24/95
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 1647 (Ducheny)**
Subject: **Solid Waste Facilities: Regulations**
Intro: 2/24/95
Amended: 4/20/95
Provides findings and declarations that the CIWMB should be statutorily authorized to adopt regulations for solid waste facilities that impose different levels, or "tiers" of regulations for different types of solid waste facilities.
Status: Passed the Assembly Natural Resources Committee (11-0) on 5/8/95; on Assembly Second Reading File
LPEC Position: 5/9/95 - Forward to Board Without Recommendation
CIWMB Position: None at this time

Bill No: **AB 1649 (Cannella)**
Subject: **Solid Waste Facilities: Standards: Federal Act**
Intro: Provides legislative findings and intent that the

2/24/95 Amended: 5/3/95 CIWMB should be prohibited from adopting any regulation that imposes any standard or requirement for any activity pertaining to the handling or disposal of solid waste that exceeds the minimum standards or requirements established for that activity by federal law or regulation, unless specific standards or requirements are required by state statutes.
Status: Passed the Assembly Natural Resources Committee (12-0) on 5/8/95; on Assembly Second Reading File
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 1659 (Woods)**
Subject: **Regulations: Difference from the Code of Federal Regulations**
Intro: 2/24/95 Amended: 5/11/95 Requires that justification for adoption of state regulations that are different from regulations on the same subject contained in the Code of Federal Regulations be established by scientific risk and economic assessment procedures that include public review and comment periods.
Status: Passed the Assembly Consumer Protection Committee (8-4) on 4/18/95; set to be heard before the Assembly Appropriations Committee on 5/17/95
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 1851 (Sher)**
Subject: **Solid Waste: Trash Bags**
Intro: 2/24/95 Changes the compliance date from 1/1/95 to 1/1/97 for the requirement that every manufacturer of plastic trash bags ensure that at least 30 percent of the material in those trash bags is recycled plastic postconsumer material. Urgency Measure.
Status: Passed by the Assembly Natural Resources Committee (9-2) on 4/3/95; passed the Assembly Appropriations Committee (15-1) on 4/19/95; passed the Assembly Floor (72-1) on 4/27/95; referred to the Senate Governmental Organization Committee
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 1860 (Allen)**
Subject: **Environmental Quality: Actions and Proceedings**
Intro: 2/24/95 Amended: 4/25/95 Exempts from the CEQA requirement to prepare and certify the completion of environmental impact reports on projects, any activity consisting only of the extension, renewal, reissuance, or transfer by a public

agency of a lease, certificate, or other entitlement for use under specified circumstances.

Status: Passed the Assembly Natural Resources Committee (10-0) on 4/24/95; set to be heard before the Assembly Appropriations Committee on 5/24/95

LPEC Position: None at this time

CIWMB Position: None at this time

Bill No: **AB 1902 (McPherson)**

Subject: **Solid Waste: State Agencies**

Intro: 2/24/95

Amended: 4/18/95

Requires each state agency, on or before 10/1/96, to develop, in consultation with the CIWMB, an integrated waste management program. Requires each state agency, on or before April 1, 1996, to complete a waste audit to determine the amount of solid waste generated by the state agency and the amount of solid waste that can be source reduced, recycled, composted, or reused. Requires each state agency to divert 25% of the solid waste generated by the state agency from landfill or transformation facilities by January 1, 1997, and 50% by January 1, 2000. Defines "state agency" as every state office, officer, department, division, board, commission or other agency of the state.

Status: Passed by the Assembly Natural Resources Committee (11-0) on 4/3/95; set to be heard before the Assembly Appropriations Committee on 5/24/95

LPEC Position: 5/9/95 - Support

CIWMB Position: None at this time

Bill No: **AB 1932 (Sweeney)**

Subject: **Solid Waste: Diversion Requirements: Reporting**

Intro: 2/24/95

Amended: 4/25/95

Authorizes the CIWMB to make adjustments in the amounts of solid waste disposed and diverted by a jurisdiction which hosts a regional diversion facility. Defines a "regional diversion facility" as a facility that meets specific criteria, including, processes at least 70% of the solid waste it receives on a quarterly basis into recycled materials, accepts solid waste for recycling from both within and without their jurisdiction, only accepts solid waste that has been source-separated, the residual solid waste generated by the facility is a byproduct of the recycling that takes place at the facility, the facility provides a measurable benefit to the regional efforts to divert solid waste from disposal, and the facility is not a solid waste facility as defined in PRC Section 40194.

Status: Passed the Assembly Natural Resources Committee

(13-0) on 4/17/95; set to be heard before the Assembly Appropriations Committee on 5/17/95
LPEC Position: 5/9/95 - Support
CIWMB Position: None at this time

Bill No: **AB 1943 (Bordonaro)**
Subject: **Environmental Protection: General Permits**
Intro: 2/24/95
Amended: 4/24/95
Authorizes the Secretary for the Environmental Protection Agency to adopt regulations to precertify equipment and processes as being in compliance with applicable environmental rules and regulations. Requires state environmental agencies and authorizes local environmental agencies to adopt general permits with incorporate equipment and processes so precertified. Authorizes local environmental agencies to adopt additional requirements as part of the general permit to meet local health and safety concerns.
Status: Set to be heard before the Assembly Natural Resources Committee on 4/17/95; author put the bill over
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 1965 (Figueroa)**
Subject: **Hazardous Waste: Wood Waste**
Intro: 2/24/95
Exempts from hazardous waste control laws any wood waste, previously treated with a preservative, that has been removed from public or private utility service if all of the following conditions are met: (1) the wood waste is not subject to regulation under RCRA, (2) the wood waste is disposed of in a solid waste landfill that meets the leachate collection system and liner requirements of the federal Subtitle D regulations, and (3) the solid waste landfill used for disposal is authorized to accept the wood waste under waste discharge requirements issued by the Regional Water Quality Control Board.
Status: Passed Assembly Environmental Safety and Toxic Materials Committee (12-0) on 4/18/95; passed the Assembly Appropriations Committee 12-0) on 5/3/95; passed the Assembly Floor on 5/11/95; referred to the Senate Rules Committee for policy committee assignment
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **ACA 7 (Pringle)**
Subject: **State Mandates**
Intro: 2/6/95
Provides that whenever the Legislature or any state agency mandates any new program, higher level of

Amended: 5/4/95 service, or increased cost on any local government, the state must provide a subvention of funds to pay the local government for the cost. Provides that no statute, with specified exceptions, and no executive order or regulation that creates a mandate becomes operative sooner than 90 days after the Commission on State Mandates determines either that the state is not required to provide a subvention of funds for the mandate or that sufficient funds have been appropriated to pay local government for the cost. States that the performance of suspended mandates shall not impose liability upon a local government or its officers or employees, as specified. Includes various other provisions related to state mandates and the Commission on State Mandates.

Status: Set to be heard before the Assembly Local Government Committee on 5/17/95

LPEC Position: None at this time

CIWMB Position: None at this time

Bill No: **ACA 8 (Goldsmith)**

Subject: **State Mandates**

Intro: 2/8/95 Provides that a local government may decline to implement a program or higher level of service mandated by the Legislature or any state agency unless and until the state provides a subvention of full funding to reimburse the local government for the costs of the program or increased level of service. Authorizes a local government to discontinue a mandated program when all of the funds provided for the mandate have been expended. Exempts specified mandates.

Status: Referred to Assembly Local Government Committee

LPEC Position: None at this time

CIWMB Position: None at this time

Bill No: **ACA 21 (Brulte)**

Subject: **Legislation: Cost Imposition: Vote Requirement**

Intro: 2/24/95 Requires a 2/3 vote of the membership of each house of the Legislature to pass a bill that would impose or authorize requirements or prohibitions that would impose a direct aggregate cost equal to, or exceeding, an unspecified amount in any fiscal year upon business and individuals. Establishes an exclusion from this vote requirement in the case in which statutes enacted previously during the same legislative session, or the bill in question, repeals existing requirements or prohibitions to reduce the costs of businesses and individuals in an offsetting amount.

Status: Referred to Assembly Rules Committee
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **ABXX 20 (Morrow)**
Subject: **Orange County: Solid Waste Disposal Fees**
Intro: 2/23/95
Temporarily suspends payment by Orange County of the solid waste disposal fee and waives any penalties or interest, or both, on the unpaid fees. Provides that the suspension of payment by Orange County shall remain in effect until its debt is restructured and a repayment plan for the unpaid fees is formulated between Orange County and the CIWMB. **Note: This measure has been introduced in the Second Extraordinary Session convened to deal with Orange County's bankruptcy problems.**
Status: Assembly Desk
LPEC Position: To LPEC on 4/4/95 - information analysis only
CIWMB Position: None at this time

Bill No: **SB 1 (Alquist)**
Subject: **Information Services Agency**
Intro: 12/5/94
Replaces the Office of Information Technology with the Information Services Agency (ISA), to be managed by the Secretary of Information Services. Creates a Department of Information Services within the agency with specified duties, including consolidation of state information technology services, establishment of policies regarding an independent validation and verification of state information technology projects, acquisition of information technology and telecommunication goods and services, and the formation of user and advisory committees.
Status: Passed (9-0) the Senate Governmental Organization Committee on 4/18/95; set to be heard before the Senate Appropriations Committee on 5/1/95; hearing postponed by committee; placed on Appropriations Suspense File on 5/8/95
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 11 (Ayala)**
Subject: **State Mandates**
Intro: 12/5/94
Amended: 4/17/95
Provides that an affected local agency would not be required to comply with a state-mandated local program after the bill becomes effective if an appropriation to fully fund a test claim for that program is not enacted within 16 months after both approval of the

claim and adoption of a statewide cost estimate of the approved claim by the Commission on State Mandates. Specifies that a bill determined by the Legislative Counsel to impose a state-mandated local program that does not appropriate funds for reimbursement of the mandate or disclaim the right to reimbursement would require a 2/3 vote for passage. The provisions of this bill would not apply to any existing state-mandated local program that is amended after the effective date of this act.

Status: Passed Senate Local Government Committee (4-2) on 3/1/95; passed the Senate Education Committee (7-0) on 3/29/95; set to be heard before the Senate Appropriations Committee on 4/24/95; taken off calendar; passed the Senate Appropriations Committee per Senate Rule 28.8; passed the Senate Floor (34-0) on 5/11/95; at Assembly Desk

LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 19 (Johannessen)**
Subject: **State Mandates**
Intro: 12/6/94
Amended: 4/25/95

Provides that a state-mandated local program, with specified exceptions, enacted after January 1, 1996, shall not apply to any city with a population of 25,000 or less or any county with a population of 50,000 or less, if an appropriation to fully fund a test claim for the mandated program is not enacted within 16 months after approval of the claim and adoption of a statewide cost estimate by the Commission on State Mandates. Specifies that legislation determined by the Legislative Counsel to constitute a state-mandated program on local agencies would require passage by a 2/3 vote.

Status: Failed passage in the Senate Local Government Committee (2-2) on 4/5/95; reconsideration granted; passed the Senate Local Government Committee (4-2) on 4/19/95; passed the Senate Appropriations Committee per Senate Rule 28.8 on 5/8/95; passed the Senate Floor (24-9) on 5/11/95; at Assembly Desk

LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 25 (Leonard)**
Subject: **Public Utilities: Electric Utilities: Generation**
Intro: 12/8/94
Amended:

Prohibits the PUC from prescribing special resource additions for electric utilities. Prohibits the PUC from requiring electric utilities to make generator

4/4/95 resource additions.
Status: Passed the Senate Energy and Public Utilities Committee (5-3) on 3/28/95; passed the Senate Appropriations Committee per Senate Rule 28.8 on 4/24/95; referred to the Senate Floor for vote
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 174 (Killea)**
Subject: **Reorganization: Beverage Container Recycling: Solid Waste Management**
Intro: 1/30/95
Amended: 4/18/95
Transfers the Division of Recycling and its functions from the Department of Conservation to the CIWMB, and makes conforming changes. Requires the CIWMB to combine existing CIWMB/DOC programs, by 1/1/97, for public education and advertising, public information hotline services, grants and contracts, and market development efforts. Requires the CIWMB to review the process for collecting materials for recycling and to review existing statutes and regulations imposing specified requirements on manufacturers and to submit recommendations based on these reviews to the Governor and the Legislature by 1/1/97. Reduces the membership of the CIWMB to five members by eliminating one of the positions appointed by the Governor to represent the public, and requires the Governor to appoint the chairperson of the CIWMB. (Note: This bill is similar to SB 1089 of 1994.)
Status: Set for hearing before the Senate Natural Resources and Wildlife Committee on 4/4/95. Re-referred to the Senate Governmental Organization Committee; passed the Senate Governmental Organization Committee (6-4) on 4/18/95; passed the Senate Appropriations Committee (7-5) on 5/1/95; referred to the Senate Floor; placed on inactive file on request of the author
LPEC Position: 5/9/95 - Support
CIWMB Position: None at this time

Bill No: **SB 176 (Alquist)**
Subject: **Household Hazardous Waste: Information**
Intro: 1/31/95
Amended: 5/9/95
Requires that household hazardous waste (HHW) program public information on safer substitutes for products which contain hazardous substances be "competent and reliable". Prohibits any state or local agency from providing information on household hazardous waste or safer substitutes, unless the information is competent and reliable, even under a disclosure that the information may not be competent or reliable.

"Competent and reliable information" is defined as information based on a test, analysis, research, study or other evidence conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the scientific community to yield accurate and reliable results. Requires the CIWMB to take under consideration and advise state and local agencies regarding the potential hazards to human health and safety, including the accidental ingestion of the substitutes. This is not intended to require the state or local agency to undertake, or contract for the undertaking, of any of the actions described in this legislation.

Status: Set for hearing before the Senate Governmental Organization Committee on 4/4/95; hearing postponed to 4/18/95; passed Senate Governmental Organization Committee (6-1) on 4/18/95 and re-referred to the Senate Toxics and Public Safety Management Committee; set to be heard before the Senate Toxics and Public Safety Management Committee on 5/15/95

LPEC Position: 4/4/95 - Oppose

CIWMB Position: No position taken at the 4/25/95 Board meeting.

Bill No: **SB 205 (Kelley)**

Subject: **Waste Discharge Requirements: Sewage Sludge: Waiver**

Intro: 2/6/95

Amended: 5/1/95

Requires each regional water quality control board to prescribe general waste discharge requirements for discharges of dewatered, treated, or chemically fixed sewage sludge and other biological solids. Authorizes each regional board to charge a fee to cover the costs incurred by the board in the administration of the application process relating to the prescribed general waste discharge requirements. Requires the RWQCB to give a 30-day notice of its intent to terminate a waiver regarding waste discharge requirements unless the RWQCB determines that there is an immediate threat to the public health or safety.

Status: Passed the Senate Agriculture and Water Resources Committee (10-0) on 3/21/95; passed the Senate Appropriations Committee (10-0) on 4/24/95; passed the Senate Floor (39-0) on 5/4/95; referred to the Assembly Committee on Water, Parks and Wildlife

LPEC Position: 5/9/95 - Forward to Board Without Recommendation

CIWMB Position: None at this time

Bill No: **SB 219 (Thompson)**

Subject: **Household Hazardous Waste**

Intro: Increases from 200 pounds to 600 pounds, the amount of

2/6/95 Amended: 3/20/95 batteries that can be collected at a household hazardous waste collection facility without changing the facility's exemption from certain requirements concerning the receipt, storage, and transportation of hazardous waste. Provides that the disposal of spent batteries does not include a battery which is delivered to a collection location or an intermediate collection location and subsequently transported to a household hazardous waste collection facility.

Status: Passed before the Senate Toxics and Public Safety Committee (5-0) on 4/3/95; passed the Senate Appropriations Committee per Senate Rule 28.8 on 4/24/95; passed the Senate Floor (39-0) on 5/4/95; referred to the Assembly Environmental Safety and Toxic Materials Committee

LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 323 (Kopp)**
Subject: **Public Records**
Intro: 2/10/95 Amended: 5/1/95 Requires public agencies to ensure that systems used to collect and hold public records be designed to ensure ease of public access. Lists specific provisions of law that are exempt from the requirement to disclose records under the California Public Records Act. Requires a public agency to justify the provision of law on which it based its decision to withhold a public record or, if the withholding is based on the public interest, to state the public interest in disclosure and the public interest in nondisclosure.

Status: Testimony taken at the Senate Judiciary Committee on 3/28/95; further hearing set for 5/2/95; passed the Senate Judiciary Committee (6-2) on 5/2/95; referred to the Senate Appropriations Committee

LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 352 (Wright)**
Subject: **Aerosol Can Recycling**
Intro: 2/10/95 Amended: 3/20/95 Exempts from the requirement to obtain a hazardous waste facilities permit a solid waste facility or recycling facility that accepts and processes empty aerosol cans and de minimus quantities of nonempty aerosol cans collected as an incidental part of the collection of empty cans for recycling purposes if the facility meets specified requirements as determined by the CIWMB. Requires a city, county, or regional agency, if it conducts an aerosol can recycling

program, to incorporate a requirement to educate the public on the safe collection and recycling or disposal of aerosol cans into its household hazardous waste element when it is revised.

Status: Passed the Senate Toxics and Public Safety Committee (7-0) on 4/3/95; passed the Senate Appropriations Committee (28.8 Calendar) on 4/24/95; passed the Senate Floor (39-0) on 5/4/95; on Assembly Desk

LPEC Position: 3/14/95 - Support
CIWMB Position: 3/29/95 - Support

Bill No: **SB 364 (Wright)**
Subject: **Household Hazardous Waste Collection**
Intro: 2/10/95
Amended: 3/20/95

Allows a mobile hazardous waste collection facility, a temporary waste collection facility, or a recycle-only hazardous waste facility to transport hazardous waste to a household hazardous waste collection facility. Requires the facilities listed above that transport household hazardous waste to a household hazardous waste collection facility to comply with the requirements of registration as a hazardous waste transporter and possession of a manifest.

Status: Passed the Senate Toxics and Public Safety Committee (7-0) on 4/3/95; passed the Senate Appropriations Committee (28.8 Calendar) on 4/24/95; passed the Senate Floor (39-0) on 5/4/95; referred to the Assembly Committee on Environmental Safety and Toxic Materials

LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 415 (Thompson)**
Subject: **Hazardous Materials Transporter Fees**
Intro: 2/15/95
Amended: 4/18/95

Requires the Secretary of the California Environmental Protection Agency to establish a fee schedule, to be paid by each surface transporter of hazardous materials in the State. Extends this requirement to December 31, 1999. Limits the amount deposited in the Hazardous Spill Prevention Account in the Railroad Accident Prevention and Budget Act to $2 million in any calendar year.

Status: Passed the Senate Toxics and Public Safety Management Committee (4-0) on 4/3/95; failed the Senate Appropriations Committee (5-4) on 5/1/95; reconsideration granted; set for the Senate Appropriations Committee on 5/15/95

LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **SB 426 (Leslie)**
Subject: **Environmental Advertising**
Intro: 2/15/95
Amended: 4/4/95

Repeals certain provisions of existing law related to environmental advertising, and instead provides that it unlawful for a person to make an environmental marketing claim that does not meet or exceed to the standards or is not consistent with the examples contained in the *Guides for Use of Environmental Marketing Claims* published by the Federal Trade Commission on 7/27/92. Makes violation of this provision a misdemeanor.

Status: Passed by the Senate Business and Professions Committee (6-3) on 3/27/95; passed the Senate Appropriations Committee (28.8 Calendar) on 4/24/95; referred to the Senate Floor for vote

LPEC Position: 5/9/95 - Oppose
CIWMB Position: None at this time

Bill No: **SB 482 (Calderon)**
Subject: **State real property: Department of General Services**
Intro: 2/17/95
Amended: 5/11/95

Authorizes the Director of General Services to enter into agreements to lease-purchase finance, or lease with an option to purchase, for the purpose of providing office, warehouse, parking, and related facilities to consolidate the state agencies identified in the Strategic Facilities Plan for Sacramento.

Status: Passed (9-0) Senate Governmental Organization Committee on 4/18/95; set to be heard before the Senate Appropriations Committee on 5/8/95; hearing postponed by committee

LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 582 (Solis)**
Subject: **Wildlife Corridors**
Intro: 2/21/95
Amended: 4/24/95

Authorizes Los Angeles County to establish the Puente Hills Wildlife Corridor in the unincorporated portion of Los Angeles County. Authorizes, if the Los Angeles County Conditional Use Permit 92-250 is modified, funds to be set aside by the Puente Hills Landfill Native Habitat Preservation Authority for use by the Wildlife Corridor Conservation Authority for the purpose of acquiring any parcel determined to be critical by the Wildlife Conservation Authority.

Status: Passed the Senate Natural Resources and Wildlife Committee (6-3) on 5/9/95; referred to Senate Floor for vote

LPEC Position: None at this time

CIWMB Position: None at this time

Bill No: **SB 605 (Mello)**
Subject: **Rigid Plastic Packaging Containers**
Intro: 2/22/95
Amended: 5/2/95
Extends indefinitely the current law exemption from compliance with certain criteria for rigid plastic packaging containers which are manufactured for use in the shipments of hazardous materials. Revises the citation to pertinent federal regulations regarding those specifications and testing standards, includes in the exemption containers to which recommendations of the United Nations on the transport of dangerous goods are applicable. Deletes an obsolete reporting requirement.
Status: Passed the Senate Governmental Organization Committee (11-0) on 3/28/95; passed the Senate Appropriations Committee per Senate Rule 28.8 on 5/1/95; referred to the Senate Floor for vote
LPEC Position: 5/9/95 - Support
CIWMB Position: None at this time

Bill No: **SB 805 (Monteith)**
Subject: **State Mandates**
Intro: 2/23/95
Amended: 4/17/95
Provides that an affect local agency would not be required to comply with a state-mandated local program enacted after the bill becomes effective if an appropriation to fully fund a test claim for that program is not enacted without 16 months after both approval of the claim and adoption of a statewide cost estimate of the approved claim by the Commission on State Mandates.
Status: Failed passage in the Senate Local Government Committee (1-2) on 4/5/95; reconsideration granted; passed the Senate Local Government Committee (4-3) on 4/19/95; passed the Senate Appropriations Committee per Senate Rule 28.8 on 5/8/95; referred to the Senate Floor for vote
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 845 (Leonard)**
Subject: **Household Hazardous Waste Facilities**
Intro: 2/23/95
Amended: 4/18/95
Requires the DTSC, on or before 3/31/96, to develop a separate and distinct regulatory structure for the permitting of permanent household hazardous waste facilities. Prohibits those regulators from applying to household hazardous waste collection facilities that conduct treatment to, or dispose of, household

hazardous waste collected from conditionally exempt small generators. Requires the regulations to simplify the permitting of facilities, encourage the collection of material, and not be more burdensome than is necessary to protect the public health and safety. Requires the regulations adopted to weigh public safety considerations of household hazardous waste collection with the safety and environmental considerations of illegal disposal.

Status: Passed the Senate Toxics and Public Safety Committee (6-0) on 4/3/95; passed the Senate Appropriations Committee per Senate Rule 28.8 on 5/1/95; referred to the Senate Floor for vote

LPEC Position: To LPEC on 4/4/95 - information analysis only

CIWMB Position: None at this time

Bill No: **SB 1026 (Dills)**

Subject: **Solid Waste: Tire Recycling**

Intro: 2/24/95

Amended: 4/6/95

Requires Caltrans to request that the U.S. Department of Transportation to set aside the federal Intermodal Surface Transportation Efficiency Act (ISTEA) utilization requirements for asphalt pavement containing recycled rubber if Caltrans finds that the use of waste tires for fuel production at California cement manufacturing plants provides an adequate waste reduction alternative to the recycled rubber requirements of ISTEA.

Status: Passed the Senate Governmental Organization Committee (11-0) on 4/17/95; passed the Senate Appropriations Committee per Senate Rule 28.8 on 5/1/95; passed the Senate Floor (30-1) on 5/4/95; at Assembly Desk

LPEC Position: 5/9/95 - Oppose

CIWMB Position: None at this time

Bill No: **SB 1081 (Leslie)**

Subject: **State Mandates**

Intro: 2/24/95

Provides that a state-mandated local program enacted after 1/1/75, shall not apply to any city with a population of 10,000 or less or any county with a population of 50,000 or less, unless the program is fully funded by the state. Authorizes cities and counties to implement state-mandated local programs with their own resources.

Status: Referred to the Senate Local Government Committee

LPEC Position: None at this time

CIWMB Position: None at this time

Bill No: **SB 1107 (Leslie)**
Subject: **Unified Program Agencies**
Intro: 2/24/95
Amended: 4/5/95
Provides that if a city, county, or other local agency applies to the Secretary for Environmental Protection on or before December 31, 1995, to be certified as a unified hazardous waste and hazardous materials management agency, the agency would be exempt from imposing a surcharge to be used to cover the necessary and reasonable costs of state agencies in carrying out the unified program. The city, county, or local agency must be certified by the secretary as a unified program by June 30, 1996. Urgency measure.
Status: Passed the Senate Toxics and Public Safety Management Committee (6-0) on 4/4/95; set to be heard before the Senate Appropriations Committee on 4/24/95; taken off calendar; set to be heard before the Senate Appropriations Committee on 5/16/95
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 1155 (Costa)**
Subject: **Solid Waste: Rigid Plastic Packaging**
Intro: 2/24/94
Amended: 4/27/95
Authorizes the CIWMB to allow payment of fines for violations of the RPPC program in installments, based on the financial ability of the violator.
Status: Passed the Senate Governmental Organization Committee (8-0) on 5/9/95; set to be heard before the Senate Appropriations Committee on 5/15/95
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 1163 (Leslie)**
Subject: **Solid Waste: Disposal Facilities and Sites**
Intro: 2/24/95
Amended: 4/17/95 by
Makes various technical and clarifying changes to the definitions of "disposal site", "solid waste" and "solid waste disposal" to facilitate the adoption of a consolidated set of solid waste facility regulations the CIWMB and SWRCB.
Status: Passed the Senate Governmental Organization Committee (11-0) on 4/18/95; passed the Senate Floor (29-0) on 4/27/95; referred to the Assembly Natural Resources Committee
LPEC Position: 5/9/95 - Support
CIWMB Position: None at this time

Bill No: **SB 1174 (Killea)**
Subject: **Public Purchases: Recycled Steel**
Intro: 2/24/95 Includes flat steel products with specified percentages of total weight consisting of secondary and postconsumer material within the definition of "recycled product" for the purposes of state agency procurement goals for recycled products. Makes contracts with state agencies for the provision of steel products defined as recycled products subject to the requirement that contractors certify in writing whether the materials, goods, or supplies offered contain the minimum percentage of recycled product required by law.
Status: Passed the Senate Governmental Organization Committee (10-0) on 4/4/95; passed by the Senate Appropriations Committee per Senate Rule 28.8 on 4/24/95; passed the Senate Floor (39-0) on 5/4/95; referred to the Assembly Committee on Consumer Protection, Governmental Efficiency, and Economic Development
LPEC Position: 5/9/95 - Forward to Board Without Recommendation
CIWMB Position: None at this time

Bill No: **SB 1178 (O'Connell)**
Subject: **Beverage Containers**
Intro: 2/24/95 Amended: 4/3/95 States the intent of the Legislature that there be a 5-year moratorium on substantive amendments to the California Beverage Container Recycling and Litter Reduction Act.
Status: Passed the Senate Committee on Natural Resources and Wildlife (9-1) on 4/6/95; referred to the Senate Floor for vote; placed on the Inactive File
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 1191 (Calderon)**
Subject: **Hazardous Materials and Wastes: Unified Program**
Intro: 2/24/95 Amended: 5/9/95 Revises specific provisions of law regulating hazardous waste, the storage of hazardous substances in underground storage tanks, and the handling of hazardous materials, in regards to a specified unified hazardous waste and hazardous material management and regulatory program. Requires a certified unified program agency to develop an inspection program for specified generators. Requires the State Fire Marshal to establish a Hazardous Materials Advisory Committee to study the extent to which specified hazardous materials handling requirements should be included in the unified program and to report the committee's

recommendations to the Governor and the Legislature by January 1, 1998.

Status: Set to be heard before the Senate Toxics and Public Safety Management Committee on 5/15/95

LPEC Position: None at this time

CIWMB Position: None at this time

Bill No: **SB 1222 (Calderon)**

Subject: **Hazardous Waste Management**

Intro: 2/24/95

Amended: 4/6/95

Enacts the Hazardous Waste Management Reform Act of 1995. Existing law defines the term "hazardous waste" for purposes of the hazardous waste control laws as meaning a waste which meets specified criteria adopted by the DTSC or waste which, because of certain characteristics, may cause an increase in mortality or illness, or pose a substantial present or potential hazard to human health or the environment. Revises this definition to exclude from the definition of hazardous waste those wastes which meet those characteristics, and would instead require the Department's guidelines to identify as hazardous waste those wastes which exhibit those characteristics. Prescribes other related changes.

Status: Passed Senate Toxics and Public Safety Management Committee (5-0) on 4/3/95; sent to the Senate Appropriations Committee Suspense File on 4/24/95

LPEC Position: None at this time

CIWMB Position: None at this time

Bill No: **SB 1291 (Wright)**

Subject: **Hazardous Waste Facilities Permits**

Intro: 2/24/95

Amended: 4/26/95

Allows a conditionally exempt generator to perform any wastestream and treatment combination eligible for conditional exemption.

Status: Passed the Senate Toxics and Public Safety Committee (4-0) on 4/17/95; set to be heard before the Senate Appropriations Committee on 5/15/95

LPEC Position: None at this time

CIWMB Position: None at this time

Bill No: **SB 1299 (Peace)**

Subject: **Environmental Protection: Permits**

Intro: 2/24/95

Amended: 5/8/95

Requires the Secretary of the Environmental Protection Agency by January 1, 1997, to adopt regulations, consisting of specified application, administrative and enforcement processes, establishing the permit consolidation zone pilot program. Bill sunsets on

January 1, 2002.

Status: Set to be heard before the Senate Natural Resources and Wildlife Committee on 4/25/95; held in committee, Joint Rule 61 suspended; passed by the Senate Committee on Natural Resources and Wildlife (6-0) on 5/9/95; referred to the Senate Appropriations Committee

LPEC Position: None at this time

CIWMB Position: None at this time

Bill No: **SBXX 17 (Craven)**

Subject: **Environmental Quality: Solid Waste Handling**

Intro: 4/3/95 Exempts from CEQA, the solid waste handling and disposal services provided at solid waste landfills located within Orange County for solid waste that originates outside of the county. The volume of solid waste handled and disposed cannot exceed the amount authorized by the local enforcement agency. Urgency Measure **Note: This measure has been introduced in the Second Extraordinary Session convened to deal with Orange County's bankruptcy problems.**

Status: Double-referred to the Senate Governmental Organization Committee and the Senate Natural Resources and Wildlife Committee; passed the Senate Governmental Organization Committee (7-0) on 4/25/95; referred to Senate Appropriations Committee; passed the Senate Appropriations Committee per Senate Rule 28.8; sent to Senate Floor 5/11/95 - Special Order of Business; urgency clause adopted on 5/11/95; passed by the Senate (33-4) on 5/11/95; passed by the Assembly on 5/11/95; enrolled on 5/11/95; on the Governor's Desk

LPEC Position: 5/9/95 - Forward to Board Without Recommendation

CIWMB Position: None at this time.

**TWO-YEAR BILLS**

Bill No: **AB 4 (Bates)**
Subject: **Government Information: Public Access**
Intro: 12/5/94 Requires the Office of Information Technology (OIT) to work with all state agencies, appropriate federal agencies, local agencies, and members of the public to develop and implement a plan to make copies of public information already computerized by a state agency, accessible to the public in computer-readable form by means of the largest nonproprietary, nonprofit cooperative computer network at no cost to the public. Requires OIT to complete the plan by 1/1/97. States that provisions of this bill shall be implemented only if the state receives federal funding for this purpose.
Status: Referred to the Assembly Consumer Protection Committee; author intends to make this a two-year bill
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 35 (Mazzoni)**
Subject: **Solid Waste Facilities: Permits**
Intro: 12/5/94 Prohibits a solid waste facility (SWF) located within the coastal zone and within two miles of any federal park or recreation area, state park system, or ecological reserve, for which a conditional use permit (CUP) was issued prior to January 1, 1976, from being operated or expanded in a manner that is not authorized pursuant to the terms and conditions of the CUP, unless the local agency issues a new or revised CUP which includes terms and conditions that ensure adverse impacts are fully mitigated. Prohibits the SWF described above from being operated or expanded in a manner that is not authorized pursuant to the terms and conditions of the CUP, unless an environmental impact report (EIR) has been prepared and certified. Prohibits the operator of the SWF described above from making any significant change in the design or operation of the facility except in conformance with the terms and conditions in an approved solid waste facilities permit (SWFP) issued by the local enforcement agency (LEA), or by the California Integrated Waste Management Board (CIWMB), acting as the enforcement agency. (Note: This bill is a reintroduction of AB 1910 of 1994.)
Status: Referred to the Assembly Natural Resources Committee; author intends to make this a two-year bill

LPEC Position: 2/7/95 - Support
CIWMB Position: None at this time

Bill No: **AB 142 (Bowen)**
Subject: **Public Records**
Intro: 1/13/95
Amended: 4/3/95

Provides that any agency that has information that constitutes an identifiable public record that is in an electronic format shall, unless otherwise prohibited by law, make that information available in an electronic format, when requested by any person. Specifies that direct costs of duplication shall include the costs associated with duplicating electronic records. Defines "vital records" for this purpose and expands the State Registrar's authority to adopt related regulations to include confidential portions of any vital record and requires applicants for copies of vital records to submit an application with prescribed information under penalty of perjury. Provides "vital records" are not authorized to be disclosed except as provided in the law pertaining to vital statistics.

Status: Set for hearing before the Assembly Governmental Organization Committee on 4/3/95; put over for vote only on 4/17/95; held in committee; author intends to make this a two-year bill

LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 165 (Richter)**
Subject: **Environmental Quality: Action or Proceeding.**
Intro: 1/19/95
Amended: 5/3/95

Requires lead state agencies to notify public agencies when an environmental impact report on a project is required. Requires the responsible or public agency, upon receipt of the notice, to specify to the lead agency the scope and content of the environmental information that is germane to their statutory responsibilities. Prohibits the responsible or public agency from maintaining an action or proceeding for noncompliance unless they specified to the lead agency the scope and the statutory responsibilities of their agency.

Status: Set to be heard in the Assembly Water, Parks, and Wildlife Committee on 4/18/95; taken off calendar; author intends to make this a two-year bill

LPEC Position: None at this time.
CIWMB Position: None at this time.

Bill No: **AB 206 (Cannella)**
Subject: **Waste Tires**
Intro: 1/30/95
Amended: 3/2/95
Specifies that a "waste tire" means a tire that has been permanently removed from the wheel of a vehicle and cannot be repaired, retreaded, or utilized as a tire in accordance with the regulations adopted pursuant to Section 27500 of the Vehicle Code.
Status: Referred to Assembly Natural Resources Committee; author has dropped this bill
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 250 (Baldwin)**
Subject: **Administrative Regulations: Review**
Intro: 2/2/95
Requires the Office of Administrative Law and the Secretary of the Trade and Commerce Agency, on or before January 1, 1997, to recommend to the Legislature the suspension or repeal of all state regulations determined by the office and the secretary to be more stringent than federal regulations on the same subject.
Status: Referred to Assembly Consumer Protection, Governmental Efficiency, and Economic Development Committee; author intends to make this a two-year bill
LPEC Position: None at this time
CIWMB Position: None at this time.

Bill No: **AB 342 (Hauser)**
Subject: **Municipal Services: Contracts with Indian Tribes**
Intro: 2/9/95
Amended: 5/3/95
Provides that any local agency or special district may enter into an agreement or contract with any Indian tribe, as defined, to provide municipal services or functions. Provides that the agreement would be effective upon execution by both parties and approval by both the tribal council of the tribe and the legislative body of the local agency or special district. Revises the definition of "municipal services or functions" to include probation, prosecution, defense, and court services generally provided by a local agency for the enforcement of state laws and local ordinances.
Status: Set to be heard before the Assembly Local Government Committee on 5/10/95; bill put over for hearing; author intends to make this a two-year bill
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 362 (Setencich)**
Subject: **Solid Waste Disposal Sites: Water Quality**
Intro: 2/10/95
Amended: 4/3/95
Prohibits the CIWMB and the State Water Resources Control Board (SWRCB) from adopting or enforcing regulations with regard to solid waste disposal sites that exceed any requirement imposed on unapproved states under the federal Subtitle D regulations adopted under the Resource Conservation and Recovery Act (RCRA).
Status: Set for hearing before the Assembly Environmental Safety and Toxic Materials Committee on 4/18/95; bill held in committee
LPEC Position: 5/9/95 - Oppose Unless Amended
CIWMB Position: None at this time

Bill No: **AB 382 (Baca)**
Subject: **Transformation: Biomass Conversion**
Intro: 2/14/95
Makes legislative findings and declarations regarding new technologies for the conversion of biomass and would state the intent of the Legislature to promote and encourage the use of those technologies.
Status: Referred to Assembly Natural Resources Committee; author intends to make this a two-year bill
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 429 (Hauser)**
Subject: **Local Regulation of Solid Waste: State Owned or Operated Property**
Intro: 2/15/95
Amended: 4/18/95
Declares that the responsibility for solid waste management is a shared responsibility between state and local governments. States legislative intent that local governments and state agencies that own or operate real property in this state should work cooperatively to meet the requirements of this act.
Status: Referred to Assembly Natural Resources Committee; author intends to make this a two-year bill
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 696 (Harvey)**
Subject: **Solid Waste: Diversion Goals**
Intro: 2/21/95
Allows the CIWMB to reduce the diversion requirements for a portion of the unincorporated part of a county if the county demonstrates that achievement of those requirements is not feasible due to both the following circumstances: (1) the low population density of the area, and (2) the small quantity of

waste generated within the area. Requires the CIWMB to establish alternative, but less comprehensive requirements for the area if a reduction in the diversion requirements is granted.
Status: Referred to Assembly Natural Resources Committee; author intends to make this a two-year bill
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 826 (Sher)**
Subject: **Public Purchases: Recycled and Chlorine Free Products**
Intro: 2/22/95
Amended: 4/6/95
Includes products made with fly ash, and flat steel products with specified percentages of total weight consisting of secondary and postconsumer material, within the definition of recycled products required to be purchased by state agencies and the Legislature. Defines "products containing fly ash" and "chlorine free" and "chlorinated" products. Requires that, fitness and quality being equal, all state and local agencies shall purchase chlorine free paper products instead of chlorinated paper products whenever chlorine free paper products are available at the same total cost. Allows a price preference subject to certain conditions.
Status: Set for hearing before the Assembly Consumer Protection Committee on 4/18/95; taken off calendar; author intends to make this a two-year bill
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 926 (Rainey)**
Subject: **Solid Waste Management: Reorganization**
Intro: 2/22/95
Abolishes the board member structure of the CIWMB and creates the Division of Waste Management in the Resources Agency, to be administered by the Secretary of the Resources Agency. (Note: This bill is a reintroduction of AB 2548 of 1994.)
Status: Set to be heard before the Assembly Natural Resources Committee on 4/17/95; bill hearing put over by author; author intends to make this a two-year bill
LPEC Position: 5/9/95 - Oppose
CIWMB Position: None at this time

Bill No: **AB 960 (Gallegos)**
Subject: **Subdivision Map Approval: Denial**
Intro: 2/22/95
Amended:
Requires the legislative body of a city or county to deny approval of a tentative map, or a parcel map for which no tentative map if required, if the site is

4/17/95 located within 2,000 feet of any point on the boundary line of the property on which a solid waste facility or transformation facility is sited.
Status: Failed passage in the Assembly Natural Resources Committee (5-8) on 4/17/95; reconsideration granted; author intends to make this a two-year bill
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 961 (Gallegos)**
Subject: **Solid Waste Facilities: Permits**
Intro: 2/22/95 Prohibits an enforcement agency from issuing, modifying, or revising a solid waste facilities permit for a disposal facility site boundary line located within 2,000 feet of an area zoned for single or multiple family residences, hospitals for humans, day care centers, structures that are permanently occupied for nonindustrial purposes or elementary or secondary schools.
Amended: 4/17/95
Status: Failed passage in Assembly Natural Resources Committee (7-7) on 4/17/95; reconsideration granted; author intends to make this a two-year bill
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 1142 (Baldwin)**
Subject: **Administrative Regulations: Adverse Job Creation Impact**
Intro: 2/23/95 Prohibits all regulations adopted by a state agency that have been determined by the Office of Administrative Law to have a substantial adverse job creation impact from remaining in effect for more than four years from the date of their filing with the Secretary of State.
Status: Set to be heard before the Assembly Consumer Protection Committee on 4/18/95; taken off calendar; author intends to make this a two-year bill
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 1148 (Cortese)**
Subject: **Solid Waste Haulers: Local Registration**
Intro: 2/23/95 Requires a solid waste enterprise that is a solid waste hauler, to register with the local agency of the jurisdiction in which the solid waste hauler is operating.
Status: Referred to Assembly Natural Resources Committee; author intends to make this a two-year bill
LPEC Position: None at this time

CIWMB Position: None at this time

Bill No: **AB 1319 (Olberg)**
Subject: **Regulations: Private Property Rights**
Intro: 2/23/95 Requires each state agency to evaluate its proposed regulatory actions for compliance with the most recent decisions of the U.S. Supreme Court and other relevant judicial authority in order to ensure protection of private property rights guaranteed by the U.S. and California Constitutions. Also requires each state agency to take appropriate measures to assure that its actions affecting private property are properly supported by the administrative record and existing statutory and other legal authority and comply fully with judicial authority.
Status: Set for a hearing before the Assembly Judiciary Committee on 4/19/95; hearing postponed by committee; author intends to make this a two-year bill
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 1421 (Richter)**
Subject: **Solid Waste: Diversion Goals**
Intro: 2/24/95 Specifies that nothing in the provisions of the Integrated Waste Management Act prohibits a city or county from implementing source reduction, recycling, composting *or other environmentally sound* activities designed to exceed the goals of the Act.
Status: Referred to the Assembly Natural Resources Committee; author intends to make this a two-year bill
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 1537 (Aguiar)**
Subject: **State Mandates**
Intro: 2/24/95 Provides that, unless fully funded by the state, a state-mandated local program shall not apply to any local agency or school district. Authorizes local agencies or school districts to implement state-mandated local programs with their own resources if full state funding is not provided.
Status: Set for hearing before the Assembly Local Government Committee on 4/19/95; hearing cancelled by author; author intends to make this a two-year bill
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **AB 1857 (Brewer)**
Subject: **Regulations: Difference from the Federal Code of Regulations**
Intro: 2/24/95 Permits all state agencies to adopt regulations that are different from regulations contained in the Federal Code of Regulations, but requires a state agency, prior to adopting any major regulations, to evaluate alternatives to the requirements of the proposed regulation and consider whether there is a less costly alternative or combination of alternatives that would ensure full compliance with statutory mandates in the same amount of time as the proposed regulatory requirements.
Status: Set for hearing before the Assembly Consumer Protection, Governmental Efficiency, and Consumer Protection Committee on 4/18/95; held in committee; author intends to make this a two-year bill
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 57 (Leonard)**
Subject: **Environmental Quality**
Intro: 12/29/94 Exempts from CEQA the issuance of a permit or any approval for any physical modification, process change, or new equipment required to comply with any law or regulation enacted or adopted for the protection of the environment, as specified.
Status: Failed passage in the Senate Governmental Organization Committee (5-5) on 3/21/95; reconsideration granted; author intends to make this a two-year bill
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 151 (Mountjoy)**
Subject: **Environmental Regulation: Tax Credits: Environmental Expenses**
Intro: 1/26/95 Amended: 3/21/95 Provides that any manufacturer which uses the latest technological equipment available to maintain air quality, shall not be subject to any state or local limitation on production on account of environmental quality, except as specified. Authorizes a tax credit of 10 percent of the amount paid or incurred for environmental quality expenses under the Personal Income Tax Law and the Bank and Corporation Tax Law.
Status: Double referral to the Senate Natural Resources and Wildlife Committee and the Senate Revenue and Taxation Committee; rejected by the Senate Natural Resources Committee (4-5) on 3/28/95; reconsideration granted and

scheduled for 4/5/95. Failed passage.
LPEC Position: To LPEC on 3/14/95 - held in committee; 4/4/95 - recommend neutral position
CIWMB Position: 4/25/95 - Neutral position.

Bill No: **SB 177 (Hughes)**
Subject: **Glass Container Manufacturers: Reporting Diversion Credit**
Intro: 1/31/95
Amended: 4/24/95
Requires the Department of Conservation to annually determine the amount in tons of postconsumer glass food, drink, and beverage containers reused in the production of another product or otherwise diverted from landfill disposal, and the percentage of each manufacturer's production of new glass food, drink, and beverage containers. Requires that amount and that percentage to be applied to the calculation of a diversion credit to be used by the manufacturer in complying with the required use of postfilled glass.
Status: Set to be heard before the Senate Governmental Organization Committee on 4/25/94; held in committee on 4/25/95
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 200 (Maddy)**
Subject: **Environmental Permits: Oversight**
Intro: 2/2/95
Creates the Office of Permit Oversight in Cal/EPA, and requires the office to monitor and upon request by a permit applicant, to intercede in the processing of permit applications for environmental permits, by state and local agencies. Creates the Environmental Permit Oversight Fund, into which specified fee revenue would be deposited, and provides that the money in the fund is available for appropriation to the office for administration of the bill's provisions.
Status: Referred to Senate Governmental Organization Committee; author intends to make this a two-year bill
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 329 (Campbell)**
Subject: **Regulations: Legislative Notification**
Intro: 2/10/95
Prohibits a state agency from adopting any regulation in an area over which a federal agency has jurisdiction, unless that state agency notifies each house of the Legislature 30 days prior to the effective date of the regulation.
Status: Failed passage (5-6) in the Senate Governmental

Organization Committee on 4/4/95; reconsideration granted; Joint Rule 61 suspended, withdrawn from committee; author intends to make this a two-year bill
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 339 (Campbell)**
Subject: **Regulations: Expiration**
Intro: 2/10/95
Amended: 3/23/95
Prohibits all regulations adopted by a state agency after 1/1/96 from remaining in effect for more than five years from the date of its filing with the Secretary of State, unless the regulation is readopted before its expiration date in accordance with the Administrative Procedures Act.
Status: Failed passage (3-6) in the Senate Governmental Organization Committee on 4/4/95
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 387 (Mountjoy)**
Subject: **Solid Waste: Material Recovery Facility**
Intro: 2/14/95
Amended: 3/23/95
Prohibits an enforcement agency from issuing a solid waste facilities permit for a material recovery facility, if the facility meets all of the following conditions: (1) it would be located within a city with a population of less than 1,200 residents, where at least 60 percent of the land is zoned for commercial, industrial, or manufacturing uses; (2) the facility would be located within a county of at least 500,000 residents; and (3) the facility would have unmitigated environmental impacts on at least one neighboring city with a population of 30,000 or more, and where 90 percent or more of the land is zoned for residential uses. Allows the issuance of a solid waste facilities permit for a facility meeting the conditions above if specified agreements are entered into.
Status: Failed passage in the Senate Governmental Organization Committee (1-3) on 4/4/95; reconsideration granted; the author has made this a two-year bill
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 439 (Ayala)**
Subject: **Solid Waste: Diversion Requirements**
Intro: 2/16/95
Clarifies that regional agencies, in addition to cities and counties, may be granted a one-year time extension from the diversion requirements by the CIWMB, if specified conditions are met, including making findings

with regard to adverse market conditions beyond the control of the jurisdiction.

Status: Referred to Senate Governmental Organization Committee; author has dropped this bill

LPEC Position: None at this time

CIWMB Position: None at this time

Bill No: **SB 739 (Polanco)**

Subject: **Environmental Regulations**

Intro: 2/22/95

Amended: 4/20/95

Requires each board, department, and office within Cal/EPA, prior to adopting any regulation that is more stringent than a federal regulation, to determine that there is sufficient evidence demonstrating that the more stringent regulation is necessary to protect public health and safety or the environment from reasonably anticipated adverse effects, and is cost effective, insofar as the costs associated with the implementation of, and compliance with, that regulation are justified by the benefits to the public health and safety or the environment.

Status: Failed passage in the Senate Natural Resources and Wildlife Committee (5-4) on 4/25/95; author intends to make this a two-year bill

LPEC Position: None at this time

CIWMB Position: None at this time

Bill No: **SB 1023 (Johnston)**

Subject: **Solid Waste: Transfer Stations: Fees**

Intro: 2/24/95

Amended: 3/29/95

Requires each operator of a transfer station to pay a quarterly fee to the State Board of Equalization, based upon the amount, by weight or volumetric equivalent, as determined by the CIWMB, of all solid waste handled at the transfer station that is to be disposed outside the state. Specifies that this fee must bear a direct relationship to the reasonable and necessary costs of the CIWMB in regulating the handling at the transfer station of the solid waste upon which the fee is imposed. Specifies that the fee shall not include any costs that the CIWMB may incur in regulating the solid waste that is incurred by reason of the fact that the solid waste is destined for, or subsequently handled, outside the state.

Status: Referred to the Senate Committee on Toxics and Public Safety Committee; withdrawn from committee and re-referred to the Senate Governmental Organization Committee; set for hearing on 4/18/95; author put the bill over to 5/9/95 hearing; author intends to make this a two-year bill

LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 1122 (Mountjoy)**
Subject: **Small Businesses: Environmental Regulations**
Intro: 2/24/95
Amended: 3/30/95
Requires that the application of any ordinance, regulation, or rule adopted by a public entity for the purpose of alleviating, mitigating, limiting, eliminating any environmental or hazardous substance impact of a small business shall not be so burdensome as to materially impede the small business from remaining in business at its current level of production and employment. Prohibits ordinances, regulations and rules that require the use of technology that has not been proven to work in a setting other than in a laboratory setting. Provides that all fines for noncompliance be a reasonable amount. Provides that no fine shall be used to finance the regulatory program of the public entity imposing the fine.
Status: Set for hearing before the Senate Natural Resources and Wildlife Committee on 4/5/95; hearing postponed by committee; Joint Rule 61 suspended; author intends to make this a two-year bill
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 1133 (Wright)**
Subject: **Environmental Protection: Regulations: Hazardous Waste**
Intro: 2/24/95
Amended: 4/6/95
Requires the Director of Environmental Health Hazard Assessment on or before March 1, 1996, to adopt a petition process, allowing a person to petition for the review of a regulation adopted by the Department of Toxic Substances Control (DTSC) that classifies as a hazardous waste, any non-RCRA waste, or any other waste that is exempted from the federal Resource Conservation and Recovery Act of 1976.
Status: Referred to the Senate Toxics and Public Safety Management Committee; author intends to make this a two-year bill
LPEC Position: None at this time
CIWMB Position: None at this time

Bill No: **SB 1215 (Solis)**
Subject: **Solid Waste: Cogeneration Facilities**
Intro: 2/24/95
Requires that an unspecified percentage of the gross revenues received by cogeneration facilities operating

at solid waste landfills be deposited in the Cogeneration Facilities Account, which the bill would create in a trust fund.

Status: Referred to Senate Governmental Organization Committee; author intends to make this a two-year bill

LPEC Position: None at this time

CIWMB Position: None at this time

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

Board Meeting
May 23, 1995

AGENDA ITEM 79

ITEM: Consideration of Concurrence to the Issuance of a Revised Solid Waste Facilities Permit for the Avery Transfer Station, Calaveras County

**I. COMMITTEE ACTION:**

As of the date that this item went to print, the Permitting and Enforcement Committee had not made a recommendation or decision on this item.

**II. BACKGROUND:**

Facility Facts

| | |
|---|---|
| Name: | Avery Transfer Station<br>Facility No. 05-AA-0009 |
| Facility Type: | Large Volume Transfer Station |
| Location: | 4541 Seagale Road, Avery, Eastern Calaveras County, 5 miles south of Arnold |
| Area: | 4.5 acres |
| Setting: | Rural, Zoned Public Service |
| Status: | Active, operating since 1975, permitted since 1978 |
| Tonnage: | Currently accepting an average of 14 tons of waste per day; proposed permit allows a maximum of 51 tons of waste per day |
| Operator: | Calaveras County Public Works Department, Contact: Robert Pachinger, Junior Civil Engineer |
| Contract Operator: | Gambi Disposal, Inc.; Contact: Jerry Rocca |
| Owner: | Calaveras County, Contact: Robert Pachinger, Junior Civil Engineer |
| LEA: | Calaveras County Department of Environmental Health, Brian Moss, Director |

Proposed Project

Continued operation and improvements of a large volume transfer station. Changes in facility design and operation that have been implemented since 1978 are summarized below:

- The 1978 permit stated that the facility was designed to process 225 cubic yards of uncompacted waste per day (approximately 30 to 50 tons per day depending on the density of the waste). The proposed permit restricts the daily tonnage to a maximum of 51 tons of waste per day (the facility currently receives an average of 14 tons of waste per day);

- The proposed permit limits the number of vehicles allowed to use the site to 750 vehicles per day; the 1978 permit did not restrict the number of vehicles;

- The 1978 permit stated that the site is open Friday - Monday with no restrictions on hours. The proposed permit allows the site to be open seven days per week between the hours of 9 a.m. and 5:30 p.m., 7 a.m. and 7:30 p.m. during daylight savings time;

- The 1978 permit states that the surrounding land is zoned unclassified and rural residential. Some nearby parcels have since been rezoned as local and general commercial, general forest, timber production, and public service. Eight structures are located within 1000 feet of the site and a newly constructed middle school is located across the street from the transfer station;

- The contract operator has changed from Timberline Disposal Co. to Gambi Disposal Inc;

- Waste will be transferred to the Rock Creek Landfill rather than the Red Hill Landfill which ceased accepting waste in 1990;

- Surrounding land use has changed; a new middle school has been built across the street from the transfer station.

Site History

- 1975: Station constructed and operations commence;

- 1978: Solid Waste Facility Permit issued;

- 5/15/90: Permit Review Report determined that SWFP would need to be revised within 5 years;
- 11/1/90: Waste stream is diverted from the closed Red Hill Landfill to the recently opened Rock Creek Landfill;
- 8/31/92: Lead Agency approves and certifies rezoning of station parcel and issuance of CUP;
- 1991-94: Avery Middle School is sited and constructed across the street from the transfer station;
- 3/17/93: Lead Agency files Notice of Determination for rezoning and CUP for transfer station;
- 2/22/95: LEA accepts SWFP application package;
- 3/2/95: LEA submits proposed permit;
- 3/30/95: Board staff determined that the CEQA document submitted with the permit does not address environmental impacts associated with the redirected waste stream and the adjacent middle school;
- 4/18/95: LEA waives Board's statutory 60 day time clock while Addendum to Negative Declaration is prepared;
- 4/24/95: Calaveras County Planning Department submits Addendum to Negative Declaration.

**III. SUMMARY:**

Project Description The Avery Transfer Station is located in eastern Calaveras County, 1/4 mile east of Highway 4, at 4541 Seagale Road, near the town of Avery. Surrounding land is designated general commercial, general forest, timber production, unclassified, and public service (Please see Attachments 1 & 2).

Calaveras County has contracted with Gambi Disposal, Inc. for the daily operations of the transfer station, which currently receives an average of 14 tons per day. Although the LEA does not anticipate unusual peak loadings, the station is designed and will be permitted to process up to 51 tons of nonhazardous residential waste per day. In addition, the station will be permitted to accept up to three tons of separated recyclables per day. Special hazardous waste, such as used motor oil, batteries, and paint, may be collected if and when approved by the LEA. Waste loads from commercial haulers are not accepted at the transfer station.

An attendant is always on duty during operating hours. On-site improvements include the compactor, the attendant's shelter (located over the compactor's motor housing), a paved driveway and queuing area, a recycling drop-off area, and perimeter fencing. Waste is compacted into 40 cubic yard transfer bins before being hauled to the Rock Creek Landfill (Facility File No. 05-AA-0023) in western Calaveras County.

Environmental Controls Environmental controls for dust, noise, odor, vectors, traffic, fire, and litter are described in the January, 1995, Report of Facility Information (RFI). The LEA and Board staff have determined that these controls, if followed, will continue to allow the facility to comply with State Minimum Standards for Solid Waste Handling and Disposal.

Resource Recovery Newspapers, mixed paper, cans, glass, metals, and plastic drink bottles are collected in covered, watertight containers and shipped off-site for sorting and processing. In addition, the public may place unwanted, but reusable, items (such as furniture, bicycles, tools) in a designated salvage area.

**IV ANALYSIS:**

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facilities Permit. Since the proposed permit for this facility was received on March 2, 1995, the last day the Board could have acted was May 1, 1995, but on April 18, 1995, the operator and the LEA waived the Board's statutory time clock for an additional 60 days in order to give the Lead Agency time to resolve inadequacies in the CEQA document. The Board now has until June 30, 1994, to concur in or object to the issuance of the proposed permit.

Staff have reviewed the proposed permit and supporting documentation and have found that the permit is acceptable for the Board's consideration of concurrence. In making this determination the following items were considered:

1. Conformance with County Plan (PRC Section 50000)

   The LEA has determined that the facility is identified by the most recently approved edition of the Calaveras County Solid Waste Management Plan, dated December 10, 1986, and therefor is in compliance with PRC Section 50000(a)(1). Board staff agree with said determination.

2. Consistency with General Plan (PRC Section 50000.5)

The LEA has found that the proposed facility is consistent with, and is designated in, the County General Plan. In addition, the County Board of Supervisors have determined that the surrounding land use is compatible with the facility operation. Board staff agree with said finding.

3. Consistency with Diversion Requirements (PRC Section 44009)

Staff of the Board's Diversion, Planning, and Local Assistance Division made an assessment, pursuant to PRC 44009, to determine if the record contains substantial evidence that the proposed project would prevent or substantially impair the achievement of waste diversion goals. Based on available information, staff have determined that the issuance of the proposed permit would neither prevent nor substantially impair the County of Calaveras from meeting its waste diversion goals. The analysis used in making this determination is included as Attachment 5.

4. California Environmental Quality Act (CEQA)

State law requires the preparation and certification of an environmental document whenever a project requires discretionary approval by a public agency. The Calaveras County Planning Department prepared a Negative Declaration (ND)(SCH#93032066) for the proposed project. The ND was certified as approved by the lead agency on August 31, 1992, and a Notice of Determination was filed by the lead agency on March 17, 1993.

The 1992 ND did not address the potential environmental impacts of redirecting transferred waste to a new disposal site or address the potential noise, odor, and dust impacts of the transfer station on the adjacent middle school which was built after the preparation and adoption of the ND.

The Calaveras County Planning Department has since submitted an Addendum to the 1992 ND which analyzes the change in waste destination and the change in surrounding land use. The Addendum, dated April 24, 1995, concludes that the above mentioned concerns do not constitute a substantial change in the project, substantial change in the circumstances under which the project is undertaken, or new information of substantial importance that would prompt the need to conduct further CEQA review.

After reviewing the environmental documentation for the project, including the EIR for the Rock Creek Landfill and the ND for the adjacent middle school, Board staff have determined that the ND and Addendum are adequate and appropriate for the Board's use in evaluating the proposed permit.

5. Compliance with State Minimum Standards

The LEA has made the determination that the facility's design and operation is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal based on their review of the submitted Report of Facility Information, supporting documentation, and the joint Board/LEA inspection of the site conducted on March 3, 1995.

**V. STAFF RECOMMENDATION:**

Because a revised Solid Waste Facilities Permit is proposed, the Board must either concur or object to the proposed permit as submitted by the LEA.

Staff recommend that the Board adopt Permit Decision No. 95-378 concurring to the issuance of Solid Waste Facilities Permit No. 05-AA-0009.

**VI. ATTACHMENTS:**

1. Location Map
2. Area Map
3. Site Map
4. Permit No. 05-AA-0009
5. AB 2296 Finding of Conformance
6. Permit Decision No. 95-378

**VII. APPROVALS:**

Prepared by: Jon Whitehill/Cody Begley Phone: 255-2338

Reviewed by: Don Diez Jr. Phone: 255-2453

Approved by: Douglas Okumura Phone: 255-2431

Legal Review: Kathryn J. Jobes Date/Time: 5/10/95

# IN CONSIDERATION OF THE IN-HOUSE WASTE PREVENTION POLICY

## ATTACHMENTS 1 - 5

## HAVE BEEN DELETED FROM THE BOARD PACKET

## PLEASE REFER TO THE PERMITTING & ENFORCEMENT COMMITTEE AGENDA PACKET FOR COPIES OF ATTACHMENTS

California Integrated Waste Management Board
Resolution No. 95-378

**WHEREAS,** Calaveras County owns and operates the Avery Transfer Station which began operating in 1975 and was issued a Solid Waste Facilities Permit (SWFP) in 1978; and

**WHEREAS,** the Calaveras County Board of Supervisors approved Conditional Use Permit 91-25 on May 7, 1992, for the operation of the Avery Transfer Station; and

**WHEREAS,** the Calaveras County Board of Supervisors adopted Zoning Amendment 91-21 on August 31, 1992 changing the zoning of the site from "unclassified" to "public service" ; and

**WHEREAS,** the Calaveras County Planning Department, the lead agency for CEQA review, prepared a Negative Declaration ND for the proposed project; and Board staff provided comments to the County on May 15, 1991; and the proposed project will not have a significant effect on the environment; and mitigation measures were incorporated into the approval of the proposed project; and the Calaveras County Board of Supervisors adopted the final environmental document (SCH# 93032066) on August 31, 1992 and approved the Notice of Determination for the project on May 17, 1993; and

**WHEREAS,** the Red Hill Landfill ceased accepting waste on November 1, 1990, and waste is now transferred to the Rock Creek Landfill; and the Avery Middle School was constructed on a nearby parcel, approximately 500 feet from the transfer station, in 1993; and

**WHEREAS,** Calaveras County Environmental Health Department, acting as the Local Enforcement Agency (LEA), has submitted to the Board for its review and concurrence in, or objection to, a revised SWFP for Avery Transfer Station; and

**WHEREAS,** the LEA has waived the Board's statutory time clock which requires the Board to concur or object to a proposed permit within 60 days; and

**WHEREAS,** the Calaveras County Planning Department submitted an Addendum to the 1992 ND which analyzes the change in waste destination and the change in surrounding land use; and the Addendum, dated April 24, 1995, concludes that the above mentioned concerns do not constitute a substantial change in the project, substantial change in the circumstances under which the project is undertaken, or new information of substantial importance that would prompt the need to conduct further CEQA review; and

**WHEREAS,** the Board finds that all state and local requirements for the proposed permit have been met, including consistency with Board standards, conformance with the County Solid Waste Management Plan, and consistency with the County General Plan; and

**WHEREAS,** the project description in the CEQA document is consistent with the proposed permit; and

**WHEREAS,** Board staff have evaluated the proposed permit for consistency with the standards adopted by the Board and found the facility design and operation in compliance with State Minimum Standards; and

**WHEREAS,** the most recent joint CIWMB/LEA inspection, conducted on March 3, 1995, documented that the site is currently operating in compliance with State Minimum Standards for Solid Waste Handling and Disposal.

**NOW, THEREFORE, BE IT RESOLVED** that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 05-AA-0009.

**CERTIFICATION**

The undersigned Executive Director of the California Integrated 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 Integrated Waste Management Board held on May 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

Board Meeting
May 23, 1995

**AGENDA ITEM 80**

**ITEM:** Consideration of Concurrence in the Issuance of a New Solid Waste Facilities Permit for the Caspar Transfer Station, Mendocino County

**COMMITTEE ACTION:**

As of the date that this item went to print, the Permitting and Enforcement Committee had not made a recommendation or decision on this item.

**BACKGROUND:**

Facility Facts

| | |
|---|---|
| Name: | Caspar Transfer Station<br>Facility No. 23-AA-0028 |
| Facility Type: | Large volume transfer station |
| Location: | Terminus of Prairie Way, Caspar |
| Area: | 3 acres |
| Setting: | Forest and rural residential |
| Operational Status: | Currently operating |
| Permitted Tonnage: | 19 tons per day |
| Operator: | Mendocino County Solid Waste Division<br>Paul Cayler, Director |
| Owner: | City of Fort Bragg and the County of Mendocino |
| LEA: | Mendocino County Public Health Department<br>Division of Environmental Health<br>Gerald F. Davis, Director |

Proposed Project

The Mendocino County Solid Waste Division is requesting a new Solid Waste Facilities Permit (permit) for the Caspar Transfer Station.

**SUMMARY:**

Site History

On October 18, 1992 the Caspar Refuse Disposal Site ceased accepting waste. On October 19, 1992 the operator began operating an unpermitted transfer station at the site. The LEA issued a Stipulated Order of Compliance and Agreement (SOCA), #92-01, to the operator for building and operating the transfer station without a permit. The SOCA required the operator to submit a compliance schedule that outlined the tasks needed to bring the site into compliance. The tasks required were: submission of an application form, a Plan of Operation, compliance with the California Environmental Quality Act (CEQA), and compliance with Public Resources Code (PRC) Section 50000. The SOCA was revised on June 23, 1993, in response to the operators request for an extension of time lines. On January 31, 1994, the SOCA was revised again to allow the operator more time to submit the required documents.

In 1991, it was determined that ground water contamination from this landfill migrated off site resulting in the issuance of Cease and Desist Order Number 91-110 by the North Coast Region of the Water Quality Control Board. The Caspar Refuse Disposal Site was approved for funding under the AB 2136 program in 1994. The Board approved a matching grant for remedial action to control the ground water contamination. Because the operator does not have adequate funding for the Closure and Postclosure Maintenance of the facility the Board has been unable to approve the Final Closure and Postclosure Maintenance Plans for the site. Without an approved Closure and Postclosure Maintenance Plan the operator can not revise the permit for the landfill. The operator is therefore requesting a new permit for the transfer station.

Project Description

The Caspar Transfer Station is located at the end of Prairie Way, near the town of Caspar. The facility is located on property owned by Mendocino County and the City of Fort Bragg. The transfer station will be operated by Mendocino County through a Joint Powers Agreement between the County and the City. The transfer station covers 3 acres within the permitted boundaries of the Caspar Landfill which contain 65 acres. The site is zoned Public Facilities (PF) and is bordered on the south side by

Russian Gulch State Park and on the north, east, and west by rural residential properties. This facility will accept up to 19 tons per day of mixed municipal waste, non-hazardous industrial waste, construction and demolition debris, and recyclables. Commercial haulers are prohibited from using the site. The facility will be open from 9 a.m. to 2 p.m. Monday through Wednesday, and from 11 a.m. to 4 p.m. on Sunday. Maintenance operations and waste removal will take place from 8 a.m. to 5 p.m. Sunday through Saturday. The following will be located within the transfer station: a recycling area, metals storage and processing area, wood and yard waste storage areas, appliance storage, a resale area, bulk item disposal area, soils storage area, storage buildings, and attendants shed. Waste will be deposited in pods or drop boxes placed in a pit below grade. Currently, the pit does not have a concrete floor, but is built entirely of dirt with sandbags to reinforce the walls. Under the proposed permit the operator will build the pit with a concrete floor and wood side walls. A portion of the pit will be covered with a roof to protect the pods. Currently the operator is using pods which are supplied by Waste Management Incorporated. When waste is brought to the site, it is placed into a chute which drops into a compactor that pushes waste into the pods. When the pods are full they are removed from the pit and the waste is hauled to the City of Willits Landfill.

Environmental Controls

Dust is controlled at the site by the periodic application of water and/or a dust suppressant solution. All of the roads are surfaced with rock to prevent dust generation.

The lids of the compactor are left in the closed position which will help prevent the propagation, harborage, and attraction of flies, rodents, or other vectors. Lids will be provided for all small bins, and they will be closed when not in use which will also prevent vectors from becoming a problem.

After waste is removed from vehicles it is immediately placed into the compactor to prevent litter. Site personnel retrieve all wind blown litter on a daily basis. Litter fences will be installed around the recycling bins and the pit to control litter.

The Coastal Development Use Permit for the site requires the Division of Environmental Health to monitor the first two times the bailing and tub grinding operations occur and at least one time per year thereafter in accordance with a noise impacts study conducted for this site. The grinding and bailing operations will be conducted in pits below grade which will help to minimize noise from these operations.

In order to control odors, the pods will be removed at least weekly, or more often, depending on the amount of waste deposited. Regulation requires that waste be removed at least every 48 hours or other frequency as approved by the LEA. The LEA has approved the one week removal frequency.

There will be a leachate drain in the bottom of the transfer pit that will drain into the leachate collection system for the landfill. Leachate will be taken to a waste waster treatment facility in the City of Fort Bragg.

Resource Recovery

The operator recovers both "divertable" and "recyclable" materials at this site. The "divertable" materials that are recovered include: tires, processed wood, yard waste, scrap metal, and appliances. "Recyclable" materials include: clear glass, colored glass, newspaper, magazines, plastic containers, ferrous metal cans, aluminum cans, and cardboard. The operator recently constructed a concrete pad for the storage of scrap metal and appliances. Scrap metals and appliances are baled on an as needed basis by an outside contractor. There are separate storage areas at the site for wood and yard waste. These materials are also ground on an as needed basis by an outside contractor. The operator also salvages items from the waste stream. Salvaged items are either given away to a charitable organization or they are sold to the public through the "Trash to Treasures" program. During the first six months of 1994 the operator estimates that approximately 15% of the waste stream was recycled and 34% was diverted or resold. Only 51% of the waste (by volume) went to the landfill.

**ANALYSIS:**

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facilities Permit. Since the proposed permit for this facility was received on April 27, 1995, the last day the Board may act is June 26, 1995.

The LEA has submitted a proposed permit to the Board. Staff have reviewed the proposed permit and supporting documentation. The following determinations have been made:

1. Conformance with County Plan

   The LEA has determined that the facility is identified on page 79 of the Mendocino County Solid Waste Management Plan. Board staff agree with said determination.

2. Consistency with General Plan

The Mendocino County Board of Supervisors made the determination in CDU 37-92 that the project conforms with the General Plan. The LEA has found that the proposed facility is consistent with, and is designated in, the Mendocino County General Plan.

3. Consistency with Waste Diversion Requirements

Staff of the Board's Diversion, Planning and Local Assistance Division make an assessment, pursuant to PRC 44009, to determine if the record contains substantial evidence that the proposed project would prevent or substantially impair the achievement of waste diversion goals. Based on available information, staff have determined that the issuance of the proposed permit would neither prevent nor substantially impair Mendocino County from meeting its waste diversion goals. The analysis used in making this determination is included as Attachment 4.

4. California Environmental Quality Act (CEQA)

State law requires the preparation and certification of an environmental document whenever a project requires discretionary approval by a public agency. The Mendocino County Board of Supervisors prepared a Negative Declaration (SCH# 92113065) for the proposed project. The document was certified as approved by the lead agency on October 25, 1993, and a Notice of Determination was filed on November 1, 1993.

After reviewing the Notice of Determination and responses to comments for the proposed project, Board staff have determined that CEQA documents are adequate for the Board's evaluation of the proposed project for those project activities which are within this Agency's expertise and/or powers or which are required to be carried out or approved by the Board.

5. Consistency with State Minimum Standards

The LEA has made the determination that the facility's design and operation is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal based on their review of the submitted Report of Facility Information and supporting documentation. Board staff agree with said determination.

**STAFF RECOMMENDATION:**

Because a new Solid Waste Facilities Permit is proposed, the Board must either concur or object to the proposed permit as submitted by the LEA.

Staff recommend that the Board adopt Permit Decision No. 95-374 concurring in the issuance of Solid Waste Facilities Permit No. 23-AA-0028.

**ATTACHMENTS:**

1. Location Map
2. Site Map
3. Permit No. 23-AA-0028
4. AB2296 Finding of Conformance
5. Permit Decision No. 95-374

Prepared by: Russ J. Kanz — Phone: 255-4162

Reviewed by: Don Dier/Cody Begley — Phone: 255-2453

Approved by: Douglas Y. Okumura — Phone: 255-2431

Legal Review: Kathryn J. Johns — 255-2825

IN CONSIDERATION OF THE IN-HOUSE WASTE PREVENTION POLICY

ATTACHMENTS 1 - 4

HAVE BEEN DELETED FROM THE BOARD PACKET

PLEASE REFER TO THE PERMITTING & ENFORCEMENT COMMITTEE AGENDA PACKET FOR COPIES OF ATTACHMENTS

**California Integrated Waste Management Board**
**Permit Decision No. 95-374**
**May 23, 1995**

**WHEREAS,** on October 19, 1992, the Mendocino County Solid Waste Division, built and began operating a transfer station at the Caspar Refuse Disposal site without a Solid Waste Facilities Permit; and

**WHEREAS,** the Mendocino County Public Health Department, Division of Environmental Health, acting as the Local Enforcement Agency (LEA), issued a Stipulated Order of Compliance and Agreement (# 92-01) for the unpermitted transfer station, which was revised on June 23, 1993 and again on January 31, 1994; and

**WHEREAS,** the LEA rejected an application for a new Solid Waste Facilities Permit for this facility on October 21, 1994; and

**WHEREAS,** on December 16, 1994, the LEA accepted an application for a Solid Waste Facilities Permit that was not complete and correct as required in 14CCR §18201; and

**WHEREAS,** the LEA submitted a draft Solid Waste Facilities Permit to the Board on March 22, 1995, and on March 22, 1995 submitted a proposed Solid Waste Facilities Permit for the Caspar Transfer Station; and

**WHEREAS,** Board staff determined that the application package was not complete and correct, and faxed comments on the proposed Solid Waste Facilities Permit to the LEA on March 27, 1994; and

**WHEREAS,** the LEA withdrew the proposed Solid Waste Facilities Permit on April 14, 1995; and

**WHEREAS,** the LEA submitted another proposed Solid Waste Facilities Permit on April 27, 1995, to the Board for its review and concurrence in, or objection to, the issuance of a new Solid Waste Facilities Permit; and

**WHEREAS,** the Mendocino County Board of Supervisors, the lead agency for CEQA review, prepared a Negative Declaration for the proposed project and Board staff reviewed the Negative Declaration and provided comments to the Mendocino County Board of Supervisors on August 25, 1993; and the proposed project will not have a significant effect on the environment; and mitigation measures were incorporated into the approval of the proposed project; and the Mendocino County Board of Supervisors did not adopt a Statement of Overriding Considerations: and the Mendocino County Board of Supervisors filed a Notice of Determination with the County Clerk on November 1, 1993; and

**WHEREAS,** a copy of the mitigation measures that were incorporated into the project were not submitted to the Board; and

**WHEREAS,** Board staff have evaluated the proposed permit for consistency with the standards adopted by the Board.

**NOW, THEREFORE, BE IT RESOLVED** that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facilities Permit No. 23-AA-0028.

**CERTIFICATION**

The undersigned Executive Director of the California Integrated 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 Integrated Waste Management Board held on May 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

Board Meeting
May 23, 1995

**AGENDA ITEM 81**

**ITEM:** Consideration of Approval of Designation of Colusa County Health Department, Environmental Health Division as the Local Enforcement Agency for the County of Colusa

**COMMITTEE ACTION:**

At the time this went to print, the Permitting and Enforcement Committee had not taken action on this item.

## I. SUMMARY

The CIWMB's Local Enforcement Agency Branch found that the Local Enforcement Agency (LEA) for Colusa County was not fulfilling its duties and responsibilities due to lack of adequate technical staffing and inability to conform to their Board-approved Enforcement Program Plan (EPP).

The CIWMB's decision at their December 14, 1994, meeting was to withdraw approval of the designation, within 30-days, of Colusa County Health Department as the LEA. This decision was made because the CIWMB found that 1) the Colusa County LEA was not fulfilling its responsibilities (Public Resources Code (PRC) Section 43214(d)); and 2) the LEA lacked adequate technical staff as required by 14 CCR Section 18072.

Effective May 1, 1995, the County fulfilled its staffing and technical expertise requirements and is eligible for designation approval to reinstate their LEA authority.

## II. PREVIOUS COMMITTEE/BOARD ACTION

The CIWMB's action at their December 14, 1994, meeting was to inform the LEA of the CIWMB's intent to withdraw approval of the designation of Colusa County Health Department as the LEA in 30-days after notification. This action was taken because the CIWMB found that 1) the Colusa County LEA was not fulfilling its responsibilities (PRC Section 43214(d)); and 2) the LEA lacked adequate technical staff as required by 14 CCR Section 18072. In the event the LEA satisfied these requirements within 30-days of receipt of the attached letter notifying the LEA of the CIWMB's intention, the CIWMB would **not** have withdrawn approval of the designation.

## III. OPTIONS FOR COMMITTEE/BOARD

1) Approve the designation for the jurisdiction.

2) Disapprove the designation and appoint the Board as the enforcement agency for the jurisdiction.

3) Take no action. This option provides for no enforcement agency designation. The Board would need to perform the enforcement agency duties.

## IV. STAFF RECOMMENDATION

Staff recommends that the Committee/Board approve designation of Colusa County Health Department, Environmental Health Division as the LEA for the County of Colusa. This action will reinstate the agency's previous certification.

## V. ANALYSIS

On December 23, 1994, the LEA was sent a certified letter from Executive Director Ralph Chandler notifying them that withdrawal of approval of designation of the Colusa County Health Department as the LEA would take place within 30-days of receipt of this notification. The LEA received this letter on December 30, 1994. The Colusa County LEA was unable to secure adequate technical staff and fulfill LEA responsibilities within the 30-day timeframe as set forth by PRC Section 43215. Therefore, the CIWMB's approval of Colusa County LEA's designation was withdrawn on January 30, 1995.

Pursuant to PRC Section 43216, the CIWMB would have become the enforcement agency for the jurisdiction 90-days from the date of withdrawal of approval of designation (or May 2) if no re-designation was made and approved.

Because it is the CIWMB's mandate to protect the public health, safety, and the environment, it instituted inspection and enforcement services. These services continued for the 90-days set forth in PRC Section 43216.

The LEA sought and received approval from the Colusa County Board of Supervisors for an additional position within the solid waste program. The position was announced for recruitment and successfully filled.

Board staff received confirmation that effective May 1, 1995, the Colusa County Health Department, Environmental Health Division fulfilled the staff adequacy and met the technical expertise to be certified as an LEA.

## VI. ATTACHMENT

1) A CIWMB resolution for approval of designation of the Colusa County Health Department, Environmental Health Division for the jurisdiction of the County of Colusa and all its incorporated cities.

## VII. APPROVALS

Prepared by: Jo Clement Phone 255-3825

Reviewed by: Mary T. Coyle/H. Thomas Unsell Phone 255-3849/2926

Approved by: Doug Okumura Phone 255-2431

Legal Review: Kathryn J. Davis Phone 255-2825

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

RESOLUTION NO. 95-529

May 23, 1995

Resolution approving the designation of the Colusa County Health Department, Environmental Health Division as the Local Enforcement Agency for the County of Colusa.

**WHEREAS**, the California Integrated Waste Management Act of 1989 requires local governing bodies to designate an enforcement agency to carry out solid waste permitting, inspection and enforcement duties in their jurisdiction; and

**WHEREAS**, on December 16, 1992, the Board approved the Enforcement Program Plan and designation of the Colusa County Health Department, Environmental Health Division and issued certification types "A", "B", "C" & "D" to the designated local agency pursuant to Title 14 California Code of Regulations Section 18071; and

**WHEREAS**, on October 5, 1994, CIWMB staff were informed of a staffing deficiency which resulted in the Local Enforcement Agency not fulfilling the requirement of maintaining adequacy of staff and technical expertise; and

**WHEREAS**, on January 30, 1995, the CIWMB withdrew approval of the designation of Colusa County Health Department, Environmental Health Division as they no longer fulfilled their staffing and technical expertise requirements; and

**WHEREAS**, on April 18, 1995, CIWMB staff received confirmation that effective May 1, 1995, the LEA fulfilled their staffing and technical expertise certification requirements;

**NOW, THEREFORE, BE IT RESOLVED**, the California Integrated Waste Management Board approves the designation of Colusa County Health Department, Environmental Health Division as the Local Enforcement Agency for the County of Colusa.

**CERTIFICATION**

The undersigned Executive Director of the California Integrated 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 Integrated Waste Management Board held on May 23, 1995.

Date:

Ralph E. Chandler
Executive Director

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

Board Meeting
May 23, 1995

**AGENDA ITEM 82**

**ITEM:** Consideration of Revision to the Enforcement Advisory Council Organization and Representation

**COMMITTEE ACTION:**

At the time that this item went to print, the Permitting and Enforcement Committee had not taken action on this item.

## I. SUMMARY

Since the establishment of regular LEA Round Tables, representatives of several Local Enforcement Agencies (LEAs) have requested a revision of the Enforcement Advisory Council (EAC) membership and appointment procedures to align representation with LEA Round Table regions. Needed enhancement of LEA representation, communication, and, responsiveness across the state was given as the justification for this revision.

At the last series of Round Tables in the first half of January, 1995, the proposed alignment of EAC representation with six regions for the LEA Round Tables was overwhelmingly supported. The EAC agreed at its last meeting on January 19, 1995, that an agenda item describing this revision should be prepared for California Integrated Waste Management Board (CIWMB) consideration.

## II. PREVIOUS COMMITTEE/BOARD ACTION

After a brief discussion on December 9, 1992, the Permitting and Enforcement Committee passed the current EAC membership and appointment procedures as a consent item. The CIWMB passed the consent calendar on December 16, 1992.

## III. OPTIONS FOR COMMITTEE/BOARD

Because the EAC is a result of CIWMB policy rather than a direct response to a statutory or regulatory mandate, the Board is not limited in its options.

A broad categorization of options for the CIWMB consideration would include:

1. Approve the described EAC membership alignment based on Round Table regions.

2. Take no action. (EAC membership would remain as currently structured.)

3. Propose and approve a different EAC membership and appointment procedure.

## IV. STAFF RECOMMENDATION

LEA Section staff recommend that the Board approve the revision of the current EAC membership and appointment procedures to allow alignment of EAC representation with LEA Round Tables venues.

The alignment of the LEA Round Tables and EAC representation would be accomplished by adding one region to the existing five LEA Round Table regions. (Please refer to the attached map.) A pool of nominees would be generated by the LEAs prior to the upcoming May LEA Round Tables. A typical democratic process where each LEA jurisdiction has one vote would be employed to select from the nominees. Each region would elect a representative to replace one of the six existing EAC members with the current geographic affiliations (ie. "Suburban/North"). The results of these Round Table elections would be presented to the Permitting and Enforcement Committee in June, and new EAC members installation would occur in July, 1995.

Clarification of the relationship between the EAC and the Board should be one of the first priorities considered by the EAC members. This EAC role clarification will assist in defining the development of a process to assure that the Committee, Board, LEA Round Table groups, and EAC members attain maximum partnership participation. This concept will be more fully delineated in the June agenda.

## V. ANALYSIS

EAC was established in January, 1983, by Waste Management Board resolution. The EAC consisted of 12 members and served this Board as an advisory committee representing the various regions of the state and the disciplines engaged in solid waste enforcement.

The October 1, 1987, EAC Mission and Purpose Statement reads:

> To achieve a coordinated, consistent statewide enforcement program by ongoing communication among all LEAs and the Board.
>
> To assure that the LEA interests and viewpoints regarding legislation, policies, programs and training needs are considered at the state level.

The EAC's Goals and Objectives, revised June 9, 1989, propose to:

1. Periodically review the Minimum Standards and if appropriate, propose revisions and additions.

2. Recommend to the CIWMB, when appropriate, procedures to assist enforcement agencies to fulfill their responsibilities, such as:

   a. Activities of hearing panels
   b. Joint state and local enforcement actions
   c. Uniform enforcement practices

3. Develop priority training needs of the enforcement agencies; participate in planning, development and production of training seminars; assist in the development of a model enforcement agency staff training program.

4. Assist in the development of procedures to achieve maximum benefits of the Solid Waste Information System (SWIS) for the enforcement agencies and the CIWMB.

5. Assist the CIWMB in the update of documents and procedures such as:
   a. Report of Facility Information
   b. Facility Permits Procedures
   c. Guidance Manuals
   d. Facility Inspection Forms
   e. Inspection Techniques

6. Assist the Board in the development of enforcement agency program evaluation procedures.

7. Coordinate each EAC member's regional issues to assure flow of information with those LEAs within represented jurisdiction.

In September, 1992, the EAC Chairperson requested that CIWMB staff revise membership and appointment procedures. The CIWMB approved the current procedures in December, 1992, as listed below:

COUNCIL MEMBERSHIP AND APPOINTMENT

All appointments to the EAC shall be made by the Permitting and Enforcement Committee Chairperson of the California Integrated Waste Management Board according to the following criteria:

1. Two representatives who are solid waste enforcement persons employed by urban Solid Waste Local Enforcement Agencies; one north, one south. One representative shall serve for one year, the other shall serve for two years.

2. Two representatives who are solid waste enforcement persons employed by suburban Solid Waste Local Enforcement Agencies; one north, one south. One representative shall serve for one year, the other shall serve for two years.

3. One representative who is solid waste enforcement person employed by a rural Solid Waste Local Enforcement Agency. The representative shall serve for two years.

4. One representative who is a solid waste enforcement person employed by a city Solid Waste Local Enforcement Agency. This representative shall serve for two years.

5. One representative who is a solid waste enforcement person that serves a "contract" county; no geographic requirement. This representative shall serve for two years.

6. One representative who is a member of the Solid Waste Committee, California Conference of Directors of Environmental Health (CCDEH). This committee shall select their own candidate. This representative shall serve for two years.

7. One representative who is a member of the California Conference of Local Health Officers (CCLHO). This organization shall select their own candidate. This representative shall serve for one years.

The appointed EAC members shall select their own chairman and vice-chairman. Their terms shall be for one year. No member shall serve more than two consecutive terms as chairman.

The terms that expire after one year shall become two-year terms for succeeding appointments.

In October/November,1992, at the same time that EAC membership and appointment procedures were being revised, the first LEA Round Tables were held throughout California. LEAs and CIWMB staff agreed to the establishment of frequent, intensely-interactive, LEA Round Tables at these first meetings.

With the success of the Round Tables, some LEAs requested a revision of the EAC membership and appointment procedures to

align representation with LEA Round Table regions. The comprehensive EAC Goals and Objectives coupled with the heightened expectations from the Round Tables seem to have positively influenced many LEAs. They have expressed a need for enhanced representation, communication, and, responsiveness across the state as the justification for the revision of current EAC membership and appointment procedures. Considering the mission and purpose of the EAC and Round Tables are virtually identical, a union of the two appears appropriate.

In the first half of January, 1995, discussions at the LEA Round Tables included the proposed alignment of EAC representation with six regions for the LEA Round Tables. The participants of these Round Tables overwhelmingly supported the revision of EAC representation to a system based on Round Table regions. EAC members echoed this support at the last EAC meeting of January 19, 1995, and the members requested that an agenda item describing this revision be prepared for CIWMB consideration. The current members of the EAC agreed to serve on the EAC until these changes had been completed.

The alignment of the LEA Round Tables and EAC representation would be accomplished by adding one region to the existing five LEA Round Table regions. The current EAC membership and appointment procedures (approved December, 1992) would be revised as shown below (revisions in italic):

COUNCIL MEMBERSHIP AND APPOINTMENT

All appointments to the EAC shall be made by the Permitting and Enforcement Committee of the California Waste Management Board according to the following criteria:

1. *Six representatives who are solid waste enforcement persons employed by Solid Waste Local Enforcement Agencies; one from each of the Round Table regions. Terms of service are defined by each region.*

2. One representative who is a solid waste enforcement person employed by a city Solid Waste Local Enforcement Agency. This representative shall serve for two years.

3. One representatives who is a solid waste enforcement person that serves a "contract" county; no geographic requirement. This representative shall serve for two years.

4. One representative who is a member of the Solid Waste Committee, California Conference of Directors of Environmental Health (CCDEH). This committee shall select their own candidate. This representative shall serve for two years.

5. One representative who is a member of the California Conference of Local Health Officers (CCLHO). This organization shall select their own candidate. This representative shall serve for *two years*.

The appointed EAC members shall select their own chairman and vice-chairman. Their terms shall be for one year. No member shall serve more than two consecutive terms as chairman.

After a pool of nominees is generated by the LEAs for each region, each regional LEA Round Tables in May would elect a candidate to replace one of the six existing EAC members with the current geographic affiliations (ie. "Suburban/North"). Each LEA jurisdiction would have one vote to select a candidate from the nominees for their Round Table region. The list of proposed EAC members would be presented to the Permitting and Enforcement Committee in June for consideration of appointment. Installation of the new Chairperson EAC members would be scheduled for July, 1995.

**VI. ATTACHMENT**

Local Enforcement Agency, Proposed Round Table Regions, December, 1994 (a California map).

**VII. APPROVALS**

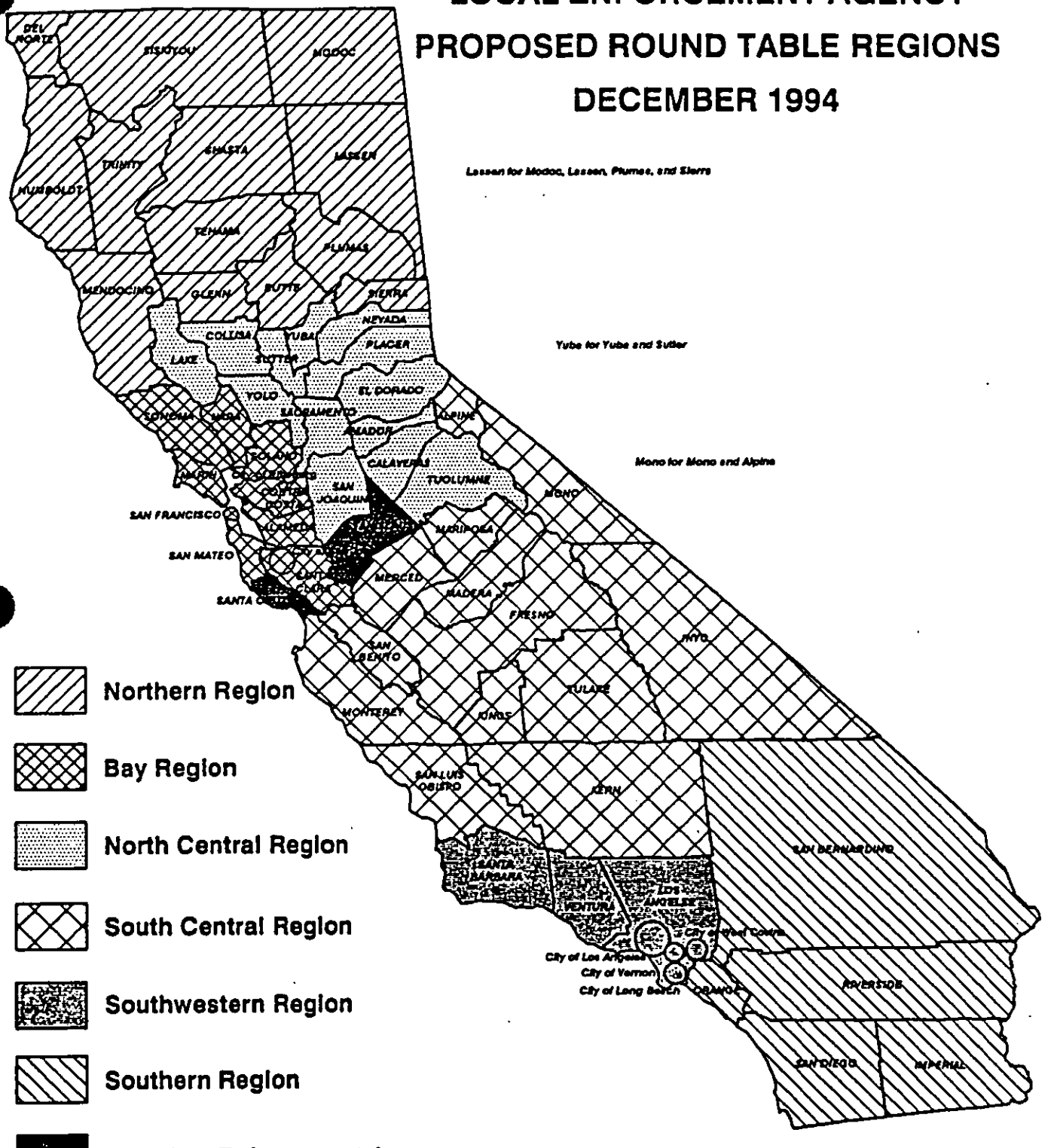
Prepared by: Jeff Watson Phone 255-3850

Reviewed by: H. Thomas Unsell Phone 255-2926

Approved by: Doug Okumura Phone 255-2431

Legal Review: K. J. Tobias Date/Time 5/10/95

# LOCAL ENFORCEMENT AGENCY PROPOSED ROUND TABLE REGIONS DECEMBER 1994

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**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

Board Meeting
May 23, 1995

**AGENDA ITEM 83**

**ITEM:** Consideration of the Temporary Certification and Designation Approval of Amador County Environmental Health Services as Local Enforcement Agency for the County of Amador

**COMMITTEE ACTION:**

At the time that this item went to print, the Permitting and Enforcement Committee had not taken action on this item.

## I. SUMMARY

Due to a reorganization of Amador County departments, Amador County Environmental Health Services now employs the staff that perform the functions of the Local Enforcement Agency (LEA) for the jurisdiction of Amador County. Additionally, the Amador County LEA has found, and CIWMB staff concur, that the annual time required to complete LEA duties in Amador County is significantly reduced. This is due to the recent issuance of a Solid Waste Facilities Permit for the Amador County Sanitary Landfill.

This agenda item contains an updated resolution from the California Integrated Waste Management Board (CIWMB) reflecting the reorganization of Amador County government and issuing temporary certification for the LEA to operate with less than one full time staff person pursuant to Title 14, California Code of Regulation (14 CCR), Sections 18072 and 18073.

## II. PREVIOUS COMMITTEE/BOARD ACTION

On January 27, 1993, the CIWMB approved the Amador County LEA Enforcement Program Plan (EPP), and issued certification for types "A", "B", "C", and "D" to the Amador County Health Department. Therefore, the Amador County Health Department has been the LEA for the jurisdiction of Amador County.

## III. OPTIONS FOR COMMITTEE/BOARD

The following options are identified for CIWMB consideration:

1. Approve the EPP, issue temporary certification, and approve the local agency designation for the jurisdiction.

2. Disapprove the EPP and not issue temporary certification, which would result in disapproval of the

designation, and appoint the CIWMB as the enforcement agency in the jurisdiction.

3. Take no action. This option provides for no LEA, and the CIWMB would be the enforcement agency for the jurisdiction by default as required by statute.

## IV. STAFF RECOMMENDATION

LEA Section staff recommend the CIWMB approve the proposed EPP, issue temporary certification for the requested certification types, and approve the designation of Amador County Environmental Health Services as LEA for Amador County.

## V. ANALYSIS

The Public Resources Code (PRC) allows local governing bodies to designate an enforcement agency to carry out solid waste permitting, inspection, and enforcement duties in their jurisdiction. Regulations require a designated local agency to develop, submit for CIWMB approval, and adopt an EPP. The EPP shall embody the designation and certification requirements and demonstrate that the LEA meets all the requirements for the requested certifications. PRC Section 43204 states: "No enforcement agency may exercise the powers and duties of an enforcement agency until the designation is approved by the Board. After August 1, 1992, the Board shall not approve a designation unless it finds that the designated enforcement agency is capable of fulfilling its responsibilities under the enforcement program and meets the certification requirements adopted by the Board pursuant to PRC Section 43200."

For a local agency to have its designation as an enforcement agency approved by the CIWMB, the enforcement agency must meet at least the following minimum requirements of statute and regulation:

1. Technical expertise.
2. Adequate staff resources.
3. Adequate budget resources.
4. Adequate training.
5. The existence of at least one permitted solid waste facility within the jurisdiction of the local agency or a proposed facility for which an environmental impact report or negative declaration has been prepared and certified, or for which a conditional use permit has been issued.
6. No operational involvement in any of the types of facilities or sites it permits, inspects or enforces.
7. A sole enforcement agency per LEA jurisdiction.

The CIWMB, after approval of the EPP, may issue certifications to the designated local agency per 14 CCR Section 18071 for one or more of the following types of duties and responsibilities:

"A": Permitting, inspection and enforcement of regulations at solid waste disposal sites
"B": Permitting, inspection and enforcement of regulations at solid waste transformation facilities

"C": Permitting, inspection and enforcement of regulations at solid waste transfer and processing stations, materials recovery facilities, and composting facilities
"D": Inspections and enforcement of litter, odor, and nuisance regulations at solid waste landfills

Therefore, to establish an LEA, the CIWMB is required by statute and regulations to approve the designated agency's EPP, issue certification(s), and approve the designation of the local agency pursuant to PRC 43204.

On January 27, 1993, the CIWMB approved the Amador County Health Department EPP, issued it certification types "A", "B", "C", and "D", and approved its designation (CIWMB Resolution No. 93-06). In November of 1994, CIWMB staff were notified that Amador County intended to update its EPP and reduce LEA staffing to reflect workload requirements (verses a minimum of one full time staff as previously required). This LEA action is allowed pursuant to recent statutory and regulatory changes. These changes allow jurisdictions with populations of less 50,000 (per PRC 43200 (C)) to have less than one full time staff person reflecting the workload analysis for the jurisdiction.

In January, 1995, Amador County Environmental Health Services submitted an EPP reflecting less than full time staff for its jurisdiction. After receipt of additional information from the enforcement agency in April, 1995, CIWMB staff found that the documentation provided in the Designation Information Package (DIP) and EPP met the statutory and regulatory requirements.

CIWMB staff find that the DIP and EPP are complete and acceptable for the CIWMB to consider approval of the EPP, issuance of the requested certification (Types "A", "B", "C",& "D"), and approval of the designation of Amador County Environmental Health Services as the Local Enforcement Agency for the County of Amador (see attachment #1 for detailed information). Consistent with the requirements of 14 CCR Sections 18072 and 18073, temporary certification is issued to enforcement agencies with less than one full time staff person. CIWMB staff have identified a six month temporary certification period (approximately) as appropriate for Amador County Environmental Health Services due to the agency's established enforcement experience. Prior to issuing full certification, CIWMB staff will conduct a performance review to assess the LEA's implementation and effectiveness of their permitting, inspection, and enforcement programs.

## VI. ATTACHMENTS

1. A Designation and Certification Fact Sheet for the County of Amador.

2. A CIWMB resolution issuing temporary certification to Amador County Environmental Health Services for Amador County.

## VII. APPROVALS

Prepared by: Jeff Watson Phone 255-3850

Reviewed by: Mary T. Coyle / H. Thomas Unsell Phone 255-2926

Approved by: Doug Okumura Phone 255-2431

Legal Review: K. J. Tobias Date/Time 5/10/95

# DESIGNATION AND CERTIFICATION FACT SHEET

**Amador County**

The following is an abstract of the designation and certification information compiled from the Designation Information Package (DIP) and the Enforcement Program Plan (EPP) from the local governing body and the designated enforcement agency indicated below:

**Designating Local Governing Body:**

Amador County and all its cities

**Designated Jurisdiction:**

Amador County

**Designated Enforcement Agency:**

Amador County Environmental Health Services

**Facilities and Sites:** Total count ---------- 23*

**Vehicles:** Total count ---------- 13*

**Facility Types:**
Landfills ---------- 1*
Transfer Station ---------- 1*

**Site Types:**
"Closed Disposal Sites" ---------- 20*
"Illegal Sites" ---------- 1*

**Type(s) of Certification requested:** "A", "B", "C", & "D"*

**Budget Adequacy:** (Total Annual Budget)---------- $51,462.00*

**Technical Expertise and Staff Adequacy:**

- 0.55 Technical Staff (Registered Environmental Health Specialist)*
- 0.03 Management/Supervisory Staff*
- 0.2 Support Staff*

Time Task Analysis shows 0.78 PY for the jurisdiction

*as indicated in the Enforcement Program Plan

**ATTACHMENT 2**

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

RESOLUTION NO. 95-530

May 23, 1995

Resolution approving the Enforcement Program Plan, issuing temporary certifications, and approving the designation of the Amador County Environmental Health Services as the Local Enforcement Agency for the County of Amador.

**WHEREAS**, the California Integrated Waste Management Act of 1989 allows local governing bodies to designate an enforcement agency to carry out solid waste permitting, inspection, and enforcement duties in their jurisdiction; and

**WHEREAS**, regulations require a designated local agency to develop, submit for Board approval, and adopt an Enforcement Program Plan pursuant to statute; and

**WHEREAS**, the Amador County Board of Supervisors has designated Amador County Environmental Health Services and has requested Board approval of their designation; and

**WHEREAS**, the California Integrated Waste Management Board has received on January 17, 1995, and reviewed the proposed Enforcement Program Plan for the designated local agency; and

**WHEREAS**, the Board finds that the designated local agency has demonstrated, via its amended Enforcement Program Plan as of April, 1995, that it meets the requirements of Public Resources Code Section 43200, et seq; and Title 14, California Code of Regulations, Section 18010 et seq; and

**WHEREAS**, the designated local agency's Enforcement Program Plan adequately addresses the requirements of Title 14, California Code of Regulations, Sections 18072 and 18073; and

**WHEREAS**, the designated local agency requests the Board to approve the Enforcement Program Plan and issue certification types "A", "B", "C", & "D" to the Amador County Environmental Health Services pursuant to Title 14, California Code of Regulations, Section 18071; and

**WHEREAS**, the Amador County Environmental Health Services has adopted its Enforcement Program Plan pursuant to Public Resources Code Section 43209;

**NOW, THEREFORE, BE IT RESOLVED,** the California Integrated Waste Management Board, pursuant to Public Resources Code Division 30 Part 4, Chapter 2, Article 1, approves the Enforcement Program Plan and designation and issues temporary certification for types "A", "B", "C", & "D" to the Amador County Environmental Health Services as the solid waste local enforcement agency for the County of Amador.

**BE IT FURTHER RESOLVED,** that the Amador County Environmental Health Services shall be issued full certification within approximately six months upon confirmation of compliance with Title 14, California Code of Regulations, Chapter 5, Article 2.2.

**CERTIFICATION**

The undersigned Executive Director of the California Integrated 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 Integrated Waste Management Board held on May 23, 1995.

Date:

Ralph E. Chandler
Executive Director

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
May 23, 1995

AGENDA ITEM 84

**ITEM:** Quarterly Update on the Status of Local Enforcement Agency Evaluations.

**COMMITTEE ACTION:**

At the time this item went to print, the Permitting and Enforcement Committee had not taken action on this item.

## I. SUMMARY

This item is presented as an informational and discussion item. Committee and Board Members will be updated on the implementation status of LEA Evaluations for the 1994/95 fiscal year third quarter ending March 31, 1995. Additionally, the LEA Evaluation Procedure Flowchart was revised for clarity and is provided for Committee or Board comments.

## II. PREVIOUS COMMITTEE/BOARD ACTION

On January 18, 1995, staff presented the Permitting and Enforcement Committee an LEA evaluations update through the quarter ending December 31, 1994. No redirection was given to staff and the process continues to be implemented as discussed before the Committee and Board.

## III. OPTIONS FOR COMMITTEE/BOARD

The following options are identified for the Committee or Board to consider as they discuss the LEA Evaluation Quarterly Update:

A. Continue to implement the procedure as it currently exists with the amended flowchart including aggressive monitoring of the Corrective Workplans, identified within the quarterly Committee and Board update

**OR,**

B. Direct staff to incorporate any specific redirection the Committee and Board find appropriate and return to the Committee and Board with an agenda item for consideration.

## IV. STAFF RECOMMENDATION

Staff propose to continue the LEA Evaluation Procedure as it currently exists with the amended flowchart. The next quarterly

update will reflect LEA evaluations through June 1995. Staff anticipate the item to be presented before the Committee in July/August 1995.

## V. ANALYSIS

There are fifty seven LEA jurisdictions within the state. Thirty five LEAs have been scheduled, are at various steps in the evaluation process, or have been completed with final evaluation results. Twenty two LEAs remain to be scheduled for evaluation.

Of the thirty five LEAs mentioned above.

- Nineteen LEAs have had complete evaluations and final evaluation results.
- Nine LEAs are in draft result stages.
- Seven LEA evaluations are scheduled to be initiated in May and June.

Of the nineteen LEAs which have had complete evaluations and final evaluation results:

- Six were found to be fulfilling their responsibilities.
- Eleven are under corrective workplans.
- Two (West Covina and Colusa) resulted in specific Board actions.

The Quarterly Update attachment is provided for specific LEA evaluation details. Staff are prepared to discuss the evaluation process status, the updated flowchart, or the procedure in more depth if the Committee or Board members have additional concerns or questions.

## VI. ATTACHMENTS

- Quarterly Update - Local Enforcement Agency Evaluations (third quarter, FY 94/95)
- LEA Evaluation Flowchart

## VII. APPROVALS

Prepared by: Gabe Aboushanab Phone: 255-3854

Reviewed by: Mary T. Coyle/H. Thomas Unsell Phone: 255-2926

Approved by: Doug Okumura Phone: 255-2431

Legal Review: Kathryn J. Tobias Phone: 255 2825

Quarterly Update - FY 94/95, 3rd Quarter **California Integrated Waste Management Board** Attachment

Local Enforcement Agency Evaluations 4/28/95

| Jurisdiction | (1) Evaluation Begins with LEA Interview | (2) Evaluation Final Mailed Certified | (3) Issues Requiring a Corrective Workplan (CWP) for LEA Not Fulfilling Their Responsibilities | (4) Workplan Submitted On Time | (5) Administrative Conference Required/held *** | (6) 3 Month Monitoring | (7) 6 Month Monitoring | (8) 9 Month Monitoring | Comments |
|---|---|---|---|---|---|---|---|---|---|
| Sacramento | 3/15/94 | 7/21/94 | a,b,c,d,e,g | YES | NO | CWP- non compliance | | | Plan Accepted 10/17/94, Administrative Conference being scheduled |
| Mendocino | Sep-93 | 7/15/94 | b,c,d,e | YES | NO | CWP- Timeline not met (late compliance) | | | Plan Accepted 10/24/94, Admonishment letter being prepared |
| San Francisco | 4/13/94 | 7/21/94 | b,d | NO | NO | | | | (4) LEA admonished in writing to comply with ALL due dates and CWP dates; Admin Conf. will be held immediately if not. Plan Accepted 1/3/95 |
| Imperial | 3/8/94 | 7/19/94 | a,b,c,d,e,g | YES | 10/5/94 | CWP- non compliance (beyond LEA control at this time) | | | Plan Accepted 11/2/94, Direction letter being prepared |
| San Bernardino | 3/19/94 | 8/31/94 | b,c,d,e | YES | 11/17/94 | | | | Amended Plan Rec'd 2/24/95, accepted 3/21/95 |
| Ventura | 9/12/94 | 1/23/95 | | | | | | | Fulfilling All Respnsibilities |
| City of West Covina | 9/13/94 | 2/2/95 | | | 2/10/95 | | | | Board assumption of CEQA 4/95. |
| Santa Clara | 8/25/94 | 1/30/95 | | | | | | | Fulfilling All Responsibilities |
| Colusa | 10/5/94 | N/A | g, No Staff/Program | | | | | | LEA now in compliance, Board designation approval agenda scheduled for 5/95 |
| Butte | 10/13/94 | 1/9/95 | b,c,d,e | YES | NO | | | | Amended CWP received 4/24/95 |
| | | | | | | | | | |
| Alameda County | 11/22/94 | 3/17/95 | a,b,c,d,e,g | YES | | | | | CWP under review |
| Madera County | 11/29/94 | 2/10/95 | | | 2/10/95 | | | | LEA Decertification lifted when CWP was approved 3/29/95 |
| Tulare County | 11/8/94 | 4/28/95 | b,c,d | | NO | | | | |
| Siskiyou County | 11/15/94 | 5/1/95 | | | | | | | Fulfilling All Responsibilities |
| Tuolumne County | 11/30/94 | 2/10/95 | | | | | | | Fulfilling All Responsibilities |

(a) EPP Requirements
(b) Permitting Issues
(c) Inspection Issues
(d) Enforcement Issues
(e) Closure Remediation Issues
(f) Designation Maintenance
(g) Certification Maintenance

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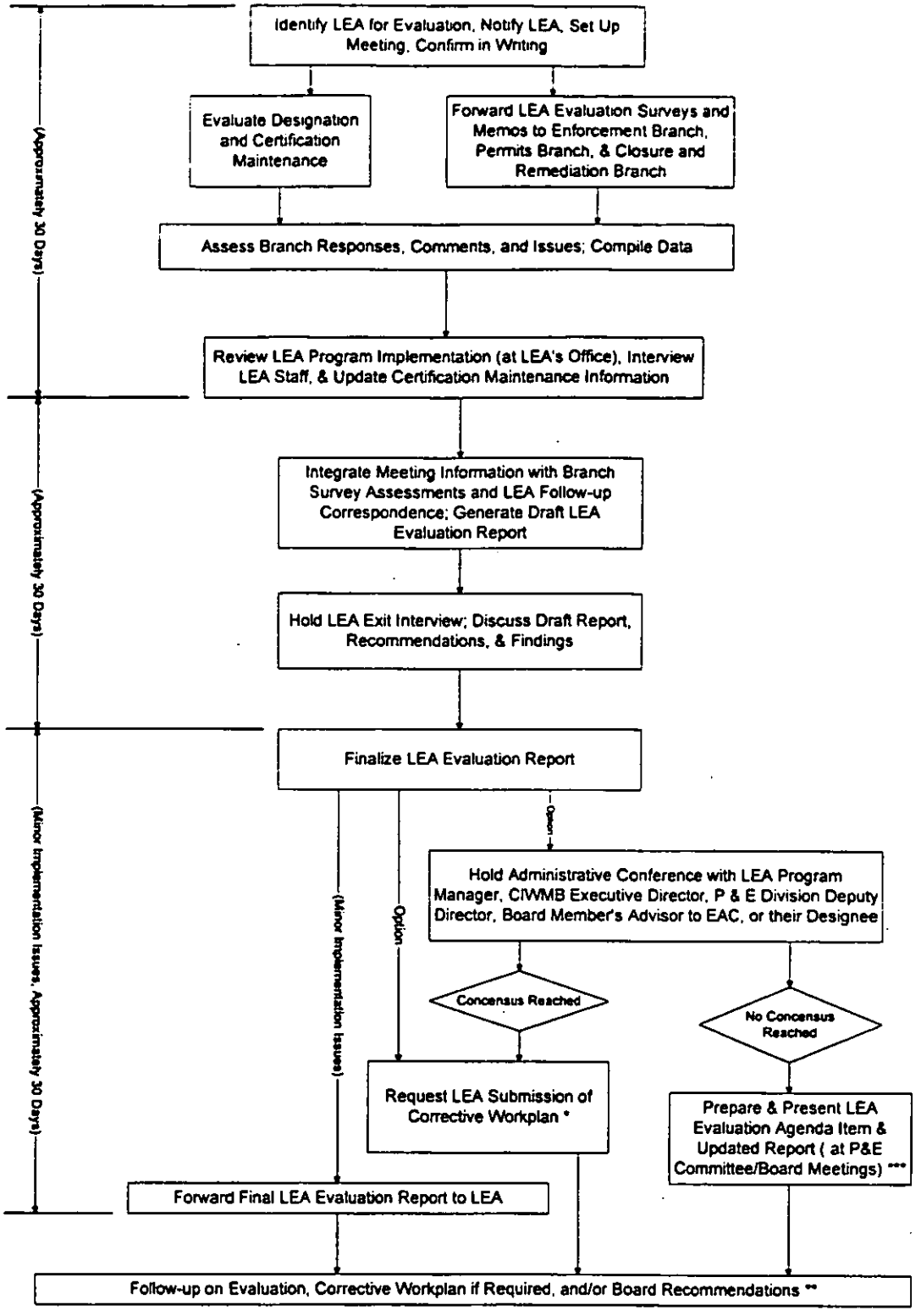
| Jurisdiction | (1) Evaluation Begins with LEA Interview | (2) Evaluation Final Mailed Certified | (3) Issues Requiring a Corrective Workplan (CWP) For LEA Not Fulfilling Their Responsibilities | (4) Workplan Submitted On Time | (5) Administrative Conference Required/held *** | (6) 3 Month Monitoring Satisfactory | (7) 6 Month Monitoring Satisfactory | (8) 9 Month Monitoring Satisfactory | Comments |
|---|---|---|---|---|---|---|---|---|---|
| Contra Costa County | 12/21/94 | 3/17/95 | a,b,c,d,e,g | YES | | | | | CWP under review |
| City of San Jose | 12/14/94 | | | | | | | | Exit done, Final underway |
| Calaveras County | 12/24/94 | 3/17/95 | a,b,c,f,g | YES | | | | | CWP under review |
| Santa Barbara County | 12/20/94 | 4/19/95 | | | | | | | Fulfilling All Responsibilities |
| | | | | | | | | | |
| Kern County | 1/25/95 | | | | | | | | Draft underway |
| City of Long Beach | 1/24/95 | 5/1/95 | | | | | | | Fulfilling All Responsibilities |
| Lake County | 2/9/95 | | | | | | | | Draft underway |
| Mono/Alpine Counties | 1/26/95 | | | | | | | | Draft underway |
| Inyo County | 1/19/95 | | | | | | | | Draft mailed |
| | | | | | | | | | |
| El Dorado County | 3/31/95 | | | | | | | | Draft underway |
| | | | | | | | | | |
| Tehama County | 4/4/95 | | | | | | | | Draft underway |
| Orange County | 4/19/95 | | | | | | | | Draft underway |
| Merced County | 4/4/95 | | | | | | | | Draft underway |
| | | | | | | | | | |
| San Joaquin County | 5/2/95 | | | | | | | | |
| San Mateo County | 5/4/95 | | | | | | | | |
| San Luis Obispo County | 5/23/95 | | | | | | | | |
| | | | | | | | | | |
| Humboldt County | 6/20/95 | | | | | | | | |
| Del Norte County | 6/21/95 | | | | | | | | |
| City of Pittsburg | 6/1/95 | | | | | | | | |
| Monterey County | 6/14/95 | | | | | | | | |

(a) EPP Requirements
(b) Permitting Issues
(c) Inspection Issues
(d) Enforcement Issues
(e) Closure Remediation Issues
(f) Designation Maintenance
(g) Classification Maintenance

# LEA EVALUATION FLOWCHART




* If no Workplan is submitted within 30 days of receipt of final report, LEA Section staff will initiate De-Certification.

** Evaluation follow-up activities will include monitoring of workplan progress at 3, 6, and 9 month intervals. Workplan implementation issues not being met will result in an Administrative Conference or initiation of De-Certification with an agenda item for the P&E Committee/ Board.

*** Agenda item may include recomendations for:
- preparation of a Corrective Workplan
- Withdrawal of Designation approval
- Partial De-Certification
- Full De-certification
- Any other option the Board deems appropriate

April 28, 1995

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

May 23, 1995

AGENDA ITEM 85

ITEM: CONSIDERATION FOR APPROVAL OF STAFF OPTIONS ON THE AUTHORITY OF THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD TO REGULATE NONHAZARDOUS PETROLEUM CONTAMINATED SOIL OPERATIONS

## I. SUMMARY

Current California Integrated Waste Management Board (CIWMB) regulation of solid waste operations have been written specifically for landfills, transfer stations, and more recently composting operations. These regulations do not easily translate to the unusual nature of nontraditional operations [e.g., treatment of contaminated soil (CS), sewage sludge landspreading, and the incorporation of ash as a soil amendment]. Applying CIWMB regulation to these nontraditional operations has resulted in confusion among the regulated community and Local Enforcement Agencies (LEA), creating uneven application of statutory and regulatory requirements throughout the state. Additionally, the "one-size-fits-all" permit did not provide the flexibility needed by the CIWMB and LEAs to oversee nontraditional solid waste operations.

In April 1994, the Permitting and Enforcement Committee (Committee) directed staff to further develop a concept proposing a tiered permitting structure for all solid waste operations. Draft regulatory tier regulations were developed and distributed during an informal public review period. The draft regulations were revised based on comments received and distributed as part of the formal public rulemaking. The CIWMB adopted the regulatory tier regulations at its November 16, 1994, general business meeting. The Office of Administrative Law approved the regulatory tier regulations on March 1, 1995.

These regulations establish a new, flexible framework of regulatory oversight by the CIWMB for a wide range of solid waste operations. The level of regulatory oversight would be commensurate with the potential impact that the operation/facility may pose to public health and safety and the environment. The regulations do not place any solid waste operation/facility into a tier.

Based on prior surveys of LEA representatives, a schedule was approved by the Committee to address placement of operations into the tiers. The schedule includes the three top LEA priorities (sewage sludge, ash, and CS) for consideration by the end of 1995.

At its March 29, 1995 general business meeting, the CIWMB approved a process for determining CIWMB authority for types of operations and a general methodology for determining placement of those operations where the CIWMB has authority. CS was identified by the CIWMB as the first type of operations to be considered for CIWMB authority and placement.

The purpose of this item is to bring forward for consideration by the CIWMB proposed options on CIWMB authority for CS operations.

## II. PREVIOUS COMMITTEE AND CIWMB ACTION

The Committee, at its April 1994 meeting, directed staff to develop a comprehensive tiered permitting structure for solid waste facilities and explore the possibility of a non-permit approach concept.

The Committee and CIWMB approved the regulatory tier regulations at the November, 1994 meetings.

At the January, 1995 meetings, the Committee and CIWMB approved a schedule for placement of solid waste operations/facilities into the regulatory tier structure.

In March 1995, the Committee and CIWMB approved a process for determining CIWMB authority for types of operations and a general methodology for determining placement of those operations where the CIWMB has authority. CS was identified by the CIWMB as the first type of operation to be considered for CIWMB authority and placement.

Consideration of staff options on the CIWMB's authority has not yet been heard by the CIWMB. Recommendations from the Committee regarding CIWMB authority were not available at the time this item went to print.

## III. OPTIONS FOR THE BOARD

CIWMB members may decide to:

1. Seek additional input regarding the appropriate interpretation of its statutory authority, and wait to make a decision on the CIWMB's authority until next month's meeting.

2. Limit their decision to those CS operations where the CIWMB clearly has authority, and seek additional input on those CS operations where the CIWMB's authority is unclear for a decision at next month's meeting.

3. Make a decision on the CIWMB's authority for all CS operations based on information provided by CIWMB staff and the public at the CIWMB meeting.

## IV. STAFF RECOMMENDATION

This agenda item presents some significant issues of legal interpretation about which the CIWMB must make a decision. Although, the discussion in this agenda item is specific to CS, the decisions

made will have precedential value for the application of the analysis contained in this item to other material that will be considered in the future. It is believed that this analysis will engender significant discussion and public input. That additional input should be useful in determining the appropriate interpretation of the CIWMB's authority.

On the other hand, based on the analysis, it is clear that whichever interpretations are used, the CIWMB has jurisdiction over at least some aspects of the handling of CS. These include the various scenarios for off-site treatment except where the material is going back to the generator for continued use.

Staff recommends that the CIWMB seek additional input regarding the appropriate interpretation of its statutory authority, and wait to make its decisions until next month's meeting.

## V. ANALYSIS

**Description of Operations Under Consideration**

Nonhazardous petroleum CS is soil that has come in contact with petroleum hydrocarbons, solvents, or heavy metals that pose a threat to human health and the environment. It results primarily from the release of petroleum fuels, such as gasoline and diesel, and also from heating oil, waste oil, kerosene, and other petroleum-based hydrocarbons. Discharges of petroleum hydrocarbons are typically from underground tanks and peripheral piping, aboveground tanks, and from cumulative spills in and around equipment maintenance and repair yards.

The Regional Water Quality Control Boards (RWQCB) regulate the cleanup of CS (hazardous and nonhazardous) under the Porter-Cologne Water Quality Control Act if the CS poses a threat to water quality. The cleanup may include any or several actions, including treatment, disposal, or appropriate reuse. The RWQCBs determine if discharges from these actions require regulation under waste discharge requirements or conditional waivers. The level of treatment is determined on a case-by-case basis by the RWQCBs and is dependent on the characteristics of the CS and the site where the CS will be disposed/reused.

All air districts require any operation that would significantly effect air quality to have a Permit to Operate (PTO). The PTO specifies emission limits for VOCs, particulates, and any toxic materials in the soil. The PTO may also include operating parameter limitations for the control device or for the treatment facilities. Several air districts also have rules to control the excavation and threat of soils contaminated with VOCs, including notifying the Air Pollution Control Officer prior to excavation and keeping the excavated soil covered.

Operations handling CS fall into several broad categories:

- Treatment
- Use as Feedstock
- Transfer and/or Storage
- Disposal

**Treatment**

Treatment processes are divided into two categories: in-situ and non in-situ. In-situ treatment refers to treatment of soil in place; non in-situ treatment refers to excavation with above ground treatment.

The treatment, itself, can consist of a range of treatments, including but not limited to the following:

- aeration - volatile hydrocarbons are allowed to evaporate into the air;
- bioremediation - microbial processes increase hydrocarbon decomposition;
- thermal - excessive heat volatilizes and/or destroys petroleum compounds;
- solidification and chemical fixation - Portland cement and sodium silicate reagents are used to create a solidified material.
- soil washing - surfactant (detergent) removes hydrocarbons.

Depending on the amount of hydrocarbons, solvents, or heavy metals remaining after treatment, treated soil can be used as landfill cover, fill, roadbase; incorporated into asphalt or cement; or disposed into a Class II or III landfill.

The following health, safety, and environmental concerns are associated with treatment operations:

- Threat to groundwater (leachate) and surface waters (runoff). Regional Water Quality Control Boards (RWQCB) regulate this via waste discharge requirements or conditional waivers.

- Threat to air quality [volatile and semi-volatile organic compounds (VOC), dust, and odors]. In all air districts, soil treatment facilities are required to have a Permit to Operate, which specifies emission limits for VOCs, particulates, and any toxic materials in the soil. The air districts can regulate dust and odors usually on a complaint basis via a statutory Public Nuisance prohibition and a visible emissions prohibitory rule; application varies by district.

- Noise resulting from heavy equipment operation and traffic/trucks. This can be regulated by local land use permits for the public, and the California Occupational Safety and Health Administration for employees on site. Enforcement is on a complaint basis.

- Threat of fire from equipment operation and ignitability of materials on site can be regulated by local fire authorities.

- General Safety of public from physical hazards, such as traffic on site, operation of mechanical equipment, and general conditions on site that could result in injury or accident and chemical exposure. This would include the following specific concerns in the area of health and safety: erosion, drainage, litter, traffic, load checking to ensure hazardous waste is not coming on site, removal of rubbish from site, adequate signing, and verifying throughput to prevent disposal of material on site. The CIWMB/LEA is currently regulating this where operations have been issued solid waste facilities permits.

**Use as Feedstock**

Treated or untreated CS (depending on the characteristics of the CS) can be used as feedstock for roadbase, daily cover, or incorporated into asphalt or cement. In some cases, operators blend CS with ash or other material for use as roadbase, in others, operators mix it with sand and aggregate for use as asphalt.

The following health, safety, and environmental concerns are associated with these operations:

- Threat to groundwater (leachate) and surface waters (runoff). (See "Treatment," above.)

- Threat to air quality [volatile and semi-volatile organic compounds (VOC), dust, and odors]. (See "Treatment," above.)

- General safety of public from physical hazards, such as traffic on site, operation of mechanical equipment, and general conditions on site that could result in injury or accident and chemical exposure. (See "General safety," above.) The CIWMB/LEA is currently regulating this where operations have been issued solid waste facilities permits.

**Transfer and/or Storage**

Treated or untreated CS can be received for transfer to a different location and/or storage prior to transfer.

The following health, safety, and environmental concerns are associated with these operations:

See all of the concerns listed under "Treatment,", above.

**Disposal**

Disposal of treated or untreated CS (depending on the characteristics of the CS) is at a Class II landfill if designated waste, or at a Class III landfill.

CIWMB authority and regulation of Class II and III landfills has been clearly defined and is not included in this evaluation of CS operations.

**Legal Authority to Regulate CS**

**A. Relevant Statutory Provisions**

The following statutes form the basis for the analysis of the CIWMB's legal authority to regulate CS:

**Public Resources Code section (PRC)** 40191 defines "solid waste" to include non-putrescible solid, semi-solid, or liquid waste. The term "solid waste" is a term of art for "waste" that is subject to the CIWMB's jurisdiction. "Wastes" that are not "solid waste" may still be subject to other agency's jurisdiction. For instance, CS is regulated as a "waste" by the Water and Air Boards. Hazardous CS is not a "solid waste" pursuant to PRC 40191(b), but it is regulated as a hazardous waste by the Department of Toxic Substances Control.

At its conclusion, this statute uses a catch-all phrase to include within the definition of "solid waste" all "other discarded solid or semi-solid wastes." The California Supreme Court in the case of Waste Management of the Desert v. Palm Springs Recycling Center (1994) 7 Cal. 4th 478, (hereinafter referred to as the Rancho Mirage Decision) held that material becomes subject to the Act, i.e. becomes a "solid waste," when it is discarded. A material is "discarded" when it is disposed of by its owner without compensation (See p. 485 of the decision).

**PRC 40200** defines "transfer or processing station" as those facilities utilized to receive solid wastes, temporarily store, separate, convert, or otherwise process the materials in the solid wastes or to transfer the solid wastes directly from smaller to larger vehicles for transport, and those facilities utilized for transformation.

Subsection (b)(2) provides that a "transfer or processing station" does not include a facility, whose principal function is to receive, store, convert, or otherwise process wastes which have already been separated for reuse and are not intended for disposal. This exclusion may be significant for future analysis, it is not relevant for the discussion in this agenda item on CS. It has been included in order to provide a comprehensive framework for future analysis.

**PRC 40172** provides that "processing" means the reduction, separation, recovery, conversion, or recycling of solid waste.

**PRC 40180** provides that "recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw materials for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

**B. Frameworks For Analysis Of Legal Authority**

Based on the statutes discussed above, the following discussion provides some frameworks for applying them to a particular area in question. It separates the analysis into three primary stages in the life of a material where the answer to the question posed at that stage will determine whether or not the handling of that material is subject to the CIWMB's jurisdiction. (See Attachments 1 and 2 for an outline of the information presented.)

**1. Is the material being handled a "solid waste?"**

There are two possible methods of analyzing this question which will be discussed below. Which method is chosen will depend upon the interpretation given to the Rancho Mirage Decision.

**a. The material is only a "solid waste" if it is discarded by its generator:**

As set forth in the Rancho Mirage Decision, if the material is discarded by its generator, then it is a "solid waste." The analysis of what is "discarded" is essentially a determination regarding the intent of the generator. "Discard" connotes throwing away or abandoning. (See Rancho Mirage Decision at p. 486). Therefore, the analysis of whether or not a material is discarded will vary depending on the circumstances. If not "discarded," then the material is not a "solid waste" and it is not within the CIWMB's jurisdiction.

In general, the analysis of what is "discarded" will not always involve an analysis of whether or not the material is sold or given away. That economic analysis may only be applicable to determining ownership of the material in question as between an exclusive franchise hauler and someone else who would like to take possession of the material. In the Rancho Mirage Decision, an economic analysis of "discard" was appropriate because that case involved issues of economics and property ownership. In other situations, other considerations may be more relevant. For example, when a homeowner "throws away" material in a trash can, even though it hasn't left his or her possession, it would be a solid waste because it has been discarded. Most local jurisdictions and the CIWMB (Title 14 California Code of Regulations section 17331) regulate this "solid waste" by requiring that residences and businesses not accumulate it for more than a week.

Regarding non-hazardous CS, the economic analysis of "discard" is also not relevant. This material is not picked-up through normal waste hauling systems, nor is any of it purchased by recyclers. Therefore, the analysis of whether or not this material is "solid waste" will have to focus on different factors. (See discussion below.)

**b. Material is a "solid waste" whether or not it is discarded**

It might be argued that the Rancho Mirage Decision does not limit the CIWMB in determining what is a "solid waste" for the purposes of determining the appropriate level of regulation for the protection of the public health and safety and the environment. The California Supreme Court held in this case that "nothing becomes a "solid waste" unless it has been discarded." However, despite its broad language, that case may only be applicable to the question of what is covered by an exclusive franchise agreement. Any application of this interpretation should be limited to the facts of that case. The Rancho Mirage Decision does not contain any analysis of the need for health and safety regulations and any application of the decision in that context is inappropriate. The CIWMB was not a party to that case and its authority to regulate was not addressed nor is it controlled by that decision.

If the Rancho Mirage Decision is not controlling, then it is possible to analyze PRC 40191(a) in a way that removes "discarded" as a factor in determining whether or not something is a "solid waste" for the purposes of health and safety regulation. A literal review of the definition of "solid waste" shows that the term "discarded" only appears at the end of a list of examples. It does not occur in the first part of this section which defines "solid waste." The Supreme Court held that this word modified the entire definition of solid waste because it comes at the end of the definition and provides further definition of the term. However, this interpretation ignores a grammatical problem that this interpretation causes. The sentence which it modifies already contains the word "discarded" or "abandoned" in describing examples of solid waste. If the term "discarded" at the end of the sentence is taken to modify everything that precedes it the sentence becomes nonsensical. "Solid Waste" would include "abandoned vehicles" that have been discarded but not "abandoned vehicles" that have not been discarded. Likewise, "discarded home and industrial appliances" would not be solid waste if they were not discarded.

> PRC 40191 (a) Except as provided in subdivision (b), "solid waste" means all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, **abandoned** vehicles and parts thereof, **discarded** home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other **discarded** solid and semisolid wastes.

In addition, the list of examples in this section is not an exhaustive list. By its own terms, "solid waste" includes all of the examples on this list, but it is not limited to only those items listed.

**2. Is the operation a "disposal site?"**

Once the determination has been made that the material is a "solid waste," the next question is whether or not the activity occurring at an operation in question falls within the definition of "disposal site." The operation will fall within the CIWMB's authority if it intends to use land, or is using land, or has been using land for the landfill disposal of solid waste (PRC 40122).

**3. Is the operation a "transfer/processing station?"**

If the operation is not a disposal site, it will still fall within the CIWMB's authority as a "transfer or processing station" if it receives, temporarily stores, separates, converts, or otherwise processes "solid wastes" (PRC 40200).

Based on the definitions in PRC 40200 and 40172 ("processing"), the CIWMB has broad legal authority to regulate operations which act on "solid waste." However, there are two types of activities which might not fall within these definitions:

**a. Should manufacturing be considered a type of processing?**

The definition of "processing" is very broad, but also very general.

It could be argued that a manufacturing process which utilizes "solid waste" as an ingredient, is not treating, converting or otherwise processing a "solid waste" because the purpose of the manufacturing process is not to process the "solid waste." Rather, the manufacturing process is focused on making a product which happens to be able to utilize materials that have been "discarded" by others.

On the other hand, it could be argued that a manufacturing process which utilizes "solid waste" as an ingredient, while not designed to act upon a solid waste, has "converted" the solid waste into another form.

The answer to this question would affect whether or not a manufacturing operation would be considered a "transfer/processing station" under the CIWMB's jurisdiction. This question is relevant for the discussion of CS in this agenda item, because as discussed below, this material is being used as an ingredient in some manufacturing processes.

**b. Is an operation that handles source-separated material within the CIWMB's jurisdiction?**

The next question is whether or not an operation which fits the definition of "transfer/processing station," fits the statutory exclusion set forth in PRC 40200(b)(2). **This question is not one that is relevant for CS operations because this material is not source-separated before treatment. However, this question is included to provide a complete discussion of the analysis that will need to be performed as the CIWMB moves through its schedule of placing operations within the tiers.**

As noted above, PRC 40200(b)(2) provides that a "transfer or processing station" does not include a facility, whose principal function is to receive, store, convert, or otherwise process wastes which have already been separated for reuse and are not intended for disposal. An operation that fits this exclusion is not a "transfer or processing station" is not a "Solid Waste Facility" (PRC 40194) and is not required to obtain a solid waste facilities permit (PRC 44002).

However, the CIWMB does have authority to regulate "solid waste handling" pursuant to PRC 43020. This statute provided legal authority for the CIWMB's newly approved "Regulatory Tiers." One of the tiers, "Enforcement Agency Notification" provides for minimal regulation of solid waste handling which does not occur at a solid waste facility.

One question that will need to be answered in the future is whether the exclusion in PRC 40200(b)(2) which provides that operations which handle source separated material are not solid waste facilities, should also be interpreted to exclude these operations from any regulation as solid waste handling operations. On the one hand, a literal reading of these statutes means that source-separated material handlers are still subject to CIWMB jurisdiction in the "Enforcement Agency Notification" tier. On the other hand, it could be argued that this exclusion was meant to be broad and that the fact that it does not expressly exclude source-separated material handlers from regulation as solid waste handlers is simply because it was written long before the CIWMB had established its regulatory tiers.

In addition to this issue, the CIWMB will need to define some terms within exclusion such as "principal function" and "separated for reuse."

**4. Has the solid waste been processed so that it has ceased to be a solid waste?**

**a. Solid waste can be recycled and cease to be a waste**

At some point in time, after processing, the solid waste may no longer be a solid waste because it has been recycled. The definition of "recycling" (PRC 40180) essentially means that the solid waste has been acted upon in some manner that allows it to be returned to the market either as a raw material or as a product. At that point, it could be argued that the material would no longer be a solid waste and the CIWMB would no longer have jurisdiction over it. This analysis will depend greatly on context, much like the "discard" analysis above.

**b. Solid waste can not be recycled - "once a waste always a waste"**

A literal reading of the definition of recycling indicates that once something is a waste it is always a waste. The definition uses the phrase "[treating]... materials that would otherwise become solid waste..." The implication of this language is that something can only be considered recycled if it has never become a solid waste, but once it is a solid waste it remains that way forever.

In choosing between these two interpretations one consideration should be that PRC 40172 which defines "processing" contradicts a literal reading of the recycling definition because it references "recycling of solid waste." In addition, it should be noted that a literal interpretation would appear to be inconsistent with the CIWMB's determination in January regarding Alternative Daily Cover (ADC). In that context, the CIWMB interpreted this statute to mean that material which had once been solid waste would no longer be considered solid waste if it was treated and utilized in a manner that did not constitute disposal.

## Application To CS Handling Methods

In this portion of the agenda item, the previous legal analysis is applied to the various types of handling methods used for CS. Throughout the analysis, the effect of choosing between the various legal interpretations discussed above will be noted. (See Attachment 3 for a summary of this analysis.)

**It should be kept in mind that the following discussion only deals with the limited question of overall legal authority. Even if something is within the CIWMB's general jurisdiction, the CIWMB will still have to address questions related to AB 1220 and the limits it puts on the CIWMB's authority to address specific aspects of an operation. In addition, the CIWMB will also still need to determine the appropriate level of regulatory control it will want to exercise. This would include practical considerations similar to the ones that led the CIWMB to exclude "backyard composting" and place "agricultural material composting" in a non-permit tier. These questions will be discussed primarily in next month's agenda item.**

### A. On Site Treatment/Use

#### 1. In-situ treatment

In this process, the CS is treated on the spot. It is not excavated or moved, the processing "agent" is applied directly where it is located.

#### a. If "discard" is required for CIWMB jurisdiction

If the CIWMB adopts the interpretation of the definition of "solid waste" from the Rancho Mirage Decision, the CIWMB would not have jurisdiction to regulate these operations because the CS is never "discarded" and is thus not a "solid waste." The generator can never be said to have "thrown away" this material. The material is being treated so that the generator may continue to use it, therefore he or she has never disposed of it. (It should be kept in mind, as noted above, that the material would still be a "waste" regulated by other agencies like the regional board and air districts).

#### b. If "discard" is not required for CIWMB jurisdiction

If the CIWMB decides that the Rancho Mirage Decision is not applicable to the question of CIWMB regulation, then the CIWMB would have jurisdiction over these operations because they treat waste which could have an impact on the public health and safety and the environment. (It should be kept in mind, as noted above, that the CIWMB could still choose not to regulate these operations even though they fit within the CIWMB's overall authority).

**2. Excavation/treatment on-site and returned as fill (or other on-site use)**

In this process, the CS is excavated for treatment, but it is then either returned to its original location or it is used on-site for some other purpose, (such as road construction). [In some circumstances, it may also be excavated, not treated, and used on-site for some other purpose.]

**a. If "discard" is required for CIWMB jurisdiction**

For the same reasons as in A.1.a. above, under this interpretation, the CIWMB would not have jurisdiction to regulate these operations because the CS is never discarded and is thus not a "solid waste." Although the material is excavated, the generator intends to continue to use the material after treatment and can not be said to have thrown it away.

**b. If "discard" is not required for CIWMB jurisdiction**

For the same reasons as in A.1.b. above, under this interpretation, the CIWMB would have jurisdiction over these operations because they treat waste which could have an impact on the public health and safety and the environment. (It should be kept in mind, as noted above, that the CIWMB could still choose not to regulate these operations even though they fit within the CIWMB's overall authority).

**3. Excavation/treatment and/or manufacturing off-site and returned as fill, asphalt, or other on-site use)**

In this process, the CS is excavated and sent for treatment and/or manufacturing off-site, but it is then either returned on-site for replacement in its original location or it is used on-site for some other purpose (such as road construction).

**a. If "discard" is required for CIWMB jurisdiction**

The "discard" analysis is slightly more complicated in this scenario because the material does leave the generator's possession. However, where the generator always intends to get the material back for continued use, the material is still not "discarded" because it has not been thrown away. This analysis would be consistent with the CIWMB's exclusion of agricultural composting when the material is composted off-site but returned for use on-site.

The complication in this scenario relates to ensuring that the generator's intent is not to dispose of the material. Enforcement considerations may require that some minimal regulation of operations which receive this material be adopted in order to ensure that the CS is in fact being returned to its generator, rather than it being directed elsewhere or disposed of.

**b. If "discard" is not required for CIWMB jurisdiction**

For the same reasons as in A.1.b. and A.2.b. above, under this interpretation, the CIWMB would have jurisdiction over these operations because they treat waste which could have an impact on the public health and safety and the environment. (It should be kept in mind, as noted above, that the CIWMB could still choose not to regulate these operations even though they fit within the CIWMB's overall authority).

**B. Off-Site**

In all of the handling methods discussed below, the CS has been discarded by the generator. Therefore, regardless of one's interpretation of the Rancho Mirage Decision, the material is a "solid waste."

**1. Treatment off-site for disposal at landfill**

In this scenario, the CS is "solid waste" which the CIWMB has jurisdiction over because it is "discarded." The generator has no intention of receiving the material back and has disposed of it. The treatment is occurring to lower the levels of contaminants so that the material can be accepted in a Class II or III site. Treatment and transfer of the CS is occurring, so the operation fits within the definition of "transfer/processing station." The material is not "recycled" because it is never returned to the marketplace.

**2. Treatment off-site for landfill cover**

**a. Solid waste ceases to be a waste once it is recycled**

In this scenario, the CS is "solid waste" which the CIWMB has jurisdiction over because it is "discarded." The generator has no intention of receiving the material back and has disposed of it. The treatment is occurring to lower the levels of contaminants so that the material can used in a Class II or III site as daily cover material. Treatment and transfer of the CS is occurring, so the operation fits within the definition of "transfer/processing station."

However, if the CIWMB adopts the interpretation, discussed above, that once a solid waste is recycled, it ceases to be a solid waste, then once the material is used as landfill cover, the CIWMB would no longer have jurisdiction over it as a solid waste. This is consistent with the CIWMB's determination in January that ADC used as ADC is to be considered recycling and is no longer a solid waste. (As a practical matter, the CIWMB continues to regulate this material but not because it is a solid waste, it is regulated because it is used in the landfill operation).

**b. Once a waste, always a waste**

If the CIWMB were to adopt this interpretation, then the CIWMB would still have jurisdiction over the CS as a solid waste even after it was used as ADC.

**3. Treatment off-site for use as clean fill**
**4. Treatment off-site for use as road base**

The analysis for these scenarios is essentially the same as in B.2. above.

**5. Off-site use as part of a manufacturing process (road base, asphalt/cement production)**

In this scenario, the CS is not treated. Instead, it is used as an ingredient added to a manufacturing process. Due to properties of the end product, the CS is no longer in existence as a separate material and is no longer a threat to the environment. The CIWMB's jurisdiction will depend upon the answer to the question discussed above regarding use of solid waste as an ingredient in a manufacturing process.

**a. If manufacturing is not considered processing**

In this scenario, the CS is "solid waste" which the CIWMB has jurisdiction over because it is "discarded." The generator has no intention of receiving the material back and has disposed of it, and the CIWMB has made the determination that once a solid waste is recycled, it ceases to be a solid waste. (If "solid waste" can not be recycled, as discussed above, then the CIWMB will retain some jurisdiction even if manufacturing is not a type of processing). Some aspects of the operation would certainly be within the CIWMB's jurisdiction. The CIWMB would have jurisdiction to regulate the stockpiling of the "solid waste" prior to its incorporation in the manufacturing process. The stockpiling portion of the operation constitutes, in a manner of speaking, a transfer station. It stores the "solid waste" and transfers it from the generator to the manufacturing portion of the operation. (This is similar to the current law applicable to waste tires stockpiled for use in cement kilns).

As discussed above, the CIWMB would not have jurisdiction over the manufacturing process because it would not fit within the definition of "transfer/processing station."

(It should be kept in mind that the CIWMB could still decide not to regulate stockpiles of this type or to do so minimally. The limited question in this agenda item is whether the CIWMB would have the authority to regulate if it wanted to. One issue that has been raised, in this regard, is whether or not some regulation is necessary to ensure that the material is not simply stockpiled forever, thus constituting in reality a disposal site.)

**b. If manufacturing is considered processing**

In this scenario, the CS is "solid waste" which the CIWMB has jurisdiction over because it is "discarded." The generator has no intention of receiving the material back and has disposed of it. As noted in B.5.a. above, the CIWMB would have jurisdiction to regulate the stockpiling of the "solid waste" prior to its incorporation in the manufacturing process.

In addition to this jurisdiction, the CIWMB would have jurisdiction over the manufacturing process if the CIWMB determined that manufacturing which included solid waste as an ingredient fit within the definition of "transfer/processing station."

If this interpretation were adopted, further analysis similar to that in B.2.a. and b. (regarding recycling) would be necessary to determine CIWMB authority over the product of this process.

**C. Storage**

**1. Prior to treatment**
**2. Prior to disposal**
**3. Prior to manufacturing**
**4. Prior to use as road base**

The analysis of these scenarios would be similar to that in B.5. above regarding stockpiling prior to treatment.

**5. Post-treatment**

The analysis of this scenario would be similar to that in B.2. above regarding recycling.

**D. Disposal Sites**

No significant issues have been raised to challenge CIWMB authority to regulate these operations whether onsite or off-site (PRC 40122).

**E. Transfer Stations**

No significant issues have been raised to challenge CIWMB authority to regulate these operations only transfer untreated, discarded CS.

## VI. APPROVALS

| | | | |
|---|---|---|---|
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| Legal Review: | Elliot Block | Date/Time: | |

ATTACHMENTS:

1. Outline of Framework for Analysis of CIWMB Jurisdiction
2. Determinations to be made regarding legal issues relating to CIWMB Jurisdiction
3. Petroleum Contaminated Soil Legal Authority Matrix

# OUTLINE OF FRAMEWORK FOR LEGAL ANALYSIS OF CIWMB JURISDICTION FOR PETROLEUM CONTAMINATED SOIL

1. Is the material being handled a "solid waste?"

   - Does it fit the definition in PRC 40191?

2a. Is the "solid waste" being handled at an operation over which the Board has jurisdiction?

   - Disposal Site/Facility (PRC 40121 and 40122)
   - Transfer or Processing Station (PRC 40200)
   - Other

2b. Is the operation otherwise excluded from Board jurisdiction?

   - PRC 40200(b)

3. After processing, is the material still a "solid waste?"

   - PRC 40180

# DETERMINATIONS TO BE MADE REGARDING LEGAL ISSUES RELATING TO CIWMB JURISDICTION ON PETROLEUM CONTAMINATED SOIL*

1. Must a material be "discarded" in order to be a "solid waste?"

   **YES:** -Rancho Mirage Decision requires it

   - PRC 40191 uses the term "discarded"

   **NO:** -Rancho Mirage Decision is not controlling for issues Public Health and Safety/Environmental Regulation

   -PRC 40191 use of the term "discarded" is not meant to limit the scope of regulation

2. Should the use of "solid waste" as an ingredient in a manufacturing process be considered "processing?"

   **YES:** -"Solid waste" is being "converted"

   **NO:** -The purpose of manufacturing is not to treat or convert "solid waste"

3. Once something is a "solid waste," does it remain a solid waste forever?

   **YES:** -PRC 40180 provides that something can only be recycled before becoming a "solid waste"

   **NO:** -PRC 40172 provides that "solid waste" can be recycled

   -Consistency with ADC Decision

*Not all determinations are required for each handling method.

# PETROLEUM CONTAMINATED SOIL
# LEGAL AUTHORITY MATRIX

| HANDLING METHOD | APPLICATION OF LEGAL ANALYSIS | | | | | |
|---|---|---|---|---|---|---|
| | If "Discard" required for CIWMB jurisdiction | If "Discard" not required | If ceases to be waste once recycled | If always a waste | If manufacturing is not considered processing and ceases to be waste once recycled | If manufacturing is considered processing |
| **On Site Treatment/Use** | | | | | | |
| 1. In-Situ Treatment | no authority | yes authority | no authority once recycled | yes authority | NA | NA |
| 2. Excavation/treatment on site for use as fill or road base, or no treatment for use as road base or asphalt. | no authority | yes authority | no authority once recycled | yes authority | no authority over manufacturing | no authority over manufacturing |
| 3. Excavation/treatment or manufacturing off-site & returned for use as fill, road base, or asphalt | no authority | yes authority | no authority once recycled | yes authority | no authority over manufacturing | yes authority over manufacturing |
| **Off Site Treatment/Use** | | | | | | |
| 1. Treatment off-site for disposal | NA | NA | NA | NA | NA | NA |
| 2. Treatment off-site for landfill cover | NA | NA | no authority as a solid waste once recycled | yes authority | NA | NA |
| 3. Treatment off-site for use as clean fill off-site | NA | NA | no authority once recycled | yes authority | NA | NA |
| 4. Treatment off-site for use as road base off-site | NA | NA | no authority once recycled | yes authority | NA | NA |
| 5. Off-site use as part of manufacturing process (road base, asphalt) | NA | NA | no authority once recycled | yes authority | no authority over manufacturing | yes authority over manufacturing |
| **Storage (offsite)** | | | | | | |
| 1. Prior to treatment (not going back to generator) | NA | NA | NA | NA | NA | NA |
| 2. Prior to disposal | NA | NA | NA | NA | NA | NA |
| 3. Prior to manufacturing (road base, asphalt) (not going back to generator) | NA | NA | no authority once recycled | yes authority | yes authority | yes authority |
| 4. Prior to use as road base (not going back to generator) | NA | NA | no authority once recycled | yes authority | NA | NA |
| 5. Post treatment (not manufacturing) (not going back to generator) | NA | NA | no authority once recycled | yes authority | NA | NA |
| **Disposal Sites (onsite/offsite)** | NA | NA | NA | NA | NA | NA |
| **Transfer Stations (offsite)** | NA | NA | NA | NA | NA | NA |

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

Board Meeting
May 23, 1995

**AGENDA ITEM 86**

**ITEM:** CONSIDERATION OF STAFF PROPOSAL FOR CLOSURE OF FY 1992-93 TIRE GRANT PROGRAM

## I. SUMMARY

The Board approved the first cycle of grants under the California Tire Recycling Program on April 28,1993 with funds appropriated for the grant program in FY 1992-93. Projects approved are currently in the closeout phase. Grantees participating in the FY 1992-93 grant cycle must complete their projects and submit all work products, reports and payment requests by April 30, 1995. This will allow staff to review, approve and process final documentation prior to the end of the fiscal year.

The purpose of this item is to seek the Board's appellate consideration of staff's recommendations for awarding partial or reduced payment for work done towards a project that will not be completed before the end of the grant cycle.

## II. PREVIOUS COMMITTEE ACTION

The Policy, Research, and Technical Assistance Committee did not meet prior to the submittal of this item.

## III. PREVIOUS BOARD ACTION

On April 28, 1993, the Board adopted the funding recommendations for the FY 1992-93 Tire Recycling Grant Program and directed staff to enter into contractual agreements with selected applicants.

## IV. OPTIONS FOR THE BOARD

Board members may decide to:

1. Adopt the staff's recommendations and direct staff to process payment requests for the amounts recommended in the individual project discussions; or

2. Adopt a modified recommendation and direct staff to process payment requests for the amounts specified.

3. N/A

## V. STAFF RECOMMENDATION

Staff recommends that the Board adopt staff's recommendations for reduced or partial payment and direct staff to process payment requests for the amounts recommended for each of the grantees, as summarized below:

1. Marine Forests Society (MFS) - partial payment of $18,520 for CEQA and CEQA-related legal expenses.

2. The City of Long Beach - partial payment of $8,897 for application of Flex Decking at one US Post Office.

3. El Dorado County - partial payment of $54,100 for plans, permits and administrative costs.

## VI. ANALYSIS

Background

Assembly Bill 1843 (Statutes of 1989, Chapter 974), the Tire Recycling Act, allows the Board to award grants to businesses, enterprises, and public entities involved in tire recycling activities.

A Notice of Funds Available (NOFA) for FY 1992-93 was distributed in December 1992, informing the public of the Board's first cycle of the Tire Recycling Grant Program and the availability of grant funding. The FY 1992-93 grant awards were approved by the Board on April 28, 1993.

Tire Recycling Program staff is currently reviewing final reports for projects funded in FY 1992-93, and anticipate approving final payments during May 1995 for projects completed. The grant closeout process is critical at this time because spending authority for funds encumbered to finance grants awarded during FY 1992-93 ends at the end of this fiscal year.

On April 12, 1995, grantees whose projects were not progressing as anticipated received a letter signed by the Board's Chief Counsel apprising them of the Board's May meeting at which it will consider what appropriate payments, if any, should be made to them.

Each of the grantees who received a letter has experienced difficulties that prevent completion of grant work, as specified

in the scope of work associated with each contract.

Throughout the term of each grant, staff has monitored the progress of each grantee through quarterly reports, continued to explore ways to help grantees perform the work specified in their contract, and offered technical assistance wherever requested or necessary. Grantees were reimbursed for eligible grant expenditures at the end of each quarter.

The purpose of this item is to seek the Board's consideration of staff's recommendations regarding final payment and closure of three FY 1992-93 grants. Staff has prepared individual recommendations for awarding partial or reduced payment for work that was actually done in good faith towards the satisfaction of each contractual agreement. Each project addressed in this item is not complete now, nor will it be completed before the end of the contract period.

Staff is aware of seven grant projects that will not be completed. Three grantees that contest partial payment for work performed are discussed in this item.

**1. Marine Forests Society** **TR-92-0084-30**

Project Description

The Marine Forests Society (MFS) submitted a grant proposal to construct an artificial reef on the ocean floor in the vicinity of the City of Newport Beach for the purposes of promoting the growth and quality of marine organisms in the food chain.

Background

At the time of approval, the MFS appeared to have all permits in place. It wasn't until the standard agreement was executed that staff began to hear of the objections of the California Coastal Commission, the California Department of Fish and Game, and others. On June 11, 1993, when it was apparent that additional permits were required, staff issued a "stop work notice" to MFS for this project. No funds have been paid out to date.

The City of Newport Beach is the lead agency under the California Environmental Quality Act (CEQA) for the MFS project. The City recently approved a Negative Declaration and supports MFS's application to the California Coastal Commission for the required development permit. The Tire Grant Program requires that all necessary permits for

project execution be on file during the grant period. The California Coastal Commission is expected to follow its staff recommendations to require that an EIR be prepared before considering a permit for this project.

Staff has given MFS every opportunity to bring the project to fruition. It is obvious, however, that if an EIR is to be prepared, the time required will exceed the June 30, 1995 deadline for construction of this artificial reef. MFS has been advised that the Board does not have the authority to consider an extension of this grant beyond that date.

On October 22, 1993 staff responded affirmatively to a MFS letter which requested consideration of utilizing $15,000 of the grant funds for CEQA-related work. This approval was concurred with by the Tire Program's staff attorney.

Significant Chronology

| | |
|---|---|
| ▪ Grant Contract Execution | June 1993 |
| ▪ Stop Work Notice | June 11, 1993 |
| ▪ Approval of CEQA-related expenditure | October 22, 1993 |
| ▪ Termination of Contract letter | December 30, 1994 |
| ▪ Letter from Chief Counsel | April 12, 1995 |

Discussion

In December 1994, all FY 1992-93 grantees were requested to provide staff with their anticipated closeout schedule. When it was apparent that MFS would not be able to complete the work specified in their contract, staff issued a letter terminating the contract.

On April 12, 1995, the Board's Chief Counsel sent a letter to the grantee requesting a written statement of his intent to ask for the Board's review of staff's recommendation for grant closeout. The MFS responded with a letter dated April 25, 1995, which discusses the work effort that MFS claims has gone towards the contract with the Board.

Staff has reviewed the material submitted by MFS, which seeks reimbursement for work claimed to have been done towards satisfaction of the contract. Staff observations are summarized below:

- All expenditures for which MFS is seeking reimbursement occurred after the Stop Work Notice was issued. Many of them were incurred after the termination of the contract.

- The elements of the MFS claim include work that is extraneous to the scope of work and does not reflect either the scope or the intent of the contract. Specific work performed is listed as:

  A. The End of the Tire Ban;
  B. The Involvement of the City of Newport Beach;
  C. The Recognition that Tires are Not Toxic; and
  D. The Analysis of the Suitability of Scrap Tires for Marine Habitats

- The submitted documents, listing expenditures, are not accompanied by sufficient explanation to discern how the claim satisfies the tasks listed in the scope of work.

Staff Recommendation

MFS's claims listed under "Incurred Costs" are all for expenses realized after the Stop Work Notice and the December 30, 1994 letter terminating his contract.

However, because MFS was able to accomplish some CEQA requirements during the grant period, staff recommends a partial payment of $15,000, plus $3,520 for his CEQA-related legal expenses, and the close out of the contract. Staff recommends payment to MFS in the amount: $18,520.

**2. The City of Long Beach** **TR-92-0096-19**

Project Description

The City of Long Beach is the final contractor emerging from a grant originally submitted by Flex Deck to apply Flex Decking to the loading docks of two US Post Offices and the flight deck of one US Navy vessel.

Background

In the application, the City of Long Beach proposed to administer the project and identified Flex Deck as the sole contractor. During project start-up the City experienced a change of key personnel and a technology infringement claim. This resulted in the City issuing a Request for Proposals (RFP) for project contractors which caused a lapse in progress reports. Board staff was informed of the City's new point of contact. Since then, several significant developments have unfolded.

Significant Chronology

| | |
|---|---|
| ▪ Technology Infringement Claim | April 14, 1993 |
| ▪ Grant Contract Execution | June 1993 |
| ▪ Request for Proposals (RFP) Issued | May 1994 |
| ▪ Application of Flex Decking | July - November 1994 |
| ▪ Reimbursement Claim Letter | March 30, 1995 |
| ▪ Letter from Chief Counsel | April 12, 1995 |

Discussion

The City of Long Beach changed the scope of the project without the approval or consultation of Board staff. The modifications are portrayed as "improvements" to the original scope, but involve the application of Flex Decking to surfaces other than those specified in the contract.

- As the result of a technology infringement claim by Tracy Lotz on April 14, 1993, the City decided to issue an RFP from able respondents to perform the work. Staff was notified that Flex Deck was selected as a "qualified installer."

- The City found that application of the decking to the naval vessel could not occur within the grant period. Without either consultation or approval from the Board, the City decided to modify the project by applying the decking material at alternate sites. The City has claimed these modifications have "improved" the project.

- The original grant amount approved by the Board was $81,400. Local government programs are required to provide a 25% match. In the application, the City and Flex Deck proposed to provide a $20,000 match. The US Navy and US Postal Service were identified as committing $43,000, bringing the total project cost to $144,400.

- On March 30, 1995 the City of Long Beach submitted a reimbursement claim for $62,498, which included, among other costs, $8,897 for installing Flex Decking at one post office. Associated staff costs for the project were identified as $14,666.

Staff Recommendation

Staff recommends that the City of Long Beach receive a partial payment of $8,897. This amount reflects the cost of applying Flex Decking to the US Post Office at 300 Long

Beach Boulevard. The City's administrative costs of $14,666 are considered to be satisfaction of the required 25% match. All other work listed in the City's most recent claim is outside the scope of work, and is deemed ineligible under the terms and conditions of the grant as approved by the Board in April 1993. As an alternative, the Board could approve payment for additional tasks performed outside of the scope of work which the Board finds meets the intent of the original contract. Attachment 2 provides additional detail.

**3. El Dorado County** **TR-92-0072-09**

Project Description

El Dorado County and the City of South Lake Tahoe proposed to build a Boys and Girls Club constructed from waste tires and other recycled materials. The Board's combined financial contribution of $126,983 results from three separate grants awarded towards the same project. Grants approved for the use of FY 1992-93 Tire Funds include:

> $26,000 to the City of South Lake Tahoe for the California Conservation Corps' labor to collect waste tires. This project was completed and paid in full.
>
> $40,000 to the City of South Lake Tahoe and $60,983 to El Dorado County, both awarded towards the construction of the "Earthship" Boys and Girls Club building.

Background

The two grantees under discussion, The City of South Lake Tahoe and El Dorado County, have entered into a memorandum of understanding which identifies El Dorado County as the lead agency for this project.

After reviewing several progress reports in which there was no apparent tangible activity, staff requested a series of meetings to determine the status of the project and reasons for the delay.

Significant Chronology

- Grant Contract Execution — June 1993
- Funds Encumbered (three separate grants for this project) — July 1993
- Letter from Chief Counsel — April 12, 1995

Discussion

As a result of meetings with the grantee, staff concluded that the project would not be completed within the grant period. Construction codes, seismic concerns, land ownership, and building restrictions in the Tahoe Basin have postponed ground-breaking of the project, making completion of the project within the grant period impossible.

The site's ownership has now been determined, but there is still a building moratorium restricting construction until May 1995. Construction plans for the project are currently being revised to address seismic requirements.

El Dorado County is currently preparing a claim for reimbursement which their staff will present at the Committee meeting. This claim will reflect the 25% matching fund requirement for local government projects.

Staff Recommendation

Board staff recommends partial payment of $54,100 to El Dorado County for reimbursement of costs associated with the development of plans, obtaining permits, and administration.

**VII. FUNDING INFORMATION**

Fiscal Impacts

The fiscal impacts of approving staff's recommendations are that less California Tire Recycling Management Funds (Tire Fund) will be released than were originally encumbered. The savings will remain in the Tire Fund.

**VIII. ATTACHMENTS**

In consideration of the in-house waste prevention policy, Attachments:

1. Standard Agreement cover-sheet, scope of work and budget for Marine Forests Society.

2. Standard Agreement cover-sheet, scope of work and budget for the City of Long Beach. Also attached is the City's claim for reimbursement.

3. Standard Agreement cover-sheet, scope of work and budget for El Dorado County.

have been deleted from the Board packet.

Please refer to the May 16, 1995 Policy, Research, and Technical Assistance Committee Packet for copies of attachments.

**IX. APPROVALS**

TD 5/12

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Legal Review/Approval: Kathryn Tobias Date/Time

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Board Meeting
May 23, 1995

AGENDA ITEM 87

**ITEM: CONSIDERATION OF IMPLEMENTATION PLAN AND SCHEDULE FOR DEVELOPMENT OF STANDARDS AND PROCEDURES FOR USED OIL PROGRAM OVERSIGHT**

## I. SUMMARY

The California Legislature determined that threats to public health and the environment caused by the improper or illegal disposal of used oil required an immediate and comprehensive statewide response. As a result, the Legislature passed the California Oil Recycling Enhancement Act (Act) of 1991 (Public Resources Code Section 48600 et seq.) which became effective January 1, 1992. The legislative intent of the Act was to reduce the amount of used oil disposed of illegally thereby preventing damage to the environment and threats to public health, and to recycle and reclaim used oil to the greatest extent possible thus conserving a valuable natural resource.

Since the California Integrated Waste Management Board (Board) established the Used Oil Recycling Program in 1992, the number of Certified Used Oil Collection Centers and registered entities has increased tremendously. By early 1995, over 1,000 used oil collection centers had been certified, and more than 300 industrial generators, 50 curbside collection programs, and 1 electric utility had been registered.

Staff is currently reviewing and refining standard operating procedures and practices for Used Oil Program oversight. The product of this activity will be a procedures manual for: certification and registration of used oil collection and recycling entities; orientation and monitoring activities; incentive claim payments and appeals; recertification and decertification; audit responses; database input and documentation; used oil filter recycling pilot project activities; and grant administration.

## II. PREVIOUS COMMITTEE ACTION

The Local Assistance & Planning Committee had not meet prior to the submittal of this item.

## III. PREVIOUS BOARD ACTION

There has been no previous Board action.

## IV. OPTIONS FOR THE BOARD

Board members may decide to:

1. Approve staff implementation plan and schedule for developing written procedures for Used Oil Program activities; or
2. Provide staff with further direction.

## V. STAFF RECOMMENDATION

Staff recommends Option 1: approve staff implementation plan and schedule.

## VI. ANALYSIS

Background

The Used Oil Recycling Program has five key areas that require extensive program oversight. These are: 1) certification of used lubricating oil collection centers; 2) registration of used oil curbside collection programs, industrial generators, and electric utilities; 3) certification of used oil recycling (processing and re-refining) facilities; 4) calculation and reporting of oil manufacturing volume (sales) and used oil recycling volume; and 5) grant administration.

In fiscal year (FY) 1993-94, over $658,000 was paid out in incentive fees. In the first three months of FY 94-95, $240,000 had been paid out compared to $52,000 paid out for the first three months of FY 93-94 (an increase of over four hundred percent). Additionally, the Used Oil Grant Program staff estimate that more than $18 million will be awarded to approximately 260 grantees in FY 94-95.

In March 1995, the Department of Finance (DOF), under contract with the Board, submitted audit findings relating to the Used Oil Program. Program staff have responded to a DoF Management Letter On Program Oversight Matters and to a DoF Management Letter On Internal Controls. The responses addressed the audit of financial statements for the Used Oil Recycling Fund. DoF is currently completing selective audits of entities receiving grant awards from the Board.

Operational practices of the Used Oil Program are based upon statute and/or regulations. In reviewing statute, regulation, and current operational practices staff identified several areas of concern. These include: 1) statute and regulation specify Board action for several day-to-day operations such as evaluating applications for certification-registration, issuing certificates, making claims payments, issuing facilities identification numbers; 2) no Board-approved written procedures exist for daily program administration as recommended as a result of the Department of Finance's (DoF) audit; and 3) existing regulations have not been revised to reflect changes in statute or to remove identified obstacles.

Key Issues

1. Appropriate delegations of authority are necessary to administer the Used Oil program on a day-to-day basis.

2. A Board-approved set of written procedures for program administration and oversight are necessary for consistency and to address DoF audit concerns.

3. Regulations need revision to address statutory changes and to incorporate other changes necessary to more effectively implement the Used Oil Recycling Program.

Findings

The implementation plan consists of four phases. Since this is an integrated program, phases run concurrently and are interwoven. However, each phase will be brought to the Committee and Board according to the schedule listed below.

**Phase One:** *Certification and Registration*

- the certification/registration process will be evaluated, modified accordingly, and each step of the process will be incorporated into the Certification/Registration Procedures Manual (CRPM);

- staff will work closely with the Administration & Finance Division, Legal Office, and Legislative & Regulatory Affairs Office to assure that all monitoring and compliance issues (i.e., non-payment of incentive claims, decertification, etc.) are effectively resolved;

- staff will identify all aspects of the certification/registration program that require delegations of authority for routine day-to-day operations and prepare the delegations for Committee and Board consideration;

- staff will work closely with Administration & Finance Division and DoF to guarantee all audit concerns are addressed and incorporated into the CRPM;

- staff will develop procedures for special circumstances (i.e., local ordinances for signage, coupons instead of offering incentive payments, used oil filters, etc.) and incorporate them into the CRPM; and

- staff from the Department of Toxic Substance Control (DTSC), Claims Unit, and the Used Oil program will work to integrate related programs such as the automated manifest system, the DTSC database, and annual inspection reports.

**Phase Two:** *Incentive Claims Processing*

- staff of the Claims Unit and Used Oil Program will develop an Incentive Claims Procedures Manual (ICPM) to describe all

activities associated with processing incentive claim payments;

- staff will develop procedures for special circumstances (i.e. used oil shipped out of state)and incorporate them into the ICPM;
- staff will develop an automatic alert procedure and incorporate it into the Used Oil Database System to alert the Incentive Claims Unit of any compliance problems identified during normal monitoring activities;
- staff will develop criteria and guidelines for consideration of appeals with approval of the Appeals Review Committee;
- staff will work closely with Administration & Finance Division and DoF to guarantee all audit concerns are addressed and incorporated into the ICPM; and
- staff will identify all aspects of the incentive claims activities that require delegations of authority for routine day-to-day operations and prepare the delegations for Committee and Board consideration.

**Phase Three:** *Grant Administration*

- staff will augment the existing Board-approved written procedures for processing grants to incorporate grant management activities;
- staff will examine existing procedures to identify areas that can be streamlined for both the applicant and grant manager;
- staff will develop written procedures and flow charts that describe appropriate responses to grant audit reports; and
- staff will examine present grant cycles to determine if cycles could be further staggered to even out the work load.

**Phase Four:** *Statutory and Regulatory Revision*

- a team consisting of members from the Claims Unit, Grant Processing Unit, Audit Unit, Grant Section, Certification Section, and the Recycling Analysis Section will be assembled to revise the Used Oil Recycling regulations, in consultation with the Regulations Unit and the Legal Office;
- as written procedures are developed, appropriate regulatory revisions will be identified and a regulatory change package will be initiated; and
- staff will work with the Legislative & Regulatory Affairs Office to identify areas of statute that require clarification.

The schedule for the above implementation plan follows:

| Implementation Phases | July | | August | | September | | October | |
|---|---|---|---|---|---|---|---|---|
| | LAPC | Board | LAPC | Board | LAPC | Board | LAPC | Board |
| Certification/Registration practices and procedures & delegations of authority | X | X | | | | | | |
| Claims processing and audit findings | | | X | X | | | | |
| Grants application processing and audit findings | | | | | X | X | | |
| Regulations development and draft regulations | | | | | | | X | X |

Staff will immediately begin implementation of this plan upon approval of this item.

**VII. ATTACHMENTS**

None.

**VIII. APPROVALS**

Prepared By: Steven Hernandez S.H. Phone: 255-2388

Prepared By: Mitch Delmage MD Phone: 255-4455

Reviewed By: Marie LaVergne MLF 5/12/95 Phone: 255-2269

Reviewed By: Judy Friedman JF 5/12/95 Phone: 255-2302

Legal Review: EB Date/Time: 5/15/95 11:40am

**CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD**

Board Meeting
May 23, 1995

ADDENDUM ITEM #1

**ITEM:** Consideration of Concurrence in the Issuance of a New Solid Waste Facilities Permit for the Mission Road Recycling and Transfer Station, Los Angeles County

**COMMITTEE ACTION:**

At the time this item went to print, the Permitting and Enforcement Committee had not taken action on the item

**BACKGROUND:**

Facility Facts

| | |
|---|---|
| Name: | Mission Road Recycling and Transfer Station, Facility No. 19-AR-1183 |
| Facility Type: | Existing Large Volume Transfer Station |
| Location: | 840 South Mission Road<br>The site is located in the Boyle Heights area of the City of Los Angeles near the junction of the Santa Ana (Interstate 5) and the Santa Monica (Interstate 10) Freeways, about one mile southeast of downtown Los Angeles |
| Area/ Setting: | 3.5 acres; The surrounding area is zoned Heavy Industrial. |
| Permitted Daily Capacity: | A maximum of 1,500 tons per operating day |
| Owner/ Operator: | Waste Management Collection and Recycling, Inc., Greg Loughnane, General Manager |
| LEA: | City of Los Angeles<br>Environmental Affairs Department<br>Wayne Tsuda, Director |

Proposed Project

The proposed permit will allow operations under a new operator. This project involves a change in operator, only. The 1989 SWFP was issued to Arthur Kazarian, Waste Transfer and Recycling, Inc. Under the proposed project, operations will be conducted by Waste Management Collection and Recycling, Inc. Nothing else from the 1989 SWFP is changing with the proposed project.

**SUMMARY:**

Site History

Operations commenced in 1989 upon the issuance of a Solid Waste Facilities Permit which was concurred in by the Board at their April 26, 1989 meeting. The permit was then issued to Arthur Kazarian/Waste Transfer and Recycling, Inc.. The facility was purchased in 1994 by the proponent, Waste Management Collection and Recycling, Inc..

Project Description Only non-hazardous solid wastes will be accepted at the facility. This will consist of predominantly commercial and residential waste from the downtown Los Angeles area. The facility is an enclosed transfer/recycling station with two tipping floors: one for recyclables and one for non-hazardous solid wastes. Incoming refuse trucks are weighed on a 70 foot electronic scale and directed to the tipping floors for processing and deposition. Residual waste will be hauled away to any the following landfills: Bradley (20 miles); BKK (22 miles), and Chiquita Canyon (45 miles).

The facility is operated 24 hours per day, seven days a week. Refuse is accepted between the hours of 12:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 12:00 a.m., the facility is cleaned and all refuse is loaded into transfer vehicles. Material processing and refuse transfer is conducted 24 hours per day. The facility is not open to the public.

Environmental Controls The facility is completely enclosed by 10' chain link fence and steel walls which prohibit unauthorized entry to the site. All vehicles and personnel must enter/exit the site through the single access gate off Mission Road. All users and visitors to the facility are required to check in at the scalehouse. The operator has implemented a hazardous waste load check program. The program includes random load checking, and training in the recognition and proper handling of suspected hazardous waste that may be inadvertently contained in refuse loads.

Dust is controlled at the facility by: enclosing all waste tipping and processing areas within buildings; cleaning all tipping and processing areas daily, and washing down the tipping areas at least once per day.

All water which comes into contact with waste drains into the sanitary sewer system after being processed through a clarifier. This discharge is permitted through an industrial waste permit.

Insects, rodents and birds are controlled by the timely removal of wastes. All non-salvageable waste is directed into transfer trailers and hauled to landfills within 24 hours after receipt. Tipping and processing areas are swept and washed down on a daily basis. In addition, pest control is managed by processing materials inside the building. A pest control company has been hired to inspect and maintain an effective pest control program.

Litter is controlled by ensuring that all loads entering the facility are tarped, unless the load is fully enclosed within trailers or vehicles. Daily cleaning of the facility will further eliminate the possibility of litter.

Problems associated with odor will be minimal since all incoming loads are deposited within the partially enclosed tipping area. Residual waste is not allowed to remain on-site more than 24 hours. Stockpiled bales of recyclables do represent a minimal problem with odor, however, this is mitigated by storing the materials under the roof. If any odor complaints are received, they will be investigated and appropriate steps will be taken to alleviate the problem.

Fire extinguishers are located on or near all pieces of stationary equipment (i.e. balers, compactors). All mobile equipment such as loaders and forklifts is maintained with fire extinguishers. The facility is equipped with five fire hoses located primarily around the compactor and balers. Hoses are also located in the parking/maneuvering area and at the loading dock adjacent to the administration office. A fire hydrant is located at the south west corner of the scale. Fire sprinklers mounted on the ceilings throughout the entire building provide further protection against fires.

<u>Resource Recovery</u> Salvageable/recyclable materials comprise between 1-5% of wastes received. Examples of this type of materials are metals, plastic, glass and wood. Tipping and processing facilities for salvaging and recycling are separate from waste transfer operations.

**ANALYSIS:**

Requirements for Concurrence with the Solid Waste Facilities Permit Pursuant to Public Resources Code, Section 44009, the Board has 60 calendar days to concur in or object to the issuance of a Solid Waste Facilities Permit. Since the proposed permit for this facility was received on April 19, 1995, the last day the Board may act is June 19, 1995.

The LEA has submitted a proposed permit to the Board. Staff have reviewed the proposed permit and supporting documentation and have found that the permit is acceptable for the Board's consideration of concurrence. In making this determination, the following items were considered:

1. Conformance with County Plan

   Because this project is not new or expanding, a determination by the LEA of conformance with County Plan is not required. However, the LEA has certified that the facility is in conformance with the 1988 Los Angeles County Waste Management Plan.

2. Consistency with General Plan

   Because this project is not new or expanding, a determination by the LEA of consistency with the General Plan is not required. However, the LEA has certified that the facility is consistent with the City of Los Angeles General Plan.

3. Consistency with Waste Diversion Requirements

   Staff of the Board's Diversion, Planning and Local Assistance Division make an assessment, pursuant to PRC 44009, to determine if the record contains substantial evidence that the proposed project would impair the achievement of waste diversion goals. Based on available information, staff have determined that the issuance of the proposed permit should neither prevent nor substantially impair the City of Los Angeles from achieving its waste diversion goals. The analysis used in making this determination is included as Attachment 4.

4. California Environmental Quality Act (CEQA)

   On April 18, 1995, the City of Los Angeles, Environmental Affairs Department acting as the Lead Agency, filed a Class 1 Categorical Exemption with the County Clerk. The

exemption was filed for the issuance of a Solid Waste Facility Permit to a new owner and operator of an existing solid waste transfer station. Such action satisfies the requirements of the California Environmental Quality Act. Board staff reviewed the Notice of Exemption and has determined that such action satisfied the requirements under CEQA.

5. Compliance with State Minimum Standards

The LEA and Board staff have determined that the facility's design and operation are in compliance with the State Minimum Standards for Solid Waste Handling and Disposal based on a review of the submitted Report of Station Information and based on monthly inspections. The most recent LEA and Board staff joint inspection was conducted on March 29 and 30, 1995. The facility was in compliance with all applicable State Minimum Standards at the time of the inspection.

Note: The facility was found in violation of the Public Resources Codes 44002 operating without being authorized by a permit. With the issuance of this permit, the facility will come into compliance.

**STAFF RECOMMENDATION:**

Because a new Solid Waste Facilities Permit is proposed, the Board must either concur or object to the proposed permit as submitted by the LEA.

Staff recommend that the Board adopt Permit Decision No. 95-594 concurring in the issuance of Solid Waste Facilities Permit No. 19-AR-1183.

**ATTACHMENTS:**

1. Location Map
2. Site Plan
3. Proposed Permit No. 19-AR-1183
4. AB2296 Findings
5. Permit Decision No. 95-594

**APPROVALS:**

Prepared by: Amalia Fernandez Phone: 255-3301

Approved by: Suzanne Hambleton/Don Dier Jr. 5/9/95 Phone: 255-2453

Approved by: Douglas Okumura Phone: 255-2431

Legal Review: Kathryn J. Mirs Date/Time: 5/10/95

IN CONSIDERATION OF THE IN-HOUSE WASTE PREVENTION POLICY

ATTACHMENTS 1 - 4

HAVE BEEN DELETED FROM THE BOARD PACKET

PLEASE REFER TO THE PERMITTING & ENFORCEMENT COMMITTEE AGENDA PACKET FOR COPIES OF ATTACHMENTS

**California Integrated Waste Management Board**
**Permit Decision No. 95-594**
**May 23, 1995**

**WHEREAS,** the Mission Road Recycling and Transfer Station was permitted as a large Volume Transfer Station in 1989; and

**WHEREAS,** West Management Collection and Recycling, Inc., purchased the Mission Road Recycling and Transfer Station; and

**WHEREAS,** the City of Los Angeles Environmental Affairs Department, acting as the Local Enforcement Agency (LEA), requested that the new operator submit and application for a new Solid Waste Facility Permit for the transfer station; and

**WHEREAS,** the City of Los Angeles, Office of Zoning Administration granted the facility a zoning variance which allows the facility to continue operations under the new ownership and operation; and

**WHEREAS,** the LEA has submitted to the Board for its review and concurrence in, or objection to, a new Solid Waste Facility Permit for the Mission Road Recycling and Transfer Station; and

**WHEREAS,** the Local Enforcement Agency, acting as the Lead Agency, prepared a Notice of Exemption for the proposed project; and Board staff concur that CEQA has been complied with; and the proposed project will not have a significant effect on the environment; and

**WHEREAS,** the project description in the CEQA document is consistent with the proposed permit; and

**WHEREAS,** the LEA and Board staff have evaluated the proposed permit and supporting documentation for consistency with the standards adopted by the Board and determined that the facility's design and operation is in compliance with State Minimum Standards; and

**WHEREAS,** the Board finds that all State and local requirements for the proposed permit have been met, including compliance with CEQA; and

**NOW, THEREFORE, BE IT RESOLVED** that the California Integrated Waste Management Board concurs in the issuance of Solid Waste Facility Permit No. 19-AR-1183.

**CERTIFICATION**

The undersigned Executive Director of the California Integrated 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 Integrated Waste Management Board held on May 23, 1995.

Dated:

Ralph E. Chandler
Executive Director

LEGISLATION AND PUBLIC
EDUCATION COMMITTEE

Item 78

BILL ANALYSIS

| California Integrated Waste Management Board | Author<br>Sher | Bill Number<br>AB 242 |
|---|---|---|
| Sponsor<br>Regional Council of Rural Counties | Related Bills | Date Amended<br>April 6, 1995 |

## BILL SUMMARY

AB 242 would require that any civil penalty imposed by the California Integrated Waste Management Board (CIWMB) on a rural regional agency for failure to submit an integrated waste management plan, or element thereof, or for failure to implement its source reduction and recycling element (SRRE) or household hazardous waste element (HHWE), be imposed on the individual member of the rural regional agency which has committed the violation rather than the regional agency as a whole.

## BACKGROUND

The sponsors of AB 242 have introduced this measure to ensure that if penalties are imposed by the CIWMB against a rural regional agency under the Integrated Waste Management Act (IWMA), those penalties are imposed only against the offending city or county in the regional agency, and not against the rural regional agency as a whole. The sponsor states that the bill is intended to recognize that rural agencies are more cash strapped than urban areas and therefore do not have the resources to pay these fines if they are imposed. This measure is intended to rectify a provision of existing law which the sponsor sees as a disincentive to the formation of rural regional agencies for purposes of complying with the IWMA.

## EXISTING LAW

State Law:

1. Requires cities and counties to prepare and submit to the CIWMB for approval or disapproval, an integrated waste management plan that includes a source reduction and recycling element (SRRE) and a household hazardous waste element (HHWE). These elements must identify how that city or county will divert 25% of solid waste disposed by 1995, and 50% by 2000.

| Departments That May Be Affected | | |
|---|---|---|
| Committee Recommendation<br>Support if amended | Committee Chair | Date |

2. Allows jurisdictions to petition the CIWMB for a reduction in the diversion requirements described in #1 above.

3. Allows the formation of regional agencies for purposes of achieving compliance with the diversion requirements. However, a petition for a reduction in the diversion requirements is not allowed for jurisdictions within the regional agency or the regional agency as a whole.

4. Allows the formation of rural regional agencies (defined according to population density, geographic area, and waste generation rate of the member jurisdictions) for the purposes of achieving compliance with the diversion requirements. Petitions for reduction in the diversion requirements are allowed for rural regional agencies.

5. Authorizes the CIWMB to impose civil penalties of up to $10,000 per day against local agencies for failure to submit or implement an adequate integrated waste management plan or element thereof.

6. Makes each city or county which is a member of a regional agency liable for the sum of the civil penalties which may be imposed against each member of the regional agency by the CIWMB for failure to submit or implement a plan or element (i.e., a five-member regional agency would be subject to a maximum penalty of $50,000/day). The agreement which establishes a regional agency may apportion any civil penalties among the cities or counties which are member agencies (e.g., based on population or waste generation).

7. On or before March 1, 1993, requires the CIWMB to prepare and submit to the Legislature and the Governor a report on nonyard wood waste diversion.

**ANALYSIS**

AB 242 would:

1. Require that any civil penalties imposed on a rural regional agency for failure to submit or implement an integrated waste management plan or element thereof, be imposed only on the jurisdiction within the rural regional agency that is in violation; and

2. Make a minor, nonsubstantive change to the requirement that the CIWMB submit an annual report on nonyard wood waste diversion.

**COMMENTS**

Limiting the civil penalties imposed on a rural regional agency to the individual jurisdiction that fails to meet the diversion requirements of the IWMA appears to require the members of a rural regional agency to track their individual diversion efforts as well as those of the regional agency. Such a dual effort would be contrary to one of the primary benefits of

forming a rural regional agency -- to reduce the cost of reporting and tracking disposal and diversion programs by individual cities and counties.

Requiring the CIWMB to impose a penalty only on the member of the rural regional agency that failed to meet the requirements of the IWMA puts the CIWMB in the position of determining which jurisdiction is in violation, a determination that may or may not be possible, depending on each regional agency's method of tracking. It also appears to eliminate the local control members of regional agencies currently have, which allows them to determine how any potential penalties are to be apportioned among their members.

In February 1995, the CIWMB adopted a staff report, *CIWMP Enforcement -- Failure to Implement a Source Reduction and Recycling Element (SRRE) and Household Hazardous Waste Element (HHWE)*. This document contains criteria to explain and determine implementation of a SRRE and HHWE, potential consequences to jurisdictions failing to implement these elements, recommended procedures the CIWMB will use with local jurisdictions to achieve compliance, and a proposed fine structure for jurisdictions failing to implement.

The report's section on regional agencies states that:

- The CIWMB may consider the relevant circumstances that resulted in a regional agency not achieving the diversion requirements and the individual members who may have contributed to the circumstances that resulted in a failure to achieve the diversion requirements.

- The CIWMB may consider a regional agency's joint powers agreement that specifies that all liability for fines rests with the agency member, with no liability assigned to the regional agency or the authority.

- An apportionment of penalties on agency members and not the regional agency may provide for flexibility for the regional agency to continue to resolve the issue that is causing the agency members to not meet the diversion requirements.

- Limitation of penalties to a maximum of $10,000 per day may be considered by the CIWMB if a member's failure does not cause other members or the regional agency to fail to implement the programs in the regional SRRE.

- Consideration of no fines or penalties on a member or the regional agency may be given by the CIWMB if the agency member has demonstrated to the satisfaction of the CIWMB to have made good faith efforts to implement the programs assigned in the regional SRRE.

Since the intent of AB 242 is to limit civil penalties imposed on a rural regional agency by the CIWMB to the individual city or county in violation, the Board may wish to consider amendments to AB 242 that would codify the provisions of the CIWMB's enforcement policy listed above for rural regional agencies. Such language would provide the CIWMB with guidelines for making rural regional agency penalty decisions.

## SUGGESTED AMENDMENTS

The Board may wish to consider the following amendments:

1. Allow the CIWMB to consider the relevant circumstances and individual members that may have caused the rural regional agency's failure to achieve the diversion requirements.

2. Allow the CIWMB to consider the conditions contained in the rural regional agency's joint powers agreement with regard to liability for fines.

3. Allow the CIWMB to consider whether apportioning penalties on individual agency members instead of the rural regional agency could provide the flexibility needed to enable the rural regional agency to resolve the issue causing the failure to achieve the diversion requirements.

4. Limit penalties to no more than $10,000 per day for a rural regional agency if a member's failure does not cause other members or the agency to fail to implement the programs identified in the rural regional SRRE.

5. Allow the CIWMB to consider imposing no fines or penalties on a member or the rural regional agency if the agency member has demonstrated good faith efforts to implement the programs specified in the rural regional SRRE.

## LEGISLATIVE HISTORY

AB 242 was introduced on February 2, 1995, passed (12-0) the Assembly Natural Resources Committee on March 27, 1994, the Assembly Appropriations Committee (17-0) on May 1, 1995, and the full Assembly (74-0) on May 4, 1995. It has been referred to the Senate Governmental Organization Committee (no hearing date set).

| | |
|---|---|
| Support: | Regional Council of Rural Counties (sponsor) |
| | Norcal Waste Systems, Inc. |
| Oppose: | None on file |

## FISCAL AND ECONOMIC IMPACT

As written, AB 242 would impose minor, absorbable costs (less than $10,000) on the Integrated Waste Management Account to determine which rural jurisdiction is in violation and their potential penalty.

AB 242 could have a positive economic impact on rural jurisdictions and rural regional agencies by removing what might be seen as a disincentive to the formation of rural regional agencies, thus encouraging their formation and the attendant cost savings and consolidation of efforts.

Analyst: Pat Chartrand 255-2416

**SUGGESTED AMENDMENTS TO AB 242 (SHER)**
**(AS AMENDED APRIL 6, 1995)**

Section 41787.1. (a) Rural cities and counties may join to form rural regional agencies pursuant to Article 3 (commencing with Section 40970) of Chapter 1.

(b) A rural regional agency, and not the rural cities or rural counties which are member jurisdictions of the rural regional agency, may be responsible for compliance with Article 1 (commencing with Section 41780) of Chapter 6 if specified in the agreement pursuant to which the rural regional agency is formed.

(c) (1) The board may reduce the diversion requirements of Section 41780 for a rural regional agency, if the rural regional agency demonstrates, and the board concurs, based on substantial evidence in the record, that achievement of the diversion requirements is not feasible because adverse market or economic conditions beyond the control of the rural regional agency prevent it from meeting the requirements of Section 41780.

(2) Before a rural regional agency may be granted a reduction in diversion requirements pursuant to paragraph (1), it shall demonstrate that, at a minimum it has established all of the following regionwide programs:

(A) A source reduction and recycling program or programs designed to handle the predominant classes and types of solid waste generated within the rural regional agency.

(B) A regional diversion and procurement program or programs.,

(C) A regional public information and education program or programs.

(d) Notwithstanding Section 40974, any civil penalty imposed on a rural regional agency by the board pursuant to Section 41813 or 41850 shall be imposed only on a member rural city or county that is in violation of this division as a city or county irrespective of its membership in the rural regional agency.

<u>(1) In determining which member of a rural regional agency is in violation of this division pursuant to subdivision (d), the board may consider the following:</u>

<u>(A) The relevant circumstances that resulted in the rural regional agency's failure to achieve the diversion requirements of paragraphs (1) and (2) of subdivision (a) of Section 41780 and the individual members who may have contributed to the circumstances that resulted in a failure to achieve the diversion requirements.</u>

<u>(B) The rural regional agency's joint powers agreement that specifies that all liability for fines rests with the agency member, with no liability assigned to the regional agency or authority.</u>

<u>(C) Whether an apportionment of penalties on agency members and not the regional agency may provide for flexibility for the rural regional agency to continue to resolve the issue that is causing agency members to not meet the diversion requirements.</u>

<u>(D) Limitation of penalties to a maximum of $10,000 per day if a member's failure does not cause other members or the rural regional agency to fail to implement programs in the rural regional agency's source reduction and recycling element.</u>

<u>(E) No fines or penalties imposed on a member or the rural regional agency by the board if the agency member has demonstrated to the satisfaction of the board to have made good faith efforts to implement the programs assigned in the rural regional agency's source reduction and recycling element.</u>

LEGISLATION AND PUBLIC
EDUCATION COMMITTEE

BILL ANALYSIS

| | Author | Bill Number |
|---|---|---|
| California Integrated Waste Management Board | Baca | AB 381 |
| **Sponsor** | **Related Bills** | **Date Amended** |
| City of San Bernardino | | As Proposed to be Amended |

## SUMMARY

AB 381 would revise the definition of "good faith efforts," -- part of the criteria used by the CIWMB in determining whether or not to impose civil penalties on a local jurisdiction for failure to implement certain planning elements -- to include the evaluation by a city, county, or regional agency of improved technology for the handling and management of solid waste that would result in specified benefits.

## BACKGROUND

The sponsor of AB 381, the City of San Bernardino, had anticipated in its Source Reduction and Recycling Element (SRRE), implementation of a citywide automated residential collection of refuse, commingled recyclables and green materials by September, 1995, to approximately 40,000 residential customers using three separate containers. Recently, however, the City of San Bernardino was made aware of and began investigating an automated split can system developed and currently in use by the City of Visalia. The sponsor believes use of this system could result in a higher rate of recovery of commingled recyclables at a lower cost per residential customer than the three can container system. (Preliminary evaluation of the split container system indicates that the cost savings may be as high as $600,000 per year.)

Because this is a relatively new technology and is being used only by the City of Visalia, the City of San Bernardino wants to investigate and assess the feasibility of the system before determining whether to use it in San Bernardino. The sponsor has expressed concern that this could result in the City delaying implementation of the citywide program for up to one year and could have a negative impact on the City's ability to meet the 25 and 50% waste reduction requirements of the Integrated Waste Management Act (IWMA).

As introduced, AB 381 would have allowed the CIWMB to grant a one-year time extension from the diversion requirements to a jurisdiction if it found that new technology for the handling and management of solid waste that required careful and prudent study prior to its use was being considered by that jurisdiction. The April 20 amendments delete the time extension language and instead revise the definition of "good faith efforts."

| Departments That May Be Affected | | |
|---|---|---|
| **Committee Recommendation** | **Committee Chair** | **Date** |
| Support | | |

## EXISTING LAW

State Law:

1. Requires each city, county, and regional agency to develop a Source Reduction and Recycling Element (SRRE) and a Household Hazardous Waste Element (HHWE) which shows how the jurisdiction will achieve the IWMA's diversion requirements (25% by 1995 and 50% by 2000).

2. Authorizes the CIWMB, if it finds that a city, county, or regional agency has failed to implement its SRRE or HHWE, to impose administrative civil penalties upon the jurisdiction of up to $10,000 per day until the city, county, or regional agency implements the element.

3. Requires the CIWMB, in determining whether or not to impose those penalties, to consider, among other things, the extent to which a city, county, or regional agency has made "good faith efforts" to implement its SRRE and HHWE.

4. Defines "good faith efforts" as all reasonable and feasible efforts by a city, county, or regional agency to implement those programs or activities identified in its SRRE or HHWE, or alternative programs or activities that achieve the same or similar results.

5. Requires the CIWMB, at least once every two years, to review each city, county, or regional agency SRRE and HHWE. If, after a public hearing held in the local or regional agency's jurisdiction (when possible), the CIWMB finds that the jurisdiction has failed to implement its SRRE or HHWE, the CIWMB shall issue an order of compliance with a specific schedule for achieving compliance. The compliance order shall include those conditions which the CIWMB determines to be necessary for the local or regional agency to complete in order to implement its SRRE and HHWE.

## ANALYSIS

AB 381 would expand the definition of "good faith efforts" to include the evaluation by a city, county, or regional agency of improved technology for the handling and management of solid waste that would reduce costs, improve efficiency in the collection, processing, or marketing of recyclable materials or yard waste, and enhance the ability of the city, county, or regional agency to meet the diversion requirements of the IWMA, as long as the city, county or regional agency has submitted a compliance schedule for achieving implementation of its SRRE and HHWE pursuant to the CIWMB's biennial review of those elements, and has made all other reasonable and feasible efforts to implement the programs identified in its SRRE and HHWE.

## COMMENTS

By including the evaluation of improved solid waste handling and management technology in the definition of "good faith efforts," AB 381 would give the City of San Bernardino a

"comfort level" with respect to whether it would be subject to penalties for failure to implement its SRRE or HHWE if its evaluation of Visalia's automated split can system slows its progress in meeting the 25 and 50% waste diversion requirements of the IWMA.

The City of San Bernardino's plan to investigate and assess the feasibility of using Visalia's automated split can system and concerns about meeting the diversion mandates were raised in an October, 1994, letter from the City's Public Services Director to Ralph Chandler, CIWMB Executive Director. The City's letter requested an informal CIWMB consultation to determine if a one-year extension of the diversion requirements might be granted under their circumstances. It further suggested that the CIWMB conduct a joint evaluation of this system with the City of San Bernardino.

Mr. Chandler's response indicated that the circumstance for which the City's request was made did not fall under the conditions in current law for granting a time extension, but did mention the "good faith efforts" language and the CIWMB's encouragement of joint participation with the Markets, Research and Technology Division in evaluating new technology.

In its current form, AB 381 would not impose any additional requirements on CIWMB staff or Board Members since the "good faith efforts" standard must already be applied to any decision to impose administrative civil penalties for a jurisdiction's failure to implement its SRRE or HHWE. The "burden of proof" with regard to new technology for the handling and management of waste would be on the local jurisdiction.

The Legislation and Public Education Committee directed Legislative staff to work with program staff to determine whether AB 381 is consistent with the staff report adopted by the CIWMB in February, 1995, *Countywide Integrated Waste Management Plan (CIWMP) Enforcement -- Failure to Implement a Source Reduction and Recycling Element (SRRE) and Household Hazardous Waste Element (HHWE).* The CIWMP Enforcement report recommends criteria the CIWMB will use during the biennial review to determine whether local jurisdiction SRREs and HHWEs have been implemented, mechanisms the CIWMB and local jurisdictions will use to achieve compliance with implementation mandates, and the structure of penalties that may be imposed on jurisdictions failing to implement their SRREs and HHWEs.

In the report, CIWMB staff have identified four scenarios to use in determining SRRE implementation. The potential for delay of programs and inability to meet the 25 and 50% waste reduction requirements which could be caused by evaluating improved solid waste management technology would fit under scenario #3 -- implementing some/all programs, but not meeting diversion requirements. Within scenario #3, one of the criteria to be considered is whether time frames in the SRRE have been met (what factors affected these time frames and will time frames be adjusted to continue program implementation?). Further, the "Statutory Relief Considerations" section of the CIWMP Enforcement report includes the definition of "good faith efforts," which could be modified to add the revision to the definition in AB 381. For these reasons, Legislative staff and program staff have agreed that AB 381 is consistent with the CIWMP Enforcement Report.

The wording of the bill, as it is proposed to be amended, is somewhat confusing because it expands the definition of "good faith efforts" to include evaluation of improved technology as long as the city, county, or regional agency submits a compliance schedule pursuant to the CIWMB's biennial review of each jurisdiction's SRRE and HHWE. However, current law states that the *CIWMB* will issue an order of compliance with a specific schedule for achieving compliance. The Board may wish to request an amendment to clarify the confusion.

## SUGGESTED AMENDMENT

The Board may wish to consider the following amendment:

1. Clarify that the city, county, or regional agency has complied with the order and schedule issued by the CIWMB pursuant to the Board's biennial review of each jurisdiction's SRRE and HHWE.

## LEGISLATIVE HISTORY

AB 381 was introduced on February 14, 1995. It passed the Assembly Natural Resources Committee (9-1) on April 3, 1995 and is scheduled to be heard by the Assembly Appropriations Committee on May 17, 1995.

| | |
|---|---|
| Support: | City of San Bernardino (sponsor)<br>City of Thousand Oaks |
| Oppose: | California Refuse Removal Council (CRRC)<br>Planning and Conservation League |

## FISCAL AND ECONOMIC IMPACT

AB 381 would impose minor, absorbable costs (less than $10,000) from the Integrated Waste Management Account to make changes in the CIWMB's enforcement policy publications.

Costs could be incurred by local governments and private industry to study, evaluate, and determine feasibility and practicality of new technologies. However, the costs savings offered by implemented new technologies could offset or exceed such costs.

Analyst: Pat Chartrand 255-2416

**SUGGESTED AMENDMENT TO AB 381 (BACA)**
**(AS AMENDED APRIL 20, 1995)**

Section 41850...

(B) (i) For the purposes of this paragraph, "good faith efforts" means all reasonable and feasible efforts by a city, county, or regional agency to implement those programs or activities identified in its source reduction and recycling element or household hazardous waste element, or alternative programs or activities that achieve the same or similar results.

(ii) For purposes of this paragraph, "good faith efforts" may also include the evaluation by a city, county, or regional agency of improved technology for the handling and management of solid waste that would reduce costs, improve efficiency in the collection, processing, or marketing of recyclable materials or yard waste, and enhance the ability of the city, county, or regional agency to meet the diversion requirements of paragraphs (1) and (2) of subdivision (a) of Section 41780, provided that the city, county, or regional agency has complied with the order and schedule ~~submitted a compliance schedule~~ pursuant to Section 41825, and has made all other reasonable and feasible efforts to implement the programs identified in its source reduction and recycling element or household hazardous waste element.

LEGISLATION AND PUBLIC
EDUCATION COMMITTEE

BILL ANALYSIS

| California Integrated Waste Management Board | Author<br>Kuehl | Bill Number<br>AB 407 |
|---|---|---|
| Sponsor<br>Santa Monica Mountains Conservancy | Related Bills<br>AB 35, AB 241, AB 961, SB 387 | Date Amended<br>March 27, 1995 |

## BILL SUMMARY

AB 407 would prohibit a solid waste enforcement agency from issuing, modifying, or revising, a solid waste facility permit for the operation of a new or expanded disposal facility within the Santa Monica Mountains Zone.

## BACKGROUND

AB 407 could potentially affect a number of existing and potential landfills in the Southern California region. However, because of the large size and scope of the Santa Monica Mountains Zone that would be protected under this bill, industry sources are at this time, unsure of all the potential landfills that could be affected by this bill. However, the immediate concern that AB 407 is attempting to address is related to the 505-acre Calabasas Landfill, which has been in operation since 1961, and is located in the Santa Monica Mountains Zone, north of the Highway 101 Freeway at the Hill Road exit. The Calabasas Landfill, as with other landfills operated by the Los Angeles County Sanitation District, is required to undergo a permit review and, if necessary, a permit modification or revision, every five years. The Calabasas Landfill's permit review will take place in 1995. The Los Angeles County Sanitation District anticipates that closure of the landfill by the year 2014. The landfill currently accepts, on average, 2,000 tons of municipal solid waste per day, but is permitted to accept up to 3,500 tons per day. The landfill serves customers from Thousand Oaks to eastern Los Angeles. Tipping fees at the landfill are currently set $22.97 per ton.

The proponents of AB 407 have identified two specific concerns related to the operation of landfills in the Santa Monica Mountains Zone. First, the excavation of a ridgeline at the existing Calabasas Landfill will negatively impact the view in that area of the park by making

| Departments That May Be Affected<br>State Water Resources Control Board | | |
|---|---|---|
| Committee Recommendation<br>Support | Committee Chair | Date |

the landfill more visible to park users. Secondly, the U.S. House of Representatives are considering proposal to remove the Santa Monica Mountains Zone from the national park system and/or reducing restrictions on the use of land in national parks, which would in either case potentially allow the expansion of existing landfills or the siting of new landfills. The proponents state that to preclude the potential for expansion or the siting of new landfills in the Santa Monica Mountains Zone, a state law is necessary to continue the current protection in the Santa Monica Mountains Zone. The proponents support their concerns and arguments by citing the Los Angeles County Sanitation efforts to have the U.S. Secretary of the Interior remove the Calabasas Landfill from the Santa Monica Mountains National Park.

The operator of the Calabasas Landfill has noted that the concerns raised by the proponents regarding the excavation of the ridgeline at the Calabasas Landfill are not related to an expansion, but rather, are authorized under the current permit.

There have been four bills introduced during the 1994-95 Legislative Session that are similar in nature to AB 407. They are: AB 35 (Mazzoni), which would prohibit the expansion of a landfill (West Marin Sanitary Landfill, and possibly others) located with two miles of a federal park or recreation area; AB 241 (Horcher), which would allow the city council of the City of West Covina to revoke to land use permit for a landfill (BKK) located in the City of West Covina if the city council identifies a threat to public health and safety; AB 961 (Gallegos), which would prohibit the issuance, modification, or revision of a solid waste facilities permit to a landfill (Puente Hills Landfill and many others) located within 2,000 feet of an area zoned for single or multiple family residences; and SB 387 (Mountjoy), which would prohibit the issuance of a solid waste facilities permit for a proposed solid waste material recovery facility in the City of Industry and would have unmitigated environmental impacts on a neighboring city, unless a joint powers of agreement is entered into by the host city and the neighboring cities.

AB 35 is a reintroduction of AB 1910 (Bronshvag) of the 1993-94 Legislative Session, which was vetoed by the Governor. AB 961 (Gallegos) is similar to AB 1751 (Solis) of the 1993-94 Legislative Session, which was vetoed by the Governor. SB 387 (Mountjoy) is similar to AB 2969 (Horcher) of the 1993-94 Legislative Session, which failed passage on the Senate Floor. The CIWMB opposed all of these measures last year.

**EXISTING LAW**

State Law:

Existing solid waste management laws, and the guiding principle of the law, focuses on the local decision making process for the siting of new landfills, or the expansion of existing landfills. The basis for this decision is through a local land use permit granted by the local governing body of the city or county in which the landfill is or will be located. The basis for this decision is made with consideration of environmental impacts identified through the environmental impact report (EIR) prepared under the California Environmental Quality Act (CEQA).

Upon approval of an EIR and a land use permit, a solid waste facilities permit application is

submitted to the local enforcement agency (LEA). The LEA is required to review the permit for compliance with the restrictions imposed by the EIR and land use permit, and state minimum standards in the operation and design of the facility prescribed by the California Integrated Waste Management Board (CIWMB) which, in the case of siting of new landfills or the expansion of existing landfills on or after October 9, 1993, incorporate the requirements of federal Subtitle D regulations adopted under the federal Resource Conservation and Recovery Act. After the LEA's review, the CIWMB acts as on oversight body and either concurs or objects to the issuance of the permit based on whether the local approval process has been complied with and the operation and design of the facility is in compliance with state minimum standards.

Federal Law:

Federal law prohibits the siting of a new landfill, or the expansion of an existing landfill, within a National Park.

**ANALYSIS**

AB 407 would:

1. Declare Legislative intent that the Santa Monica Mountains Zone possesses unique natural, scenic, and recreational resources that have consistently been recognized by both the state and federal government as being worthy of the highest level of environmental protection; and

2. Prohibit an enforcement agency from issuing, modifying, or revising a solid waste facilities permit for the operation of a new or expanded disposal facility within the Santa Monica Mountains Zone, as defined.

**COMMENTS**

AB 407 would maintain in state law the current federal prohibition against the siting of new landfills, or the expansion of existing landfills, in the Santa Monica Mountains National Recreation Area should federal law be amended to either delete the current prohibition or remove the Santa Monica Mountains from the federal national park system. Proponents argue that this is necessary due to recent efforts in the U.S. Congress to lessen environmental regulations in national parks and also the possible removal of certain areas from the national park system. The Santa Monica Mountains Zone has been considered by the U.S. House of Representatives as a potential candidate for removal from the national park system.

In the absence of the restrictions on land use within the Santa Monica Mountains that result from its status as a national park, or the current federal prohibition against the siting of new landfills or the expansion of existing landfills in national parks, this bill could be considered a state preemption of local land use authority. This preemption would mirror the existing preemption by the federal government which affected the potential for the expansion possibly three or more existing landfills, and the siting of potentially three or more new landfills, in the Santa Monica Mountains Zone.

When AB 407 was heard in the Assembly Committee on Natural Resources on May 8, 1995, committee amendments were accepted by the author that would clarify that the bill would not affect solid waste landfill whose operations are authorized under an existing solid waste facilities permit. Although staff has not had the opportunity to review these amendments in print, the committee's intent was to simply clarify that existing permitted operations would not be affected by the bill.

The Committee may wish to consider whether AB 407 would set an inappropriate precedent by setting separate standards for a specific region of the state. The existing statewide process established by law for the approval of new, or the expansion of existing, solid waste landfills provides consistent statewide standards for protection of the public health and safety and the environment. The existing process provides a significant amount of opportunity for public review and comment at the state and local levels.

## LEGISLATIVE HISTORY

There have not been any previous bills introduced that were directed at prohibiting the siting of new, or the expansion of existing, landfills in the Santa Monica Mountains Zone. However, as briefly noted in the background section of this analysis, in each Legislative Session there are typically three more bills of a similar nature that are introduced. Governor Wilson has consistently vetoed these bills. Governor Wilson's veto messages have been based on the fact that these types of bills, "run contrary to the existing solid waste management planning process which allows local governments to make their own decisions regarding land use planning and that existing law already prescribes an elaborate process for public review and comment and a case-by-case review of individual solid waste facility permits to ensure that the public health and environment are protected. It is also inappropriate for the State to adopt separate criteria for individual solid waste facilities and that decisions regarding site selection are best left to the local government decision making process."

AB 407 passed the (8-6) Assembly Committee on Natural Resources on May 8, 1995, and is currently pending a vote on the Assembly Floor.

Support:
- Federation of Hillside and Canyon Associates
- California Native Plant Society
- Calabasas Park and Recreation District
- Santa Monica Trails Association
- Las Virgenes Homeowners Association
- LAZER-Landfill Alternatives Save Environmental Resources
- Senator Barbara Boxer
- Congressman Howard Berman
- Congressman Anthony Beilenson
- Mayor Joann Darcy, City of Santa Clarita
- Los Angeles County Supervisor Zev Yaroslavsky

Oppose:
- Los Angeles Sanitation District
- Browning-Ferris Industries
- California Refuse Removal Council

## FISCAL AND ECONOMIC IMPACT

AB 407 would not have a fiscal impact on the CIWMB.

Since the bill would not establish a new prohibition against the siting of new landfills or the expansion of existing landfills, but rather, would extend the current federal restrictions and prohibitions to state law, the bill would not have an economic impact that has not already resulted from the federal restrictions. However, if the federal restrictions were lifted, and this bill were not enacted, the expansion of existing landfills and the siting of new landfills could have a positive economic impact in the Los Angeles County area due to the increased landfill capacity and the potential for a reduction in the cost of disposing of solid waste.

Analyst: Ross Warren 255-2415

LEGISLATION AND PUBLIC
EDUCATION COMMITTEE

BILL ANALYSIS

| California Integrated Waste Management Board | Author<br>Sher | Bill Number<br>AB 626 |
|---|---|---|
| Sponsor<br>Author | Related Bills | Date Amended<br>April 17, 1995 |

## SUMMARY

AB 626 would consolidate the California Integrated Waste Management Board's (CIWMB) ongoing annual reporting requirements into a series of seven progress reports which would be submitted to the Governor and the Legislature on an annual basis. It would also require the annual progress reports by local jurisdictions to be submitted to the CIWMB on or before March 1 of every other year. It would further make a clarifying change to the intent language in the Integrated Waste Management Act (IWMA), extend indefinitely a specified provision of the State Assistance for Recycling (STAR) Markets Act of 1989, and make a number of general "code cleanup" changes. Finally, it would amend the Open Meeting Act to allow the CIWMB to hold closed sessions when considering trade secret, confidential proprietary, or financial proprietary data of manufacturers or businesses.

## BACKGROUND

Consolidation of Reporting Requirements. The CIWMB is responsible for the preparation of approximately 23 ongoing annual reports, specifically mandated by statute, to be submitted to the Governor and the Legislature. Much of the information for these ongoing requirements contained in the CIWMB's annual report has been reduced in scope in order to keep the annual report at a manageable size. The annual report is not always timed appropriately for these reports to be completed and has not always provided information to the degree of specificity that certain members of the Legislature have requested. In February 1994, the CIWMB adopted staff recommendations to consolidate the Board's ongoing annual reporting requirements into a series of seven progress reports.

Jurisdiction Annual Reports. CIWMB staff have suggested that jurisdiction annual reports be submitted during a standard reporting period to ensure that the data gathered will be more complete, useful, and comparable.

IWMA Intent Language. Some attorneys have argued that the CIWMB's switch to disposal-based measurement of waste reduction has emphasized preserving landfill capacity as the primary purpose of the IWMA. This interpretation might lead them to argue that waste

| Departments That May Be Affected<br>Department of General Services | | |
|---|---|---|
| Committee Recommendation | Committee Chair | Date |
| | | |

exported out of state should get diversion credit. The proposed language would clarify that the reduction, reuse and recycling of solid waste generated in California will also serve to conserve water, energy, and other natural resources in the state, and protect the environment.

Amendment of Open Meeting Act. This change would enable the CIWMB and its auxiliary committees, including its Recycling Market Development Zone Loan Committee to meet in closed session about matters considered confidential. This would include tax credit appeals and discussions by a Loan Committee about the financial statements and other relevant documents submitted by loan applicants when considering the recommendations to make about the creditworthiness of applicants.

**EXISTING LAW**

State law:

1. Requires the CIWMB to file an annual report with the Legislature on or before March 31 of each year summarizing the progress achieved by the Board in implementing, or assisting in the implementation of, programs established pursuant to Division 30 of the Public Resources Code.

2. Requires each city, county, and regional agency to submit a report to the CIWMB summarizing its progress in achieving the diversion requirements of the IWMA. The schedule for submittal of the jurisdiction annual reports is based on deadlines for submittal of Source Reduction and Recycling Elements (SRREs). This report, also known as the "AB 440 Report," is not to be used for enforcement purposes. The CIWMB is required to submit to the Governor and the Legislature a report summarizing information from the reports submitted.

3. Every year following the CIWMB's approval of a city, county, or regional agency SRRE or a countywide or regional agency integrated waste management plan, requires each jurisdiction to submit to the CIWMB a report summarizing its progress in meeting the IWMA's waste reduction requirements. The report is required to include specified information.

4. Establishes the IWMA, which includes legislative findings and declarations related to the need for a coherent state policy to manage solid waste for the remainder of the 20th century and beyond.

5. Creates the State Assistance for Recycling (STAR) Markets Act of 1989, which states that it is the intent of the Legislature that policies be drafted, established and implemented to ensure the procurement and use of recycled resources. One section of the act establishes guidelines for encouraging the purchase of recycled products and encourages purchasing practices which ensure the purchase of materials, goods, and supplies that may be recycled or reused. It also requires each state agency to initiate activities for the collection, separation, and recycling of recyclable materials. These provisions sunset on January 1, 2001.

6. Creates the Bagley-Keene Open Meeting Act, which establishes requirements for public access to meetings by state agencies.

**ANALYSIS**

AB 626 would:

1. On or before March 1 of each year, require the Board to file an annual progress report with the Legislature highlighting significant programs or actions undertaken during the prior calendar year. Specify that the report shall include, but not be limited to, the information described in (2) below;

2. Require the CIWMB to prepare the progress report throughout the calendar year, as determined by the CIWMB, on the following programs:

   - the local enforcement agency program;
   - the research and development program;
   - the public education program;
   - the used oil program;
   - the planning and local assistance program; and
   - the site cleanup program.

(See attachment to analysis for the contents of each program progress report.)

3. Delete the now-obsolete requirement for the "AB 440 Report", a one-time report submitted to the CIWMB by each city, county, and regional agency summarizing its progress in achieving the diversion requirements of the IWMA (not to be used for enforcement purposes). The bill would instead revise and recast the current law jurisdiction annual report provisions to require submittal of the report on or before March 1, 1996, and on or before March 1 of every other year thereafter, based on the preceding two calendar years. As the jurisdiction annual report provisions are recast, these reports cannot be used for enforcement purposes;

4. Within the legislative findings and declarations for the IWMA, state that the reduction, recycling, or reuse of solid waste generated in the state will, in addition to preserving landfill capacity in California, serve to conserve water, energy, and other natural resources within this state, and to protect the state's environment;

5. Delete the January 1, 2001 sunset date on provisions of the State Assistance for Recycling (STAR) Markets Act of 1989, which establish guidelines for encouraging the purchase of recycled products and encourage purchasing practices which ensure the purchase of materials, goods, and supplies that may be recycled or reused, and require each state agency to initiate activities for the collection, separation, and recycling of recyclable materials; and

6. Add a provision to the Bagley-Keene Open Meeting Act which would allow the CIWMB to hold closed sessions when considering any trade secret, or any confidential, proprietary, or financial proprietary data of manufacturers or businesses.

**COMMENTS**

Consolidation of Reporting Requirements. The wording in this section of the bill is confusing. It requires on or before March 1 of each year, that the CIWMB file an annual progress report with the Legislature highlighting significant programs or actions during the prior calendar year. It also requires that the report include the seven specific program annual progress reports to be prepared throughout the calendar year. The Board may wish to consider amendments to clarify that the CIWMB is required to publish an abbreviated version of the annual report by a certain date *and* seven more detailed program progress reports throughout the calendar year, as determined by the CIWMB.

Jurisdiction Annual Reports. CIWMB staff believe March 1, 1996 is too early to report on achievement of the 1995 goal. Jurisdictions need two types of information to calculate goal achievement: 1) information to remove the effects of changes in population, economics and other factors; and 2) disposal tonnages for each jurisdiction from each landfill and transformation facility. Neither type of information will be available to the jurisdiction on the prior calendar year early enough to allow for reporting by March 1.
Jurisdictions will need to wait until information on population, employment, and taxable transactions are available from the appropriate state agencies (Department of Finance, Employment Development Department, and Board of Equalization). They need this information to calculate their disposal reduction goal (the maximum amount of disposal they are allowed in any given year). Typically, the state agencies do not produce these reports for the previous calendar year until about mid-year. So, the 1995 data will be available in mid-1996. Jurisdictions will need time to analyze the information, and calculate their disposal reduction goals.

Further, data on disposal amounts from the disposal reporting system will not be turned in yet. Each county will submit a disposal amount report for the last quarter of 1995 by April 15, 1996. The jurisdictions may need to total and analyze amounts reported by various counties. The total disposal amount for the entire calendar year of 1995 must be compared to the calculated goal. Under these reporting dates, the 1996 jurisdiction annual report could not contain a determination on goal achievement for 1995.

In addition, reporting every other year will cause unintended delays in determining goal achievement and measuring ongoing progress. Without annual reports, the CIWMB will be unable to provide the Legislature with up-to-date information on the progress of jurisdictions. There will not be any way to track yearly increases in programs, facilities, or goal achievement. Because of the timing problems with a March 1 due date, the 25% goal would first be reported on in March of 1998. If the first report is in 1996, then the following reports would be in 1998, 2000, and 2002. In this scenario, the 50% goal would first be reported on in March of 2002.

For these reasons, the earliest feasible date for the annual report is August 1, 1996. An August 1 due date allows jurisdictions to calculate their disposal reduction goal, and compare it to the actual amount of disposal in the previous calendar year. Any calendar date prior to August 1 will cause information submitted to be delayed for at least one year.

Finally, the subsection modified in the bill [Public Resources Code Section 41821(a)] relates to the "AB 440" status report, not the annual report [PRC Section 41821(f)]. The suggested modifications appear to delete (f) and move the annual report functions up to (a). However, there is existing language in (a) which states that "The report shall not be used for purposes of enforcing the requirements of this division". The annual report is the main enforcement tool; it contains all of the information needed to determine compliance and goal achievement. With the existing language, the Board would have to wait for the five-year revision of the SRREs to determine if the goals have been met. Not all jurisdictions will do a five-year revision, so the Board would not be able to evaluate those jurisdictions until a revision was done.

The Board may wish to consider amendments which would set an August 1 annual due date for the annual reports to the CIWMB on implementation of AB 939 and delete the language that previously applied to the AB 440 report about not using the reports for enforcement purposes.

State Assistance for Recycling (STAR) Markets Act of 1989. The proposed deletion of the January 1, 2001 sunset date would appear to be aimed at making the guidelines for encouraging the purchase of recycled products and the requirement that each state agency initiate activities for the collection, separation, and recycling of recyclable materials, permanent.

Amendment of Open Meeting Act. The Board may wish to consider making some minor, clarifying changes to the language in AB 626 related to the Open Meeting Act suggested by the CIWMB Legal Office.

**SUGGESTED AMENDMENTS**

The Board may wish to consider the following amendments:

1. Clarify that the CIWMB will submit: 1) an abbreviated version of the annual report by a certain date each year and 2) seven more detailed program progress reports throughout the calendar year, as determined by the CIWMB.

2. Establish an August 1, 1996, and each year thereafter due date for jurisdictions' annual reports to the CIWMB on AB 939 implementation and delete the language that previously applied to the AB 440 report about not using the reports for enforcement purposes.

3. Require the CIWMB to prepare a model report for jurisdictions to use in preparing their annual reports to the CIWMB on implementation of AB 939.

4. Make minor, clarifying changes to the section in the bill related to the Open Meeting Act.

## LEGISLATIVE HISTORY

AB 626 was introduced on February 17, 1995. It was passed by the Assembly Natural Resources Committee (13-0) on April 17, 1995 and is scheduled to be heard by the Assembly Appropriations Committee on May 24, 1995.

Support: None on file

Oppose: None on file

## FISCAL AND ECONOMIC IMPACT

AB 626, in its current form, would impose minor, absorbable costs on the Integrated Waste Management Account for preparing the seven progress reports, and for making minor revisions to CIWMB regulations.

Provisions of the bill that require local jurisdiction annual reports to be submitted every two years rather than annually could save local governments preparation and printing costs.

Provisions of the bill related to the STAR Markets Act and amendment of the Open Meeting Act could benefit businesses by permanently encouraging the purchase of recycled products by state agencies (stable market) and preventing the release of confidential information that could be economically damaging to them.

Analyst: Pat Chartrand 255-2416

**SUGGESTED AMENDMENTS TO AB 626 (SHER)**
**(AS AMENDED APRIL 17, 1995)**

Gov't Code 11126....

(c) (14) Prevent the California Integrated Waste Management Board from holding closed sessions ~~when considering any~~ for the purpose of discussion of confidential tax returns, the discussion of trade secrets or confidential or ~~trade secret, or any confidential, proprietary, or financial proprietary data of manufacturers or businesses.~~ proprietary information in its possession, or discussion of other data the public disclosure of which is prohibited by law.

Public Resources Code 40507. (a) On or before March 1 of each year, the board shall fine an annual ~~progress~~ report with the Legislature highlighting significant programs or actions undertaken by the board to implement programs pursuant to this division during the prior calendar year. ~~The report shall include, but is not limited to, the information described in subdivision (b).~~

(b) Commencing January 1, 1996, the board shall file annual progress reports with the Legislature covering the activities and actions undertaken by the board in the prior fiscal year. The board shall prepare the progress reports throughout the calendar year, as determined by the board, on the following programs.....

41821. (a) Each city, county, and regional agency shall submit a report to the board summarizing its progress in achieving the diversion requirements of Section 41780 on or before ~~March 1, 1996,~~ August 1, 1996 and on or before ~~March 1~~ August 1 of every ~~other~~ year thereafter, based on the preceding ~~two~~ calendar years. The information in this report shall encompass the previous calendar year, January 1 through December 31. ~~The report shall not be used for purposes of enforcing the requirements of this division.~~ The report shall describe any new or revised source reduction, recycling, or composting programs, or any other changes which have been implemented for purposes of complying with Section 41780. The report shall include information on increases in solid waste generated or disposed of due to increases or decreases in the quantity of solid waste caused only by changes in population or changes in the number or the size of governmental, industrial, or commercial operations in the city, county, or regional agency so that the board may determine if the diversion requirements of Section 41780 need to be revised. In preparing annual reports pursuant to this section, cities, counties, and regional agencies shall use disposal information, and information on the diversion programs which the city, county, or regional agency operates, to track the success of diversion programs.

~~(b) The board shall prepare a brief reporting form and shall provide the form to each jurisdiction for use in submitting the following information:~~

~~(1) Any change in the tonnage of solid waste disposed of by the jurisdiction when compared to the information reported for the based year, as defined in Section 41781.~~

~~(2) Any change in tonnage of solid waste diverted through facilities or programs operated by the jurisdiction.~~

~~(3) A status report on programs described in the source reduction and recycling element.~~

~~(c) The board may request additional information as necessary, but shall not require any jurisdiction to prepare a solid waste generation study or other significant analysis.~~

~~(d) It is the intent of the Legislature that the board, in preparing the reporting form pursuant to subdivision (b), only require information which is necessary to determine the~~

~~progress that a jurisdiction is making toward meeting the diversion requirements of Section 41780 and to provide assistance to local governments in the preparation of forms so as to minimize to the greatest extent practicable any additional time and expense to local governments.~~

(b) The board shall, by December 30, 1995, prepare a reporting form and shall provide the form to each jurisdiction for use in submitting the annual report pursuant to subdivision (a).

## Local Enforcement Agency Progress Report

| Certification | | | |
|---|---|---|---|
| Report on status of LEA certification and evaluation program (PRC 43221) | | | |
| | | | |
| | | | |

## Research and Development Progress Report

| General | Plastics | Landfill Gas | Grants |
|---|---|---|---|
| Report on results of research and development programs. (PRC 42650) | Report on plastics recycling information clearinghouse (PRC 42520) | Report on landfill gas program (PRC 43030) | Report on results of tire grant funded activities and their comparative costs (PRC 42884) |
| | | | |
| | | | |

## Public Education Progress Report

| Education | Public Information | Schools | |
|---|---|---|---|
| Summarize actions to educate public and private sector (PRC 40507(e) | Report on measurement of effectiveness of public information (PRC 42601) | Report on teacher training and IWM programs in schools (PRC 42603) | |
| | CALMAX (PRC 42600(a)) | Report on school source reduction and recycling programs (PRC 42623) | |
| | | | |

## Market Development Progress Report

| Re-Tread Tires | Lead-Acid Batteries | Price Preferences | White Office Paper |
|---|---|---|---|
| Quality and performance evalutation and recommendations (PRC 42415) | Report on number of lead-acid batteries purchased by DGS (PRC 42443) | Publish established price preferences for priority recycled products (PCC 12162(c)(1)) | Report on implementation of white office paper recovery program (PRC 42563) |
| Report on re-treaded tires procured by state (PRC 42414) | | | |
| **MARKET DEVELOPMENT PLAN:** Report on implementing market development plan (PRC 42008) | **MARKET ASSISTANCE:** Review market strategies to ensure adequate markets exist (PRC 40507(d))<br><br>Make recommendations to expand markets (PRC 42000(e))<br><br>Report on market development assistance (PRC 40507(h)) | **ZONES/LOANS:** Report on low interest loan program (PRC 42010(f)) | **COMPOST:** Report on compost market program (PRC 42247) |

## USED OIL PROGRESS REPORT

| Quantification | Audits | | |
|---|---|---|---|
| Report on industrial and lubricating oil sales and recycling rates (PRC 48676) | Report on annual audits of entities selling lubricating oil (PRC 48657) | | |
| | | | |
| | | | |

## PLANNING AND LOCAL ASSISTANCE PROGRESS REPORT

| Planning Assistance | Diversion Quantification | | |
|---|---|---|---|
| Report on effectiveness of model siting element, CIWMP, source reduction program assistance (PRC 40507(h)) | Quantify tire diversion (PRC 42884) | | |
| Report on recommendations to provide assistance to rural cities and counties (PRC 40507(i)) | Project Recycle (PRC 42600(d) PCC 12164.5 - 12165, and Executive Order W-7-91) | | |
| | | | |

## SITE CLEANUP PROGRESS REPORT

| Pilot Program | | | |
|---|---|---|---|
| Report on pilot program (PRC 48022) | | | |
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LEGISLATION AND PUBLIC
EDUCATION COMMITTEE

BILL ANALYSIS

| California Integrated Waste Management Board | Author<br>Morrissey | Bill Number<br>AB 1135 |
|---|---|---|
| Sponsor<br>Author | Related Bills<br>AB 1179, AB 1659, AB 1857, AB 1859, SB 739 | Date Amended<br>April 26, 1995 |

**BILL SUMMARY**

As amended, AB 1135 would require all state agencies within the Trade and Commerce Agency (TCA) proposing to adopt or substantively amend any administrative regulation to: 1) consider the cumulative impact of all regulations on specific affected private entities and include the information in the notice of proposed action and 2) permit a public comment period on the cumulative impact of regulations.

**BACKGROUND**

According to the author, AB 1135 was introduced to reduce the regulatory burden on private businesses and foster economic recovery for the state.

The provisions of AB 1135 are consistent with the suggestions entitled, "Regulatory Impact Analysis" in the chapter entitled "Roll Back Government Regulations and Create Jobs," in the *Contract with America.*

The logic of this measure in the context of California seems to be, that just as the California Environmental Quality Act (CEQA) requires lead agencies to consider cumulative impacts and the least environmentally burdensome alternatives, so too would AB 1135 require regulatory agencies within TCA to consider impacts and less onerous regulatory alternatives.

This bill is one of a number of measures introduced to address the impact of complying with regulations on businesses, state and local government and the public. These regulatory reform measures include:

> AB 1179 (Bordonaro), which would allow the Secretary of the TCA to reject any proposed regulation if there was significant adverse economic impact;

| Departments That May Be Affected<br>Trade and Commerce Agency | | |
|---|---|---|
| Committee Recommendation<br>er to Trade and Commerce Agency | Committee Chair | Date |

AB 1659 (Woods), which would require state agencies to determine whether a proposed or amended regulation is a major regulation, as defined;

AB 1857 (Brewer), which would broaden to all state agencies the requirement to justify adoption of regulations different from federal regulations, as specified;

AB 1859 (V. Brown), which would repeal the Division of Workers' Compensation exemption contained in the Administrative Procedures Act relating to the adoption, review, approval, filing and publication of regulations; and

SB 739 (Polanco), which would prevent the California Integrated Waste Management Board (CIWMB) and the State Water Resources Control Board (SWRCB) from adopting any regulation which is stronger and/or different than a federal regulation, unless the different regulation is the most cost-effective of all available regulatory alternatives.

The CIWMB does not have positions for any of these bills.

**EXISTING LAW**

State Law:

1. Defines "regulation" for the purposes of code provisions affected here as:

   Every rule, regulation, order, or standard of general application or amendment, supplement, or revision of any rule, regulation, order, or standard, adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedures, except one that relates only to the internal management of the state agency;

2. Requires under the Administrative Procedures Act that state agencies proposing to adopt or amend administrative regulations must:

   a) Avoid imposition of unnecessary or unreasonable regulations, reporting, record keeping, or compliance requirements and

   b) Draft the regulation in plain English, or make available a non-controlling plain English summary, if the regulation would affect a small business and

   c) Assess the regulations giving consideration to various criteria including:

      1) Potential for adverse economic impacts on California business enterprises and individuals;
      2) Affect upon creation or elimination of jobs in California;
      3) Affect upon creation of new business or the elimination of existing business in the State of California;
      4) Affect upon ability of California businesses to compete with businesses in other states;

5) Affect upon the expansion of businesses currently doing business in California;

3. Provides that all entities within the California Environmental Protection Agency (Cal/EPA) must evaluate alternatives to the requirements proposed in any major regulations. Major regulation is defined as any regulation estimated to have an economic impact on the state's business enterprises of more than ten million dollars ($10,000,000);

4. Currently gives the Office of Administrative Law authority to review all regulations for necessity, authority, clarity, consistency, reference, and nonduplication. The test for nonduplication requires every agency to identify any state or federal statute or regulation which overlaps or duplicates the proposed regulation and provide a justification for any overlap or duplication.

**ANALYSIS**

AB 1135 would:

1. Require all state agencies within the TCA proposing to adopt or substantively amend any administrative regulation to consider the cumulative impact of all regulations on specific private sector entities that may be affected by the proposed adoption or amendment of the regulation, and to include this information in the notice of proposed action;

2. Establish a public comment period on the cumulative impact of any proposed or substantively amended administrative regulation prepared by agencies within the TCA;

3. Require agencies within the TCA to respond to public comments on the proposed regulations;

3. Require agencies within the TCA to adopt alternative, less harmful regulations if, after, the public comment period, the agency determines that the cumulative impact of regulations on a specific private sector entity or the economy is significant and adverse; and

4. Establish a public comment period on the adoption of any alternative TCA regulations.

**COMMENTS**

Consistent with suggestions made in the *Contract With America* chapter entitled "Roll Back Government Regulations and Create Jobs," this bill requires consideration of the cumulative impact of all relevant TCA regulations upon the affected private sector entities, in light of the proposed adoption or substantive amendment of a regulation. In addition, the bill directs TCA agencies to consider adopting less-onerous alternative regulations, when a significant, adverse, cumulative impact will affect specific private sector entities.

Current code provisions are already interspersed with mandates intended to require state agencies which are proposing regulations to take into account the consequences of their actions, especially when their actions affect jobs, businesses and competitiveness. This bill leaves some uncertainty as to what factors need to be considered in determining the "cumulative impact" of TCA regulations and the length of time under which the cumulative impact would be measured.

A previous version of AB 1135 would have applied the bill's provisions to all state agencies, including the CIWMB. On April 26, 1995, the bill was amended to narrow the scope of AB 1135 to only apply to the departments within the Trade and Commerce Agency.

Regulations are drafted as a result of legislative action and in cases of extreme emergency. If regulations become even harder to adopt, the goals of enacted legislation may be unattainable.

## LEGISLATIVE HISTORY

AB 3674 (Johnson) of 1994, was a nearly identical measure to AB 1135 which failed passage last year in the Assembly Consumer Protection Committee.

This bill was introduced on February 23, 1995 and referred to the Assembly Committee on Consumer Protection on March 6, 1995, where it was passed (11-0) on April 18, 1995. The bill was referred to the Assembly Committee on Appropriations and has been set for hearing on May 17, 1995.

Support: All Diameter Grinding, Inc.
Allied Brokers Insurance Agency
Black Oxide Industries
"Big Al" Snook -- Independent Insurance Agent
California Cattlemen's Association
Dynamic Fabrication Inc.
H & R Plastics, Inc.
Nelson Grinding, Inc.
Sir Speedy

Opposition: California Labor Federation
California Nurse Association
Sierra Club

## FISCAL AND ECONOMIC IMPACT

AB 1135 would not have a fiscal impact on the CIWMB.

If the number of regulations is reduced as a result of this measure, there could be a positive economic impact because businesses would face fewer costs associated with regulatory implementation and compliance. However, future costs associated with a lack of regulation could be escalated.

Analyst: Denise Davis 255-2417

LEGISLATION AND PUBLIC
EDUCATION COMMITTEE

BILL ANALYSIS

| | Author | Bill Number |
|---|---|---|
| California Integrated Waste Management Board | Bordonaro | AB 1179 |
| **Sponsor** | **Related Bills** | **Date Amended** |
| California Chamber of Commerce | AB 1135, AB 1659, AB 1857, AB 1859, SB 739 | May 4, 1995 |

## BILL SUMMARY

AB 1179 would exempt California businesses from all regulations adopted on or after January 1, 1996, unless the adopting agency makes findings that the intended regulatory benefits justify the costs and the regulations are the most cost effective of available options. In addition, the bill would expand the role of the Secretary of the Trade and Commerce Agency (TCA) in the adoption of regulations proposed by all agencies and permit the Secretary to reject any proposed regulations upon a finding of significant adverse economic impact as well as inadequate justifications of cost effectiveness.

## BACKGROUND

This bill is one of a number of measures introduced to address the impact of complying with regulations on businesses, state and local government and the public. These regulatory reform measures include:

AB 1135 (Morrissey), which would require all state agencies to consider the cumulative impact of any proposed regulation.

AB 1659 (Woods), which would require state agencies to determine whether a proposed or amended regulation is a major regulation, as defined;

AB 1857 (Brewer), which would broaden to all state agencies the requirement to justify adoption of regulations different from federal regulations, as specified;

AB 1859 (V. Brown), which would repeal the Division of Workers' Compensation exemption contained in the Administrative Procedures Act relating to the adoption, review, approval, filing and publication of regulations; and

| Departments That May Be Affected | | |
|---|---|---|
| All Regulatory State Agencies | | |
| Committee Recommendation | Committee Chair | Date |
| Oppose | | |

SB 739 (Polanco), which would prevent the California Integrated Waste Management Board (CIWMB) and the State Water Resources Control Board (SWRCB) from adopting any regulation which is stronger and/or different than a federal regulation, unless the different regulation is the most cost-effective of all available regulatory alternatives.

This bill, like the several others mentioned above, is consistent with the logic of the *Contract with America* with respect to regulatory reform.

**EXISTING LAW**

State Law:

1. Defines "regulation" for purposes of the code provisions affected here as: Every rule, regulation, order, or standard of general application or amendment, supplement, or revision of any rule, regulation, order, or standard, adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedures, except one that relates only to the internal management of the state agency;

2. Requires that state agencies proposing to adopt or amend administrative regulations must:

   a) Avoid imposition of unnecessary or unreasonable regulations, reporting, record keeping, or compliance requirements; and

   b) Draft the regulation in plain English, or make available a non-controlling plain English summary, if the regulation would affect a small business.

   c) Assess the regulations giving consideration to various criteria including:
      1) Potential for adverse economic impacts on California business enterprises and individuals;
      2) Affect upon creation or elimination of jobs in California;
      3) Affect upon creation of new business or the elimination of existing business in the State of California;
      4) Affect upon ability of California businesses to compete with businesses in other states;
      5) Affect upon the expansion of businesses currently doing business in California;

3. Requires all entities within California Environmental Protection Agency (Cal/EPA) to evaluate alternatives to the requirements proposed in any major regulations. Major regulation is defined as any regulation estimated to have an economic impact on the state's business enterprises of more than ten million dollars ($10,000,000);

4. Gives the Office of Administrative Law the responsibility for reviewing all regulations for necessity, authority, clarity, consistency, reference, and nonduplication. The test for nonduplication requires every agency to identify any state or federal statute or regulation which overlaps or duplicates the proposed regulation and provide a justification for any overlap or duplication.

**ANALYSIS**

This bill would:

1. Exempt businesses from all California regulations adopted on or after January 1, 1996, unless the adopting agency makes a finding that:

   a) The intended benefits of the regulations justify its costs, and;
   b) The regulations are the most cost effective of available regulatory options;

2. Further specify and expand the role of the Secretary of TCA in the promulgation of all regulations by all agencies, and specify that the Governor may direct participation by the Secretary;

3. Grant the Secretary of TCA the authority to reject proposed regulations by any agency upon a finding of significant adverse economic impact as well as, inadequate justification of the cost effectiveness of the regulations;

4. Require submission to the Secretary of the TCA specified findings related to economic impact on a level commensurate to those findings currently submitted to the Office of Administrative Law; and

5. Require each state agency when submitting adopted regulations to include in the final statement of reasons required by Government Code Section 11346.9, objections, comments and recommendations made by the Secretary of TCA and an explanation of any changes made to accommodate the objections, comments or recommendations or the reasons for making no changes.

**COMMENTS**

The fact that this legislation would give oversight authority to the TCA rather than OAL could be overly burdensome to regulatory agencies. The OAL is the statutorily created agency responsible for reviewing and approving all regulatory packages. One possible alternative might be for TCA to adopt regulations to standardize the requirements for preparation of economic impact analyses, which could then be approved singularly by the OAL. This would also allow the TCA to provide technical expertise to state agencies on preparing economic impact analyses.

As outlined above, current code provisions are already interspersed with mandates intended to require regulatory agencies to take into account the consequences of their actions, especially when their actions affect jobs, businesses, and competitiveness.

This bill would give the Secretary of the TCA "veto power" over regulations proposed by any of California's regulatory agencies. In addition, the bill specifies that this ability to trigger return of a proposed regulation to the originating agency may be exercised at the direction of the Governor.

## SUGGESTED AMENDMENT

The Committee may wish to consider an amendment requiring TCA to adopt regulations that state agencies must follow in preparing economic analyses, rather than requiring each regulation package to be approved by TCA.

## LEGISLATIVE HISTORY

AB 1179 was introduced on February 23, 1995 and referred to the Assembly Committee on Consumer Protection, where it passed (7-2) on April 18, 1995. This bill was referred to the Assembly Committee on Appropriations and is set for hearing on May 17, 1995.

## FISCAL AND ECONOMIC IMPACT

AB 1179 could increase costs to the CIWMB of $35,000 to $70,000 (.5 to 1 PY) annually from the Integrated Waste Management Account, and other CIWMB special accounts to prepare justifications for proposed regulations.

If the number of regulations is reduced as a result of this bill, there could be a positive economic impact since businesses would face fewer costs associated with regulatory implementation and compliance.

Analyst: Denise Davis 255-2417

LEGISLATION AND PUBLIC
EDUCATION COMMITTEE

BILL ANALYSIS

| California Integrated Waste Management Board | Author<br>Ducheny | Bill Number<br>AB 1647 |
|---|---|---|
| Sponsor<br>Browing Ferris Industries | Related Bills | Date Amended<br>April 20, 1995 |

## BILL SUMMARY

AB 1647 would make a legislative finding and declaration that the California Integrated Waste Management Board (CIWMB) should be statutorily authorized to adopt regulations for solid waste facilities that impose different levels, or "tiers", of regulation for different types of solid waste facilities.

## BACKGROUND

The author's office has indicated that AB 1647 was introduced to support the CIWMB's efforts to adopt tiered regulations for solid waste facilities.

In 1977, pursuant to the State Solid Waste Management Act, regulations were adopted under the California Code of Regulations (CCR) which set forth minimum standards for solid waste facilities. At the time these provisions were adopted, regulated solid waste facilities consisted primarily of landfills and transfer stations, which aided in the transport of solid waste to landfills. This uniformity in solid waste facilities was reflected in the regulations which set out one standard and procedure for obtaining a solid waste facilities permit.

In the years since those regulations were adopted, solid waste facilities and solid waste handling methods have diversified considerably. The CIWMB has begun a review of many of these new facilities in order to determine what would be an appropriate level of regulatory control to exercise over them. This review entails determining whether the CIWMB's existing regulations adequately address these new activities and, if not, how these regulations should be adjusted, or conversely, whether any regulation of these activities is necessary at all.

One example of these new activities is the composting of solid waste. Composting facilities did not require a solid waste facilities permit from the CIWMB until after the passage of AB 2992 (Chapter 1355, Statutes of 1990). In July 1993, regulations setting out minimum standards for "green material" composting facilities became effective. These regulations were

| Departments That May Be Affected<br>State Water Resources Control Board, Air Resources Control Board | | |
|---|---|---|
| Committee Recommendation<br>No recommendation | Committee Chair | Date |

necessary because existing standards were not directly applicable to these facilities. The two year effort to develop and adopt these regulations only addressed one part of the growing compost industry. Each of these types of composting facilities poses varying degrees of public health and safety and environmental concerns and different operational aspects which require some variation in regulations.

In the process of developing minimum standards for composting facilities and in analyzing the need for regulation of other new solid waste handling activities, it has become apparent that permitting procedures for these facilities may also require adjustments to more efficiently and effectively regulate these new activities. "Tiered permitting" is the name that is commonly used to describe a regulatory mechanism in which varying levels of permit application and review are required for varying types of operations.

The procedure prescribed by the Administrative Procedures Act (APA) has nearly been completed for the final tiered compost regulations package which includes both the previously CIWMB adopted, and Office of Administrative Law (OAL) approved, tiered framework and the more recent slotting of facilities and operations in the tiered framework. As of this writing (May 5, 1995), the tiered compost regulations package is being reviewed by the CIWMB's legal staff and is expected to be submitted to the OAL for their approval or disapproval within two weeks. Upon submission, the OAL will have 30 days to either approve or disapprove the regulations. If approved, the package will be submitted to the Secretary of State for filing and will take effect within 30 days thereafter.

With respect to the tiered regulations for solid waste facilities, the CIWMB has submitted, and on March 1, 1995, the OAL approved, the administrative regulations which established the framework (five tiers) for the tiered solid waste facility regulations package. This approval, which has the force and effect of law, has now been completed within the CIWMB's existing statutory authority. The CIWMB is currently determining the content of further regulations for the slotting of solid waste operations and facilities within the tiers. The draft regulations will set minimum standards for each type of solid waste facility or operation (contaminated soils, recycling facilities, transfer stations, etc.). For instance, the regulations setting minimum standards for material recovery facilities will be developed and approved through the APA, separate from the other solid waste facilities and operations.

## EXISTING LAW

State Law:

1. Defines solid waste handling as the collection, transportation, storage, transfer, or processing of solid wastes.

2. Defines a solid waste facility as a solid waste transfer or processing station, a composting facility, a transformation facility, and a disposal facility.

3. Requires the CIWMB to adopt and revise regulations which set forth minimum standards for solid waste handling, transfer, composting, transformation, and disposal.

4. Requires the regulations to include standards for the design, operation, maintenance,

and ultimate reuse of solid waste facilities.

Federal Law:

1. Requires each state to submit to the U.S. Environmental Protection Agency (USEPA) its solid waste disposal site permitting programs and to demonstrate that its program will achieve compliance with the federal regulations.

2. Does not require states to adopt minimum standards for the operation of solid waste facilities other than landfills.

## ANALYSIS

AB 1647 would make a legislative finding and declaration that the CIWMB should be statutorily authorized to adopt regulations for solid waste facilities that impose different levels, or "tiers", of regulation for different types of solid waste facilities.

## COMMENTS

AB 1647 appears to be unnecessary since the CIWMB already has clear statutory authority to adopt regulations that provide for different levels of regulation. The CIWMB's exercise of its existing statutory authority is supported by the OAL's approval of both the tiered compost regulations and tiered solid waste regulations.

Some interested parties have raised the question whether the CIWMB has legal authority to adopt tiered regulations that would allow the CIWMB to regulate solid waste operations in any way other than through the full solid waste facilities permit. These questions were raised during the development of both the tiered compost facility regulations and the tiered solid waste facility regulations. This concern was based, in part, on Public Resources Code Section (PRC) 44002 which provides that: " The operation of a facility by any person, except as authorized pursuant to a solid waste facilities permit issued by the enforcement agency, is prohibited." In addition, the CIWMB traditionally has not utilized its authority to regulate in any other manner.

However, pursuant to Section 43020 of the PRC, the CIWMB is required to "... adopt and revise regulations which set forth minimum standards for solid waste handling, transfer, composting, transformation, and disposal....". This section does not require that these regulations be standardized in a manner that would make each type of facility to be subject to the same level of regulation. Further support for the CIWMB's efforts to regulate solid waste facilities and operations according to the type of operation being conducted is based on PRC Section 43021 which provides: "Regulations shall include standards for the design, operation, maintenance, and ultimate reuse of solid waste facilities...", and PRC Section 40194, which defines a solid waste facility as: "a solid waste transfer or processing station, composting facility, transformation facility, and a disposal facility". Thus, the Integrated Waste Management Act treats solid waste facilities as a subset of solid waste operations. If this were not the case, there would be no need for two separate statutory provisions authorizing regulations. Accordingly, the CIWMB has the authority to regulate solid waste operations even if they do not rise to the level of being solid waste facilities.

When AB 1647 was heard by the Assembly Committee on Natural Resources on May 8, 1995, the author accepted committee amendments that would clarify that the bill would express Legislative intent that the CIWMB may adopt tiered regulations within its existing statutory authority. Since these amendments are not yet in print staff has not had the opportunity to review the language to determine if the potential conflicts with the Board's actions on the tiered regulations packages, as discussed above, will be addressed.

Since the CIWMB already possesses the legal authority to establish different levels of regulation for different types of solid waste activities, and the language of AB 1647 appears to be an attempt to provide the CIWMB with that authority, the Board may wish to consider an amendment that would provide legislative intent supporting the CIWMB's existing authority to adopt tiered regulations.

## SUGGESTED AMENDMENTS

The Committee may wish to consider the following amendment:

1. Amend the existing language to read:

(a) The Legislature hereby finds and declares that California Integrated Waste Management Board ~~should be statutorily authorized to~~ may adopt regulations for solid waste facilities and operations, within its existing statutory authority, that impose different levels, or "tiers", of regulation for different types of facilities and operations.

(b) The Legislature further finds and declares that the enactment of this measure during the 1994/95 regular session of the Legislature does not represent a change in, but is rather, declaratory of existing law.

## LEGISLATIVE HISTORY

AB 1647 was introduced on February 24, 1995, passed the Assembly Committee on Natural Resources (8-6) on May 8, 1995, and is currently pending a vote on the Assembly Floor.

Support: None on file

Oppose: None on file

## FISCAL AND ECONOMIC IMPACT

AB 1647 would not have a fiscal impact on the CIWMB since it has already begun development of a tiered regulations package within its existing resources.

Since AB 1647 would not enhance the CIWMB's existing authority to adopt tiered regulations for different types of facilities and operations, the bill would not have an economic impact on businesses and local governments.

Analyst: Ross Warren 255-2415

LEGISLATION AND PUBLIC
EDUCATION COMMITTEE

BILL ANALYSIS

| | | |
|---|---|---|
| California Integrated Waste Management Board | Author<br>McPherson | Bill Number<br>AB 1902 |
| Sponsor<br>Californians Against Waste | Related Bills | Date Amended<br>April 18, 1995 |

**BILL SUMMARY**

AB 1902 would require state government agencies to develop an integrated waste management program similar to those required to be adopted by local government agencies.

**BACKGROUND**

AB 1902 is similar to AB 3689 (Gotch) of 1992, which required state agencies to comply with the provisions of the Integrated Waste Management Act. This measure passed the Legislature, but was vetoed by Governor Wilson. The California Integrated Waste Management Board (CIWMB) supported AB 3689.

Governor Wilson's April 10, 1991 Executive Order W-7-91 requires all State agencies to implement a number of specific practices to reduce waste, reuse materials, recycle, and procure products made with recycled content to help reduce the amount of solid waste going to landfills. The CIWMB and the Department of Conservation (DOC) were also directed to conduct five waste audits at state agencies to determine waste reduction opportunities. The Department of General Services (DGS) is required to develop policies and guidelines for implementing the Executive Order and conduct ongoing educational and training sessions for state agencies, postsecondary education institutions, and local government procurement offices.

In June 1991, an Executive Task Force on Waste Reduction and Recycling was formed to implement the Executive Order. In January 1992, the Task Force sent an advisory report to the Governor detailing existing problems and making recommendations to solve these problems. Some of the recommendations in this report are similar to the legislation proposed in AB 1902.

Two bills from previous legislative Sessions mandated State procurement goals for recycled products, AB 4 (Eastin, Chapter 1094, Statutes of 1989) and AB 11 (Eastin, Chapter 960, Statutes of 1993). AB 4 set minimum goals for the procurement of recycled paper products by state agencies. AB 11 required all state agencies, if feasible, to establish purchasing

| | | |
|---|---|---|
| Departments That May Be Affected<br>All state agencies, departments, commissions and boards. | | |
| Committee Recommendation | Committee Chair | Date |

practices that ensure the purchase of materials, goods, and supplies which may be recycled or reused. In addition, AB 11 continued to use the procurement goals enacted by AB 4, but mandated mechanisms for purchasing recycled products to meet those goals. To help reach the goals, AB 11 implemented a pilot program, from January 1, 1994, to January 1, 1997, for funding price preferences for other recycled products using $225,000 from the Solid Waste Disposal Site Cleanup and Maintenance Account and $75,000 from the California Used Oil Recycling Fund.

**EXISTING LAW**

State Law:

1. Establishes a comprehensive program, administered by the CIWMB, for the management of solid waste in California;

2. Requires cities and counties to prepare, submit to the CIWMB for review, and implement plans for the diversion of 25% of solid waste disposed by 1995 and 50% by the year 2000; and

3. Establishes various recycled product purchase and procurement requirements for state agencies.

**ANALYSIS**

AB 1902 would:

1. Require each state agency, prior to April 1, 1996, to conduct a waste audit to determine the amount of solid waste that it generates and the amount that can be reduced, reused, and recycled;

2. Require each state agency, prior to October 1, 1996, to develop an integrated waste management program for reducing, reusing, and recycling solid waste;

3. Require each state agency to designate at least one waste coordinator who shall be responsible for implementing the agency's integrated waste management program;

4. Require the CIWMB to provide technical assistance to state agencies for the implementation of the bill;

5. Require each state agency, by January 1, 1997, to divert at least 25% of its wastestream from landfill or transformation facilities and, by the year 2000, to increase diversion to 50%;

6. Authorize each state agency to utilize previous initiated diversions to meet the bill's diversion requirements;

7. Mandate procedures to ensure that facilities for waste reduction are available to each

state agency; and

8. Define "state agency" as every state office, officer, department, division, board, commission or other agency of the state.

## COMMENTS

The purpose of the bill, according to the author, is to ensure that state government agencies do their fair share to contribute to California's recycling and waste reduction requirements. This bill is intended to provide a statutory framework within which state agencies may comply with the Integrated Waste Management Act.

Supporters state that recent litigation involving state agencies, private waste haulers and local governments has threatened to undermine efforts by local agencies to ensure that state facilities within their jurisdictions comply with waste reduction efforts. In addition, supporters note that local agencies may lose revenues if state agencies do not participate in efforts to reduce and recycle solid waste.

CIWMB staff suggests that AB 1902 be amended to ensure that the Board gets a copy of each state agency's audit.

## SUGGESTED AMENDMENTS

The Board may wish to consider the following amendment in order to ensure that the CIWMB gets a copy of each state agency's audit:

> On page 2, line 17, of the April 18, 1995, version of AB 1902, after the word "complete," add: and submit to the board ....

## LEGISLATIVE HISTORY

AB 1902 is a reintroduction of AB 3689 (Gotch), 1992 Session. Governor Wilson stated in his veto message on AB 3689 that the bill was duplicative of administrative efforts and it "does not offer state government the flexibility it needs to meet our challenging, yet realistic, recycling goals."

AB 1902 was introduced on February 24, 1995. The bill passed the Assembly Natural Resources Committee on April 3, 1995, with a 11-0 vote. AB 1902 is set to be heard before the Assembly Appropriations Committee on May 24, 1995.

Support: Californians Against Waste (CAW) (sponsor)
Norcal Solid Waste Systems
Planning and Conservation League

Opposition: None on file.

## FISCAL AND ECONOMIC IMPACT

There is no funding allocation in AB 1902. According to CIWMB budget staff, the Board would be required to provide technical assistance to state agencies for implementing the program, so there may be some realignment of duties which the Board would have to perform using existing resources.

Local agencies may lose revenues if state agencies do not participate in efforts to reduce or recycle solid waste.

Analyst: Barbara Peavy 255-2313

LEGISLATION AND PUBLIC
EDUCATION COMMITTEE

BILL ANALYSIS

| | Author | Bill Number |
|---|---|---|
| California Integrated Waste Management Board | Kelley | SB 205 |
| Sponsor | Related Bills | Date Amended |
| Pima Gro Systems, Inc. | | May 1, 1995 |

## BILL SUMMARY

SB 205 would, among other things related to waste discharge requirements prescribed by Regional Water Quality Control Boards (RWQCB), state that the waste discharge requirements prescribed by the RWQCB shall supersede regulations adopted by any other state agency to regulate sewage sludge and other biological solids.

## BACKGROUND

SB 205 was introduced at the request of Pima Gro Systems, Inc. which has been collecting biosolids from sewage treatment plants for beneficial use as a soil amendment and fertilizer. Pima Gro Systems, Inc. takes treated solids from publicly owned treatment works throughout the state and transports it for agricultural use as a soil amendment and fertilizer, thus avoiding disposal of the material in a landfill. Pima Gro Systems, Inc. also operates compost facilities that are currently subject to the California Integrated Waste Management Board's (CIWMB) recently adopted compost regulations.

The CIWMB's recently adopted compost regulations were developed based on the concept of a "tiered regulatory structure," with input from the regulated community, the public, and environmental groups. The tiered regulatory structure provides a flexible regulatory framework that provides the appropriate level of regulatory oversight for the type of composting activity being conducted so as to not unduly burden businesses with unnecessary regulation. Five different tiers were developed in the regulations, the highest tier being subject to the full solid waste facilities permit, and the lowest being an exclusion tier for backyard composters and similar activities that do require the regulatory oversight of a solid waste local enforcement agency (LEA).

In the placement of different types of activities into the tiers, much testimony was taken from various industry groups, including composters of sewage sludge such as publicly operated treatment works (POTW) and independent sewage sludge composters such as Pima Gro. Consideration was given to the level of regulatory control by other state and federal agencies.

| Departments That May Be Affected | | |
|---|---|---|
| State Water Resources Control Board, State Air Resources Board | | |
| Committee Recommendation | Committee Chair | Date |
| Forwarded without recommendation | | |

Accordingly, sewage sludge composters with less than 10,000 cubic yards of compost derived from Class B sewage sludge (Class B is a federal designation for sewage sludge that has undergone pathogen reduction) were slotted in the Registration tier (3rd tier) and are simply required to register the operation with the LEA and comply with the compost regulations; sewage sludge composters with over 10,000 cubic yards of compost derived from Class B sewage sludge, or any amount of compost derived from less than Class B grade sewage sludge, are subject to the Standardized Permit (2nd tier) and are required to obtain a permit that is subject to CIWMB approval.

## EXISTING LAW

State Law:

1. Requires the CIWMB to set forth minimum standards for solid waste handling, transfer, composting, transformation, and disposal that are not already regulated under the authority of the State Water Resources Control Board (pertaining to water quality) or the State Air Resources Control Board (pertaining to air quality). Under the solid waste management statutes the definition of solid waste includes dewatered, treated, or chemically fixed sewage sludge.

2. Requires the CIWMB to make a finding, prior to allowing diversion credit for sewage sludge, that the sewage sludge has been approved or permitted for its intended reuse by another regulatory agency having regulatory jurisdiction over its intended reuse.

Federal Law:

1. The Clean Water Act prescribes requirements for the use (as a soil amendment, fertilizer, etc.) and disposal of sewage sludge. The federal law establishes different levels of treatment which establish a standard to be followed for the use of sewage sludge as a soil amendment or fertilizer on certain types of agricultural crops.

## ANALYSIS

SB 205 would:

1. Require the RWQCB to give a 30-day notice of its intent to terminate a conditional waiver of waste discharge requirements unless the RWQCB determines that there is an immediate threat to public health or safety;

2. Require RWQCBs to prescribe general waste discharge requirements for discharges of dewatered, treated, or chemically fixed sewage sludge and other biological solids;

3. Require the person who submits an application for a permit under those general discharge requirements to reimburse the RWQCB for the reasonable costs that the RWQCB actually incurs in performing the duties required to issue the permit;

4. Allow the RWQCB to charge reasonable fee to cover the costs incurred by the board in the administration of the application process relating to the general waste discharge

requirements prescribed by the bill;

5. Require the general waste discharge requirements prescribed pursuant to the bill to incorporate the federal standards for the use and disposal of sewage sludge; and

6. Provide that the general waste discharge requirements prescribed by the RWQCB shall supersede regulations adopted by any other state agency to regulate sewage sludge and other biological solids.

**COMMENTS**

SB 205 would:

1 Eliminate the LEA's and the CIWMB's ability to regulate handling, composting, transformation, and disposal activities that include sewage sludge and thus leave a regulatory void for public health and safety and environmental issues unrelated to water quality regulations prescribed by the RWQCB's.

One example of the potential effect of this bill would be related to the disposal of sewage sludge at a solid waste landfill, which under this bill would appear to be regulated by RWQCBs only. Since the RWQCB's regulatory authority extends only to water quality issues, a regulatory void would exist in many other public health and safety and environmental aspects that are currently addressed through the solid waste regulatory structure, such as worker safety, odors, vector and rodent control. It is unclear what other impacts this language could have on other aspects of solid waste handling and disposal, such as traffic control, tonnage limits, etc.

Another example would be related to the compost regulations that were recently adopted by the CIWMB. Similar to the example cited above, the language of the bill would appear to severely restrict or eliminate the ability of a LEA or the CIWMB to regulate sewage sludge composting facilities, even if the sewage sludge portion of the feedstock represents a minimal contribution to the overall volume of feedstock processed, for the protection of public health and safety and the environment. It is also noted that compost regulations were developed and adopted with input from all parties interested in or affected by the composting regulations. Further, these regulations were adopted using a flexible "tiered regulatory approach" that establishes separate regulatory tiers for different types of compost facilities based on the appropriate level of regulatory control necessary to protect public health and safety and the environment.

During the development of the CIWMB's tiered compost regulations, operators of publicly operated treatment works (POTW) who compost sewage sludge on-site, commented that this activity at a POTW should not be regulated by the CIWMB because of the other permits required by other state agencies, specifically waste discharge requirements by the RWQCBs. The CIWMB acknowledged this point and suggested that discussions take place with the SWRCB and RWQCBs to determine how concerns, other than those related to water quality, could be incorporated into a POTW's waste discharge permit for a composting operation. The language in this bill

extends far beyond these public discussions held in the latter part of 1994 and 1995.

2. Eliminate the handling or land application of sewage sludge from the Board's consideration during the upcoming consideration of a flexible regulatory tier structure for solid waste facilities and operations that are not compost facilities.

3. Require the RWQCBs to include federal use and disposal standards within the general waste discharge requirements prescribed by the bill, thus requiring RWQCBs to regulate non-water quality aspects of the handling, use, and disposal of sewage sludge. This approach would be contrary to AB 1220 which was to establish regulations related to solid waste that eliminates overlap and duplication between the SWRCB and CIWMB. In enacting AB 1220 (Ch. 656, Stats. 1993) the Legislature recognized that regulatory authority for water quality should be maintained by the SWRCB and RWQCBs, and that operational aspects of the handling, use, and disposal of sewage sludge are appropriately maintained by the CIWMB, and that regulations be adopted by both agencies that clearly delineate each agencies regulatory authority.

4. Establish a waste stream specific permit process that is contrary to recent efforts to streamline the permitting process in California. This bill would be contrary to SB 1185 (Ch. 419, Stats. 1993), a Cal-EPA-sponsored measure, which provided a mechanism where permit applicants can obtain multiple permits through a "consolidated permit agency". The permit process established by SB 1185 was developed by Cal-EPA after much consideration of various alternatives to speeding up the permit process in California. It was determined that consolidating the permitting agencies under a single agency would be more efficient than establishing waste stream specific, or project type specific, permitting systems since the multitude of various permits that would be issued under such an approach would further disjoint the permit process in California. By establishing a waste stream specific permitting process this bill is contrary to the provisions of SB 1185.

5. Eliminate the CIWMB's authority to properly verify the intended reuse of sewage sludge for the purposes of allowing a diversion credit under the Integrated Waste Management Act. This provision of law was established to ensure that sewage sludge diverted from disposal, and for which diversion credit is claimed, meets the public health and safety standards necessary for its intended reuse.

6. It may be appropriate to consider suggesting amendments that would not supersede all regulations adopted by the CIWMB, or any other state agency, that are not related to water quality. A more appropriate approach might be to suggest that the bill be amended to codify, in the form of a legislatively mandated report, the CIWMB's direction to staff during the development of the compost facility regulations - which was to begin discussions with the California Air Resources Board (ARB), SWRCB and RWQCBs to determine how public health and safety and environmental concerns unrelated to water quality could be incorporated into a waste discharge permit. Alternatively, the language of the bill could be amended to ensure that a clear division of authority is maintained in regulations adopted by the ARB, SWRCB, and CIWMB relative to sewage sludge.

## SUGGESTED AMENDMENTS

The Board may wish to consider suggesting the following amendments:

1. Amend the bill to state that the general waste discharge requirements prescribed by the SWRCB and this bill would only supersede regulations adopted by any other state agency related to water quality, as follows:

2. Amend the bill to delete the exemption from all other agencies' regulations and replace it with language that would require the ARB, SWRCB, and CIWMB to maintain a clear division of regulatory authority in their respective regulations that relate to sewage sludge, as follows:

## LEGISLATIVE HISTORY

SB 205 was introduced on February 6, 1995, passed the Senate Committee on Agriculture and Water Resources (10-0) on March 21, 1995, passed the Senate Appropriations Committee (10-0) on April 24, 1995, passed the Senate Floor (39-0) on May 4, 1995, and has been referred to the Assembly Committee on Water, Parks, and Wildlife (no hearing date set).

Support: Association of California Water Agencies

Oppose: None on file

## FISCAL AND ECONOMIC IMPACT

SB 205 would not have a fiscal impact on the CIWMB.

SB 205 could have a small economic benefit to sewage sludge compost facility operators who may realize some cost savings in solid waste facility permitting compliance costs. However, it should be noted that permitting and compliance costs should be reduced under the CIWMB's tiered regulations for solid waste facilities and compost facilities which apply only the appropriate level of regulatory oversight necessary to protect the public health and safety and the environment.

Analyst: Ross Warren 255-2415

**SUGGESTED AMENDMENTS TO SB 205 (KELLEY)**
**(AS AMENDED MAY 1, 1995):**

1. (e) Notwithstanding any other provision of law, general waste discharge requirements prescribed by a regional board pursuant to this section supersede regulations adopted by any other state agency to regulate sewage sludge and other biological solids as those regulations relate to water quality.

2. (e) The regulations implementing this section shall ensure a clear division of regulatory authority is maintained between the State Air Resources Board, California Integrated Waste Management Board, state board, and regional boards, are maintained with respect to sewage sludge and other biological solids. ~~Notwithstanding any other provision of law, general waste discharge requirements prescribed by a regional board pursuant to this section supersede regulations adopted by any other state agency to regulate sewage sludge and other biological solids.~~

LEGISLATION AND PUBLIC
EDUCATION COMMITTEE

BILL ANALYSIS

| California Integrated Waste Management Board | Author<br>Leslie | Bill Number<br>SB 426 |
|---|---|---|
| Sponsor<br>Author | Related Bills<br>AB 227 (Sher) | Date Amended<br>May 15, 1995 |

## BILL SUMMARY

SB 426 would repeal the definitions contained within the existing Green Marketing Law. Additionally, SB 426 would provide that it is unlawful for a person to make any untruthful, deceptive, or misleading environmental marketing claim about a product or package sold or offer for sale in California that does not meet or exceed the *Guides for Use of Environmental Market Claims,* published by the Federal Trade Commission (FTC) on July 27, 1992.

## BACKGROUND

SB 426 is related to AB 227 (Sher), an urgency measure, which would have revised the current definition of recyclable contained in California's environmental advertising ("Green Marketing") law. AB 227 failed passage in the Assembly Consumer Protection, Governmental Efficiency, and Economic Development Committee on April 18, 1995. The CIWMB adopted a support position on AB 227.

Assemblyman Sher has introduced similar measures during the past four years (AB 1112 in 1993, AB 2496 in 1992, AB 144 in 1991, and AB 3994 in 1990). All these measures failed passage in the Legislature. The Legislation and Public Affairs Committee adopted a support position on AB 1112 of last year and AB 227 of this year, as did the full Board. The CIWMB has previously supported all of these measures.

The existing Green Marketing law restricts the use of such terms as "recyclable," "ozone friendly," or "biodegradable." A group of ten industry and advertising trade associations sued the State of California over implementation of these provisions, claiming the law violated the right of free speech of advertisers. A ruling by the U.S. District Court (December 24, 1992) upheld the state law, but struck down the term "recyclable" as too vague.

| Departments That May Be Affected<br><br>Trade and Commerce Agency | | |
|---|---|---|
| Committee Recommendation<br>Oppose | Committee Chair | Date |

## EXISTING LAW

State Law:

1. Makes it unlawful for any person to represent that any consumer good, as defined, that it manufactures or distributes is ozone friendly, biodegradable, photodegradable, recyclable, or recycled, unless that consumer good meets specified definitions in state law or definitions established in trade rules adopted by the FTC;

2. Requires a person who represents that a consumer good it manufactures or distributes is not harmful to, or is beneficial to the natural environment through the use of specified environmental terms, to maintain written records and documentation supporting the validity of that representation, and to provide that information upon request; and

3. Makes it a misdemeanor, subject to criminal and civil penalties, if this law is broken.

## ANALYSIS

SB 426 would:

1. Repeal existing state environmental advertising provisions (#1 above) relating to specified definitions; and

2. Provide that it is unlawful for a person to make an environmental market claim, whether explicit or implied, that does not meet or exceed the requirements for substantiation or is not consistent with the examples contained in the *Guides for Use of Environmental Marketing Claims*, established by the FTC, or is identified as a deceptive claim by those guidelines.

## COMMENTS

Proponents argue that since the adoption of the California environmental advertising law (AB 3994 Sher, Chapter 1413, Statutes of 1990), there have been problems with the vagueness of its definition of recyclable, which requires that a product can be conveniently recycled in every county in California with a population over 300,000. Because of an appellate court decision (U.S. District Court, December 24, 1992), this provision has been declared to be constitutionally vague and unenforceable. Despite several legislative attempts to enact a constitutionally acceptable definition, no agreement has ever been reached by proponents of the original law and industry.

Proponents prefer the enforceable federal standards, which were developed by the FTC in 1992 after the enactment of the California standards. Since advertising claims are printed on the outside of containers of products that are shipped to many or all states, proponents argue that it is more reasonable to have one nationwide standard to meet.

The FTC guides contain general standards regarding advertising that make general environmental benefit claims, that use terms such as recyclable, compostable, degradable, biodegradable, ozone safe or ozone friendly, or claims relating to recycled content, or source reduction (for solid waste). The FTC guides contain several examples that explain what types of advertising fall within this standard and what considerations are involved in meeting the standards. More pertinent to California, the FTC guide for use of the term "recyclable" states that a product or package should not be marketed as recyclable unless it can be collected, separated or otherwise recovered from the solid wastestream for subsequent use. Claims of recyclability should be qualified to the extent necessary to avoid consumer deception about any limited availability of recycling programs and collection sites.

According to FTC staff, no regulations have been developed from the guides. The FTC has enforcement powers through Section 5 of the FTC regulations. Using these enforcement powers, the FTC has brought actions against manufacturers who have made erroneous environmental benefit claims and the manufacturers have complied with the FTC guides. The FTC guides are up for review this summer.

However, the CIWMB staff has expressed concern that FTC guides do not really provide any definitive standards. The guides are very general in nature and do not provide any threshold data. Lack of threshold data or standards may lead to disparity between claims by manufacturers. Therefore, two different companies can claim that they have recyclable products, while one may be marginally recyclable and the other commonly recyclable. The CIWMB staff are concerned that the FTC guides do not provide manufacturers with any incentives to outperform their competitors. The intent of the FTC guides is based upon the proposition that details, such as developing a legal process, will be established over time, on a case by case basis.

## LEGISLATIVE HISTORY

SB 426 was introduced on February 15, 1995. This measure passed the Senate Business and Professions Committee (6-3) on March 27, 1995, passed the Senate Appropriations Committee (18-0) on April 24, 1995, and is currently on the Senate Floor awaiting vote.

Support:
- American Forest and Paper Association
- California League of Food Processors (CLFP)
- Mead Corporation
- Weyerhaeuser Company
- Jefferson Smurfit Corporation and Container Company
- Kraft Foods, Inc.
- California Grocers Association
- California Chamber of Commerce
- American Electronics Association
- Grocery Manufacturers of America
- Simpson Paper Company
- American Forest and Paper Association

Opposition: None on file.

**FISCAL AND ECONOMIC IMPACT**

SB 426 would have no fiscal impact on the CIWMB and its programs.

SB 426 contains a crimes and infractions local cost reimbursement disclaimer. This bill would be beneficial to manufacturers because they would have only one environmental advertising standard to meet -- the FTC guides. However, enactment of this legislation could have an economic impact because a product or packaging could be marketed as recyclable, when it does not meet the California standards for recyclable (i.e., that it can be collected, separated or otherwise recovered from the solid wastetream).

Analyst: Barbara Peavy 255-2313

LEGISLATION AND PUBLIC
EDUCATION COMMITTEE

BILL ANALYSIS

| California Integrated Waste Management Board | Author<br>Killea | Bill Number<br>SB 1174 |
|---|---|---|
| Sponsor<br>Steel Recycling Institute | Related Bills<br>AB 826 (Sher) | Date Amended<br>As Introduced |

## BILL SUMMARY

SB 1174 would add "steel" to the list of recycled products and materials approved by the state for purchase by state agencies and the Legislature as "recycled content" products.

## BACKGROUND

SB 1174 is similar to AB 826 (Sher), of the 1995-96 Legislative Session. AB 826 would include products made with fly ash, and flat steel products with specified percentages of total weight consisting of secondary and postconsumer material, within the definition of recycled products required to be purchased by state agencies and the Legislature. AB 826 was set to be heard before the Assembly Consumer Protection, Governmental Efficiency, and Economic Development Committee on April 18, 1995. The hearing was canceled at the request of the author. The CIWMB does not have a position on AB 826.

When AB 4 was enacted (Eastin, Chapter 1094, Statutes of 1989) and later amended by AB 11 (Eastin, Chapter 960, Statutes of 1993), steel was not included as a material that could count toward the mandated recycled content purchases by state agencies. At that time, materials that were given focus were those that were currently being disposed in the state's landfills. They were also the wastes that were being diverted in very low numbers; i.e., tires, compost and a variety of paper products. The intent of this original and amended act was to have State agencies do their part in increasing the markets for materials that were being collected by local governments. The area where markets needed best stimulation was, again, for the materials being diverted at very low rates.

## EXISTING LAW

State Law:

1. Requires state procurement agencies and the Legislature to give a purchasing

| Departments That May Be Affected<br>All state agencies and the State Legislature | | |
|---|---|---|
| Committee Recommendation<br>Forward to Board without recommendation. | Committee Chair | Date |

preference for recycled products;

2. Establishes minimum goals, as specified, for recycled paper products and other recycled commodities (e.g., oil, glass, plastic, tires, solvents) by state procurement agencies and the Legislature; and

3. Requires contractors doing business with state agencies and the Legislature, in cases where a recycled product costs more than the same product made with virgin material, to purchase, if feasible, fewer of the more costly products, or else apply cost savings gained from buying other recycled products toward the purchase of those more costly products to meet the waste diversion requirements of the California Integrated Waste Management Act.

**ANALYSIS**

SB 1174 would:

1. Add "steel" to the list of recycled products and materials approved by the state for purchase by state agencies and the Legislature as "recycled content" products;

2. Subject steel products to existing contractor certification requirements relative to percentage of postconsumer and secondary material provided or used; and

3. Provide that "recycled product" also means other flat rolled steel products no less than 25% of the total weight of which consists of secondary and postconsumer material, with no less than 10% of total weight consisting of postconsumer material. Products made with flat, rolled steel meeting these content percentages include, but are not limited to, automobiles, cans, appliances, and office furniture and supplies.

**COMMENTS**

This bill would add "steel products" to the list of recycled products and materials approved by the state in the Public Contract Code for purchase by state agencies and the Legislature.

The purpose of the bill, according to the sponsor, is to promote recycling and increase agency flexibility in meeting the state's recycled product purchasing goals. Proponents of SB 1174 indicate that all steel products contain some recycled content. Flat steel products, such as cans and office furniture, contain 25% recycled content on average when made with North American steel. Other steel products, such as the steel rebar used to reinforce concrete bridges or structural beams used in office buildings, are made with 100% recycled steel. In addition, proponents point out that all steel products are infinitely recyclable and can be recycled into a variety of steel products repeatedly.

Steel, with much deserved credit to the industry, has been recycled at a very high rate for a long time. As a result, a low percentage of these materials are disposed in landfills. Because

this market is well established, little intervention is required by government to improve it.

If SB 1174 was enacted, state agencies would have an additional material to credit toward meeting its mandated recycled product purchases requirement of 50% of all state purchases by the year 2000. Based on the limited research done by the CIWMB staff, it will probably make the achievement of the overall goal much easier, since metal products are frequently purchased, at a very high dollar value (which goals are measured against), and are readily available. State agencies with the ability to get credit for steel may not give priority to purchasing materials where markets need the greatest development. However, increased purchases of metal products will not directly assist local governments to develop the needed market for the materials they are now collecting: mixed paper, compost, and construction and demolition materials.

In addition, SB 1174 , as written, seems to be giving steel a lesser postconsumer content requirement than other recycled content materials. To qualify as a recycled content product, most materials must have at least 10% postconsumer waste and overall combined content of 50% for postconsumer and secondary waste. This bill will weaken that requirement to a 25% combined requirement for both postconsumer and secondary wastes. This could indicate that steel is a material that may not have a significant potential in diverting postconsumer waste from landfills.

## LEGISLATIVE HISTORY

SB 1174 was introduced on February 24, 1995. The bill passed the Senate Governmental Organization Committee (10-0) on April 4, 1995 and the Senate Appropriations Committee (18-0) on April 24, 1995. SB 1174 passed the Senate Floor (39-0) on May 4, 1995.
SB 1174 has been referred to the Assembly Consumer Protection, Governmental Efficiency, and Economic Development Committee. No hearing date has been set.

Support: Steel Recycling Institute (sponsor)

Opposition: None on file.

## FISCAL AND ECONOMIC IMPACT

SB 1174 would have no fiscal impact on the CIWMB and its programs.

However, enactment of this legislation could greatly affect the state-mandated procurement goals that were to be the mechanisms to initiate and encourage recycling markets. State agencies would have an additional material to credit toward meeting the state-mandated recycled product purchases requirement of 50%. Thus, the state could purchase fewer recycled products such as tires, compost and a variety of paper products and still meet those goals.

Analyst: Barbara Peavy 255-2313