

# Questions and Answers

## Full Solid Waste Facility Permit Application

This document was developed to provide answers to questions about completing the Full Solid Waste Facility Permit application form E-177 for submittal to the Local Enforcement Agency and the California Integrated Waste Management Board.

### 1. Question

#### General

If a permit application came in before December 2004, but the application is rejected does the LEA ask the operator to fill out the new application form or is the old permit application adequate?

#### Answer

The new application form must be used for applications received on or after January 1, 2005.

### 2. Question

#### General

If the applicant is submitting an application for permit review and nothing has changed at the disposal facility can the LEA accept an application that does not have every box or date filled in?

#### Answer

As indicated by the instruction to the "All applications must be filled our completely". This means every applicable question must be addressed, every date filled in, etc. For disposal facilities capacity information must be updated even if there are no changes in operation.

### 3. Question

#### General

Relative to RFI Amendments, 27 CCR section 21665 (a) states, "The submittal shall contain only those items listed in §21570(f) that have changed, are proposed for change or as otherwise specified by the EA." Is a complete application package required to be submitted or can the application Package contain only those items that are applicable to the change(s)?

#### Answer

A complete application package containing only those parts that have changed or are proposed to change can be submitted. The application form must be completely filled out. An application form that is not completely filled out would not comply with the regulations for completing the application and would need to be found incomplete by the LEA. The application and the instructions for completing the application are in regulation; the forms must be completed as directed in the instructions, which in part states: "All application forms must be filled out completely."

### 4. Question

#### Part 1 C

Under Part 1 sub section c, does the "amendment of application" replace, or supersede, a previously submitted application?

#### Answer

The "amendment of application" supersedes the previously submitted application. However, there are different scenarios that can take place and affect the timelines as follows:

If an operator submits an amendment to an application previously sent to an LEA, the LEA has 20 days to review the change and determine if the change fundamentally alters the application in which case the EA can consider this a new application and take another 30 days to review the application and make a determination of complete and correctness. Or

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with the same scenario, if the change is minor, the LEA may be able to keep the original timeframes and the amended application supersedes the original application. If the change is major, the amended application supersedes the original application. If an amended application is received after a determination has been made on the first application, the amended application supersedes the previous application and the changed information is incorporated into the process. This is outlined in Title 27 section 21655(a)

#### **5. Question**

##### **Part 1(C)(5)**

Title 27, Section 21610 and the Application Form CIWMB E-177 (8-04) instructions state that you can amend the application. When does an applicant amend an application?

##### **Answer**

An applicant uses an amended application form when the information that is contained in the original application form has changed. An amended application is a completely new application form filled out completely.

The use of Title 27, Section 21610 is only for new or revised permit application packages. Title 27, Section 21610 states that at any time after the application package has been submitted and before issuance or denial of the permit or alteration thereof, the applicant shall promptly notify the EA of any changes in any of the information required in the application package. Such notice shall be given by filing two copies of the amendments to the application within seven days of the applicant's first knowledge of the changes. For processing additions, revisions or amendments to the proposed permit and accompanying documents, refer to section 21685(d).

#### **6. Question**

##### **Part 1(C)**

This part of the application states "check one box only," however, an operator is required to submit any RFI amendment with an application for permit review. Does this mean that an operator should submit two separate applications (one for permit review and one for RFI Amendment) when they apply for a permit review with RFI amendments? Or should the operator wait until the permit review is complete and then submit an application for RFI amendment?

##### **Answer**

Because of the different time frames and outcomes required for each, the intent is that only one box is checked for each of those actions listed in this section.

A five year review is required to be completed within 150 days from the date the application is received. An RFI amendment is required to be completed within 30 days.

- In a 5 year review, the LEA is required to review all the information on the site, including but not limited to, RFI updates, permits, inspection reports, etc. Therefore, RFI updates are only a small part of the information that is reviewed. It is possible that at the conclusion of the review the LEA determines that additional information is needed that has not been provided in the RFI updates.
- During an RFI amendment, the LEA only reviews the amendment to determine if changes proposed in the updates meet the requirements established Title 27, section 21665 (c). If so, the RFI amendments can be approved, if not, the amendment is rejected and the operator is directed to submit an application for a revision. A review is completed to determine if there have been any changes in the design or operation of the facility since the last permit issuance. The conclusion of the review is a report which will identify any changes and what action is needed to approve those changes.

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The operator should wait until the permit review is complete and then, depending on the LEA determination, submit the appropriate application. Therefore, the process is as follows:

- The operator applies for the five year review.
- The permit review application package may include new suggested amendments to the RFI (this is not considered an application for RFI amendment).
- The LEA reviews the permit review application package submittal.
- The LEA makes a determination.
- If the LEA finds after the permit review that the submitted amendment to the RFI can be approved as an RFI amendment, the LEA will require the operator to apply for an RFI amendment and include the previously suggested amendments as part of the RFI amendment application.
- If the LEA finds that the suggested amendment require a permit revision, the LEA requires the operator to apply for a revision of SWFP and include the previously suggested amendments as part of the submitted permit revision application package.

So two applications are used, but the permit review comes first, the LEA makes a determination, and then the operator either submits a permit revision or a RFI amendment application.

#### **7. Question**

##### **Part 1(C)**

The new application form has omitted the box for a change in owner/operator etc on the first page. What box does the applicant check in Part 1, C for a change in owner operator etc.?

##### **Answer**

The applicant will check box #6 and provide additional information regarding the change in owner/operator in Part 3, (A) (3). If this is the only change then all other boxes need not be filled in.

#### **8. Question**

##### **Part 2(B)(2)**

How much detail is really needed for the Lat/Long information? Some find it hard to get down to seconds. Also, how should a combined site be identified on Lat/Long, i.e., a landfill with a transfer station or compost site under one permit?

##### **Answer**

The Lat/Long information was added to the application form to assist with obtaining accurate facility location information. To meet the needs of our database users throughout the state and world, accurate latitude and longitude information is extremely important.

Lat/Long information can be determined from various sources, including the DeLorme Street Atlas, TerraServer, or other similar geographic information systems that can get down to the second.

As stated in the instructions for completing the application, when there are two or more facilities, which includes a landfill, operating under one permit the GPS reading should be taken at the center of the waste foot print. As the facility receives more waste over time, the landfill disposal footprint may laterally change, therefore, Lat/Long readings should be taken periodically, or at the time of each SWFP application submittal, i.e., permit review or permit revision.

When there are two or more facilities operating under one permit, e.g., transfer station and composting facility, the GPS reading should be taken at the office or gate.

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When there are two facilities adjacent to each other operating under separate permits, e.g., landfill and transfer station, the GPS reading must be taken separately. The landfill reading should be taken at the center of the waste footprint, and the transfer station should be taken at the gate or office.

### **9. Question**

#### **Part 2(B)(3)**

The directions for this part request a map, where does the map or sketch go? Does the applicant attach it to the application form?

#### **Answer**

The applicant can attach it to the form or reference its location in the RFI.

### **10. Question**

#### **Part 2(C)**

What are the types of disposal and compostable material handling activities?

#### **Answer**

Types of disposal facilities include: municipal solid waste (MSW), tire mono-fill, and construction demolition and inert debris waste disposal facility.

Types of compostable material handling facilities include: green material, MSW, biosolids, and compostable material chipping and grinding. The instructions provide additional detail.

### **11. Question**

#### **Part 2(C)(4)**

What is the "Check here if recyclable materials....." referring to?

#### **Answer**

This section is included for data collection purposes only. The regulations request the operator to check the box if recyclable materials are recovered at the facility prior to transfer/processing. This data will be used to identify sites that carry out recycling activities.

### **12. Question**

#### **Part 2(C)(5)**

What are some examples of the types of facilities that might be entered in the "Other" box?

#### **Answer**

Boxes in Part 2 (C) 1-4 are the main types of solid waste facilities, the "other" box in Part 2 (C) (5) would include any solid waste facility that is not already listed. Please see the instructions.

### **13. Question**

#### **Part 2(D)**

Is a Nondisposal Facility Element the same as a NDFE?

#### **Answer**

Yes.

### **14. Question**

#### **Part 2(D)(1)**

What if the facility is identified in both the County and the City NDFE?

#### **Answer**

For purposes of the solid waste facility permit the host jurisdiction's NDFE reference is preferred. If the facility is located in a city it should be included in the cities NDFE, if the

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facility is located in the unincorporated area of the county it should be in the county wide NDFE.

### **15. Question**

#### **Part 2(E)**

What type of wastes would be considered C&D, but not inert? Are there any liquid wastes acceptable at landfills?

#### **Answer**

"Inert" was added to the form to reflect the approval of the C&D and inert debris regulations that were effective in February 2004. Abbreviated definitions of the various waste types, including C&D, inert, and liquid, listed in the application are summarized in the instructions for completing the application. However, C&D debris and inert debris are defined in 14 CCR Section 17381 (e) & (k) and Section 17388 (c) & (k) respectively.

"Liquid waste" is defined in 27 CCR Section 20164. Liquid waste may be accepted at a landfill if the WDRs and the SWFP allow for the acceptance of such waste.

### **16. Question**

#### **Part 2(E)**

If a transfer station accepts green waste for transfer/disposal does the operator just check the box 12 in Part 2.E or do they need to check box 5 also. Is Box 5 specific for composting facilities

#### **Answer**

Box 5 is not just for composting facilities. If the applicant is taking a separated waste stream of green waste then box 5 should be checked. If the material received is a mixture of green waste mixed and MSW, then it is considered MSW and only box 12 should be checked.

### **17. Question**

#### **Part 3(B)**

What information should be provided in Part 3, Section B, "Facility Information"? The information that reflects current operations or the new information that the operator intends to change?

#### **Answer**

Part 3, Section B, "Facility Information" should contain the new information that the operator intends to change. If some aspects are not changing then the current information should be included. All blanks need to be filled in with either the change information or the current information.

### **18. Question**

#### **Part 3(B)(1)(a)**

What number is Part 3 B.1.a. of the application form - "peak daily tonnage" and B.1.a.2. "other" referring to?

#### **Answer**

Peak Daily Tonnage or Cubic Yards- everything through the gate would be listed in this line. This section was modified to make clear that the maximum amount of waste and material received through the gate includes all material and waste that is stored, processed, disposed, recycled, or used for beneficial use such as ADC or other on-site projects. In the past, there has been inconsistency and confusion on what peak total tonnage meant and what counted. The tonnage has also been separated by categories to clearly identify how the tonnages are dispersed at the solid waste facility. All waste and material that enters the site is to be included on this line. As indicated in the Application Instructions, this number

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would be the "permitted maximum tonnage" and considered the facility maximum tonnage limit.

1. Disposal/Transfer: The amount of material that comes through the gate and is disposed of on-site or transferred off site as waste; and
2. Other: That amount of material that is recycled or used for beneficial use such as ADC or other on-site projects. Note: 1 and 2 should equal the peak daily tonnage or cubic yards.

### 19. Question

#### Part 3(B)(1)(d)

Is the "Peak Traffic Volume Per Day (VPD) only for vehicles entering the facility?

#### Answer

Yes, the VPD is only for vehicles entering the facility. The instructions give additional information.

### 20. Question

#### Part 3(B)(3)(b,c,d,&e)

Does the site capacity include cover?

#### Answer

Yes, as the capacity is the total available air space includes waste and materials, cover and final cover, everything that fills the total air space. Please refer to the directions for more information on these sections.

### 21. Question

#### Part 3(B)(3)(f)

The instructions require "The date as of which the remaining and used site capacities in Part 3 were determined. This date may predate the application date by no more than three months. Amendments of the application including more current capacities may be required." What does this mean? Does this mean a new site capacity survey has to be prepared if the date of the last survey predated the application by three months or more?

#### Answer

The requirement is for the applicant to prepare and submit current estimated capacity information, i.e., information that was no more than three months old as of the date of the application. The **Instructions Part 6. List of Attachments** specify that, for disposal sites permitted for more than 20 tons per day, a ground or aerial survey is to be prepared at least every five years.

Using a ground or aerial site survey that is no more than five years old, the applicant is required to estimate site capacity information to be included in the permit application that is no more than three months old. **Instruction Part 3.B.3.f** requires the applicant document the date the remaining capacity was determined and that date may not predate the application by more than three months. It also states that amendments to the application including more current capacities may be required. For example, if the application is dated 1/1/05 and includes capacity estimates dated 12/1/04, an amendment to the capacity information is required if the application is not accepted by 3/1/05 (the date after which the capacity information would be aged by more than three months).

If the site capacity information submitted is not directly from a current site physical site survey, but is an estimate based on an older (less than five-years-old) survey, the applicant must explain how the estimate was obtained. They needn't go into a lot of detail, but it

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should be reasonable. For example, they may state that they used tonnage information from their scales and converted it to in-place volume using an air space utilization factor of 0.45 (That took less than 20 words to explain a reasonable methodology). If there are no scales, they may say that they used vehicle counts by vehicle type to estimate volume received, and then applied waste density and waste-to-cover factors to determine volume received since the last survey or estimate. They may say that they did an informal site survey using GPS elevations. All of these examples are reasonable.

### 22. Question

#### Part 3(B)(3)(f)

27 CCR 21570(f)(10) requires the following "Survey results must be submitted as a CADD or vector graphics data file including at least two strata, i.e., 1) a stratum showing the base and finished ground surfaces, and 2) a stratum showing the existing and finished ground surfaces. For disposal sites where a change in permitted volume is proposed, a third stratum showing the base and proposed finished ground surfaces must be included. For each stratum the following information shall be included: site name, stratum name, surface1 name, surface2 name, volume calculation method (grid, composite, section), expansion (cut) factor, compaction (fill) factor, cut volume, fill volume and net volume. All volumes shall be reported in cubic yards. If the base ground surface is uncertain, the operator is allowed to provide the best available information as a substitute for the actual as-built contours. If selecting this substitute method, the operator must provide an explanation of the basis for using the substitute base ground surface."

How are the survey results supposed to be submitted?

#### Answer

Per the regulation, the CADD project data file is to be submitted on some unspecified form of electronic media, e.g., CD, DVD, tape etc. In addition, certain data items derived from the project file should be submitted as a site survey volume calculation summary. An example of how that could be done is shown in the table below:

#### Site Survey Volume Calculation Summary – XYZ Disposal Site (59-AA-0001)

Date of Survey: February 28, 2005

Volumes (cubic yards)	Stratum 1 – Base and Current Ground Surfaces	Stratum 2 – Base and Approved Finished Ground Surfaces	Stratum 3 (expansion only) – Base and Proposed Finished Ground Surfaces
Calculation Method			
Compaction Factor			
Expansion Factor			
Fill Volume			
Cut Volume			
Net Volume			

In this example, the stratum names are "Stratum 1", "Stratum 2" and "Stratum 3". The surface names for Stratum 1 are Base (surface1 name) and Current Ground (surface2 name). The other surfaces names are similarly described. The other required data items are obvious.

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This Site Survey Volume Calculation Summary is an important part of the permit application submittal. Whenever a new site survey is required as part of the permit application, the LEA should verify that not only has the CADD project data file been submitted with the permit application, but that the Site Survey Volume Calculation Summary has also been included.

If there hasn't been a new site survey since the last permit application, there is no need to submit the same information again, provided that the last site survey is not more than five years old at the time of the permit application. The applicant should, instead of resubmitting the same information again, simply state that site survey information was submitted with the previous permit application and that a new survey has not been undertaken since that last permit application.

### **23. Question**

#### **Part 3(B)(3)(k)(1).**

What if the operator does not know the in-place waste density?

#### **Answer**

If the operator does not know the in-place density then an estimated density should be submitted. Any assumptions the operator used to develop the estimate should be provided with the application.

### **24. Question**

#### **Part 4(C)(3)**

In Part 4. Source of Water Supply, to what is "state permit or license number" (if applicable) referring? It appears that this permit or license is something other than the Stormwater Permit and the NPDES Permit, since that information is captured in Part 6. List of Attachments.

In the Final Statement of Reasons an explanation is provide that indicates that "this term was added with concurrence from the SWRCB to assist in determining if a state permit or license has been granted for the facility."

#### **Answer**

Part 4. Source of Water Supply

This section applies to any facility that may use water on site, such as for dust control, fire, etc.

- If the water source comes from pipes provided by the city or county then box "A" is checked and the line is filled in.

If the surface water supply comes from a stream, lake, etc., then box "C" is checked. Numbers 1 - 3 apply.

### **25. Question**

**27 CCR 21570(f)(10)(C)** – defines the "**compaction (fill) factor**" - the factor used to correct for expected compaction of fill material; this factor should normally be unity (one); if the factor is not unity (one), an explanation must be provided for the basis of the volumetric correction; . . .". How does the applicant account for settlement that was expected to occur after the current site survey?

#### **Answer**

It isn't necessary to account for subsequent settlement because the next site survey would automatically account for any settlement that occurred between surveys. If it is important for the applicant to estimate additional capacity volume due to settlement between surveys,

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the **Compaction (Fill) Factor** (27 CCR 21570(f)(10)(C)) should be used. That factor is used to correct volume for expected compaction of fill material, but should normally be unity (one) because any settlement will be automatically accounted for in the next site survey. The regulations don't prohibit the use of a compaction factor, but clearly states that if the factor is not unity (one) the applicant must provide the basis for use of another number. "Basis" means an explanation of why they chose a particular non-unity, compaction factor.

#### **26. Question**

##### **Part 5(A) and Part 6(A).**

What if the lead agency prepared a supplemental document?

##### **Answer**

For purpose of the application, a Supplemental Environmental Impact Report (EIR) or Subsequent EIR or Subsequent Negative Declaration should be listed as EIRs or Negative Declarations, therefore the applicant would check the box for Environmental Impact Report or Negative Declaration and list the State Clearinghouse Number (SCH#).

#### **27. Question**

##### **Part 6(A)**

What is a mitigation monitoring implementation schedule?

##### **Answer**

When adopting or certifying a CEQA document that includes mitigations the lead agency must also adopt a program for reporting or monitoring mitigation measures that were adopted or made conditions of the project approval. A Mitigation Monitoring Implementation Schedule is a schedule approved by the lead agency that indicates what timing and circumstance monitoring will occur and by whom. The schedule could be a matrix, listing or in another summary form.

#### **28. Question**

##### **Part 6(A)**

In Part 6 it has a box labeled RFI/JTD and it mentions that the items are required for all application submittals. For permit reviews the regulations refer to 21570 (f) which states that only those things that have changed need updating. If there have been no changes in operations does the operator need to submit another copy of the RFI for the site when the LEA already has a similar copy in their files?

##### **Answer**

If the facility is a non-disposal facility and there are no changes in operations the operator can include the date of the last RFI and does not have to submit a copy as the LEA has it on file. For disposal facilities part of the 5-year review for disposal facilities 27 CCR 21640 (b) requires new capacity information to be submitted. Therefore, at a minimum, submittal of the new capacity information as a change page to the RFI would be required.

#### **29. Question**

##### **Part 6(C)**

Part 6, Section C. Dept. of Health Services Permit. Is this referring to California Dept. of Health Services? And what type of Permit? Could this permit be a Medical Waste Treatment Permit?

##### **Answer**

This reference appeared in the previous version of the permit application form. This section is referring to a permit from the State Department of Health Services. The type of

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permit from Health Services will depend on the activity the applicant is engaged in, however this is not referring to the off-site treatment of medical waste permit unless that activity is occurring at the solid waste facility. Further information regarding medical waste can be found at [MedWasteinfo@dhs.ca.gov](mailto:MedWasteinfo@dhs.ca.gov)

### **30. Question**

#### **Part 7**

In Part 7 it has SSN or Tax ID #. For a city owned/operated site does the operator need to put his social security number. What if they for whatever reason don't have tax ID #? Can they put N/A here?

#### **Answer**

Either the city or county's Tax ID# must be filled in.