Chapter 3. Minimum Standards for Solid Waste Handling and Disposal

Article 5.8. Nonhazardous Ash Regulatory Tier Requirements

Section 17375. Authority and Scope.

(a) This Article sets forth permitting requirements and minimum operating standards for operations and facilities that handle and/or dispose of ~~only~~ nonhazardous ash, as specified. This Article is not applicable to Class II or III landfills that handle and/or dispose of other waste types in addition to nonhazardous ash.

(b) This Article is adopted pursuant to and for the purpose of implementing the California Integrated Waste Management Act of 1989 (Act) commencing with section 40000 of the Public Resources Code, as amended. These regulations should be read together with the Act.

(c) This Article implements those provisions of the Act relating to the handling and/or disposal of nonhazardous ash. Nothing in this Article is intended to limit the power of any federal, state, or local agency to enforce any provision of law that it is authorized or required to enforce or administer.

(d) Nothing in this Article shall be construed as relieving any owner, operator, or designee from the obligation of obtaining all required permits, licenses, or other clearances and complying with all orders, laws, regulations, or reports, or other requirements of other regulatory or enforcement agencies, including but not limited to, local health entities, regional water quality control boards, air quality management districts or air pollution control districts, local land use authorities, and fire authorities.

(e) These regulations are intended to provide a sufficient level of information and oversight to ensure that the ~~land application, land reclamation,~~ transfer and processing, or monofilling of nonhazardous ash will be conducted in a manner which meets the purposes of the Act while protecting public health, safety and the environment. Materials that may otherwise be disposed to landfills may be, among other things, processed to reduce, reuse, and recycle the material to the maximum extent feasible in an efficient and cost-effective manner to conserve water, energy and other natural resources.

(f) Operations and facilities subject to this Article shall be in compliance with the provisions of this Article within 90 days after the effective date of this Article.

NOTE: Authority cited: Sections 40502, 43020, and 43021 of the Public Resources Code. Reference: Sections 43020 and 43021 of the Public Resources Code.

Section 17376. Definitions.

For the purposes of this Article:

~~(a) "Agricultural Professional" means any person who:~~

~~(1) is a certified agronomist, certified crop advisor, or certified soil scientist possessing a valid Certification of Qualification from the American Registry of Certified Professionals in Agronomy, Crops and Soils ("ARCPACS") or, who possesses a similar certification obtained from an agency that the CIWMB determines to be equivalent, or~~

~~(2) has a minimum of five years of experience in the development, implementation and/or maintenance of agricultural crop fertility programs.~~

~~(b) "Agronomic Rate" means the rate of application of nonhazardous ash to land that promotes plant growth or improves the quality of crops by conditioning soils through chemical and physical means. Agronomic rates of application are determined through soil analysis, consideration of the nutrient needs of the crop planned for the area of application, and analysis of the nutrient and heavy metals content of the material to be applied to the land. Nonhazardous ash heavy metals shall not exceed the environmental health standards as identified in section 17378.3 (h) (6).~~

~~(1) Agronomic rates shall be determined by an agricultural professional, as defined in section 17376 (a).~~

(a~~c~~) "Air District" means Air Pollution Control District or Air Quality Management District.

~~(d) "Applicator" means the person who spreads and/or incorporates the nonhazardous ash to land.~~

~~(e) "Ceiling Concentration" means the maximum allowable concentration of an inorganic pollutant in the material that can be applied to an area of land.~~

~~(f) "Cumulative Metals Loading Rate" means the maximum amount of an inorganic pollutant that can be applied to an area of land.~~

(b~~g~~) "Disposal" ~~as defined for purposes of the Article,~~ means:

(1) final deposition of nonhazardous ash onto land. ~~at greater than agronomic rates as determined by an agricultural professional as defined in section 17376 (a); or,~~

(2) stockpiling of nonhazardous ash onto land for a combined period of time greater than six months when located for use at the site of ~~at~~ a transfer/processing operation(s)~~, reclamation project, or land application site;~~

~~(3) notwithstanding subdivision (g)(2) of this section, stockpiling of nonhazardous ash onto land shall not constitute disposal if~~ unless the RWQCB in consultation with the enforcement agency authorizes nonhazardous ash to remain within the operations area for a period of time greater than six months ~~for the purpose of transfer or processing~~.

(~~3~~4) disposal does not include the use of nonhazardous ash for cover material at a solid waste landfill. Notwithstanding this section, use of nonhazardous ash as a cover material shall still require approval for use pursuant to sections 17682 and 17258.21 and may require additional approvals from other governmental agencies, including, but not limited to RWQCB and Air Districts.

(~~4~~5) disposal does not include the use of nonhazardous ash for a reclamation project as defined in section 17376 (m~~v~~).

(~~5~~6) disposal does not include the use of nonhazardous ash for snow and ice control, roadbase/subbase, walk areas, parking areas, airport runways, trails, dairy or feedlot soil stabilization, ~~material storage areas,~~ structural fill, sludge/manure/waste stabilizing material, compost mineral filler, smelter flux, blending in a soil product, and similar uses. Nonhazardous ash used for these purposes is not subject to the requirements of this Article. Nothing in this section precludes the enforcement agency or the CIWMB from inspecting any of the activities listed in this subdivision to verify that the activity qualifies for this exception from the definition of disposal.

(6) disposal does not include land application of nonhazardous ash as defined in section 17376(e).

(7) Should the enforcement agency have information that a nonhazardous ash handler is engaging in other activities that are subject to this Article, the burden of proof shall be on the land owner or operator to demonstrate otherwise.

~~(h) "Dry Weight Basis" means calculated on the basis of having been dried at 105 degrees Celsius until reaching a constant mass (i.e., essentially 100 percent solids content).~~

~~(i) "Facility" means for the purpose of this Article, a nonhazardous ash disposal/monofill facility.~~

(c~~i~~) "Fully Enclosed Structure" means either a building with a roof and walls that prevent rain and wind from affecting the material, or covered container.

(d~~k~~) "Generator" means the nonhazardous ash producer.

~~(l) "Good Agronomic Practice", means application of nonhazardous ash for the purpose of nutrient needs of the crop planned for the area of application, mineral additions, pH adjustment, water infiltration improvement, soil porosity, or other beneficial uses relating to improving soil conditions or plant growth as determined by the agricultural professional.~~

(e~~m~~) "Land Application" means the application of nonhazardous ash to forest, agricultural, and range land in accordance with California Department of Food and Agriculture requirements~~the soil at agronomic rates~~ for a beneficial use. ~~It~~Land application does not constitute disposal.

(f~~n~~) "Manufacturing" means using nonhazardous ash as a raw material in making a finished product that is distinct from nonhazardous ash. Such finished products include but are not limited to cement and concrete products, asphalt, blasting grit, roofing granules and tiles, wallboard, bricks, vitrified clay pipe, stucco and

decorative rock. Nonhazardous ash used in manufacturing is ~~not disposal and is~~ not subject to the requirements of this Article. Should the enforcement agency have information that a nonhazardous ash manufacturer is engaging in other activities that are subject to this Article, the burden of proof shall be on the land owner or operator to demonstrate otherwise.

(g~~o~~) "Nonhazardous Ash" means the nonhazardous residue from the combustion of any nonhazardous solid or liquid materials pursuant to the California Code of Regulations, Title 22 or which may be managed as a nonhazardous waste as approved by the Department of Toxic Substances Control.

(h~~p~~) "Nonhazardous Ash Disposal/Monofill Facility" or "Facility" means a facility that handles only nonhazardous ash for purposes of disposal and is not a landfill pursuant to California Code of Regulations, Title 14, Division 7, Chapter 5, Article 3.4, section 18251(a)(8) ~~40195.1 of the Public Resources Code~~.

(i~~q~~) "Nonhazardous Ash Transfer/Processing Operation" or "Operation" means an operation that handles only nonhazardous ash for purposes of transfer, treatment, or storage ~~and is not a generator of such ash~~. This definition does not include biomass conversion, transformation, or other incineration facilities.

~~(r) "Operation" for the purposes of this Article, means a nonhazardous ash land application at an agronomic rate, a reclamation project, and a nonhazardous ash transfer/processing operation which is located on land not owned by the generator.~~

(j~~s~~) "Operations Area" means the following areas within the boundary of an operation or facility that are subject to this Article, although the boundary may or may not be the same as the property boundary:

(1) equipment management area, including cleaning, maintenance, and storage areas;

(2) stockpiling areas for nonhazardous ash;

(3) transfer and/or processing and/or disposal areas.~~;~~

~~(4) the land application area;~~

~~(5) the reclamation project area.~~

(k~~t~~) "Operator" means the ~~applicator or nonhazardous ash generator or~~ land owner or other person who, through a lease, franchise agreement or other contract with the land owner~~, or generator~~ is legally responsible for all of the following:

(1) ~~the reclamation project; land application of nonhazardous ash;~~ transfer/processing operations~~;~~ or disposal;

(2) complying with all applicable federal, state and local requirements relating to the operation;

(3) the design, construction, and physical operation of a transfer/processing operation or disposal/monofill facility;

(4) operations site restoration of a transfer/processing operation or disposal/monofill facility.

(l~~u~~) "Owner" means the person or persons who own, in whole or in part, a nonhazardous ash transfer/processing operation, ~~reclamation project operation,~~ disposal/monofill facility, or the land on which it is located.~~, or the land on which nonhazardous ash is applied at agronomic rates.~~

(m~~v~~) "Reclamation Project" means the use of nonhazardous ash in accordance with the requirements of the Office of Mine Reclamation of the Department of Conservation. Reclamation projects do not constitute disposal. ~~a temporary operation for the application to soil of nonhazardous ash which benefits soil conditions, but not necessarily plant growth or crop quality, on mined lands to be reclaimed to a usable condition that is readily adaptable for alternate land uses and creates no danger to public health, safety and the environment. The process may extend to affected lands surrounding mined lands, and may require grading, revegetation, soil compaction, stabilization, or other measures.~~

~~(1) In order to be considered a "reclamation project" for the purposes of this Article, the nonhazardous ash operation must be consistent with the approved reclamation plan pursuant to the Surface Mining and Reclamation Act of 1975 (Public Resources Code, commencing with section 2710) if the lands have been mined after 1/19/76.~~

~~(2) The reclamation project must be in compliance with the waste discharge requirements or waiver conditions as set by the RWQCB.~~

(n~~w~~) "RWQCB" means the Regional Water Quality Control Board.

(o~~x~~) "Site" means the operations area.

(p~~y~~) "Treatment" means any method, technique, or process which changes or is designed to change the physical, chemical, or biological character or composition of nonhazardous ash. Treatment may also include the removal or reduction of harmful properties or characteristics for any purpose including, but not limited to, material recovery or reduction in volume.~~ Treatment methods may include chemical fixation by mixing with cement for the purposes of disposal.~~

NOTE: Authority cited: Sections 40502, 43020, and 43021 of the Public Resources Code. Reference: Sections 43020 and 43021 of the Public Resources Code.

Section 17377.0. Regulatory Tiers for Nonhazardous Ash Operations and Facilities.

Sections 17377.1 through 17377.34 set forth the regulatory tier requirements (commencing with section 18100) that apply to specified types of nonhazardous ash operations and facilities.

NOTE: Authority cited: Sections 40502, 43020, and 43021 of the Public Resources Code. Reference: Sections 43020 and 43021 of the Public Resources Code.

Section 17377.1. Excluded Operations.

~~(a)~~ The solid waste handling operations and facilities listed in this section do not constitute nonhazardous ash transfer/processing operations, or disposal/monofill facilities~~, land application sites, or reclamation projects~~ for the purposes of this Article, and are not required to meet the requirements set forth herein.

(a) Transfer/processing operations of nonhazardous ash are excluded from the requirements of this Article when the only activity is:

(1) the transfer/processing from land owned by a single nonhazardous ash generator source or leased by the generator, its parent, or subsidiary, to property owned or leased by the same generator, its parent, or subsidiary; or,

(2) storage within a fully enclosed weathertight structure.

(b) Nothing in this section precludes the enforcement agency or the CIWMB from inspecting an excluded operation or facility to verify that the operation or facility is being conducted in a manner that qualifies as an excluded operation or facility or from taking any appropriate enforcement action.

(c) Should the enforcement agency have information that a nonhazardous ash operation is not excluded in accordance with this section, the burden of proof shall be on the land owner or operator to demonstrate otherwise.

NOTE: Authority cited: Sections 40502, 43020, and 43021 of the Public Resources Code. Reference: Sections 43020 and 43021 of the Public Resources Code.

~~**Section 17377.2. Nonhazardous Ash Land Applications at Agronomic Rates & Reclamation Projects**~~

~~(a) All operators of nonhazardous ash agronomic land application operations and reclamation projects shall comply with the Enforcement Agency Notification requirements set forth in the California Code of Regulations, Title 14, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18103 and excepting sections 18103.1(a)(2) and 18103.3).~~

~~(1) Any person proposing to engage in operations subject to this Article pursuant to an enforcement agency notification shall notify the enforcement agency of its intent to operate prior to commencement of operations.~~

~~(2) Enforcement Agency Notifications shall be submitted to the enforcement agency at least two weeks prior to start of the land application or reclamation project.~~

~~(b) Enforcement Agency Notifications for agronomic land applications and reclamation projects shall be legible and include the following:~~

~~(1) a statement that a courtesy copy of the Enforcement Agency Notification was also forwarded to the local County Agricultural Commissioner;~~

~~(2) operations area in acres;~~

~~(3) an estimate (can use range from low to high) of the tons/cubic yards to be applied per acre;~~

~~(4) the scheduled dates of application and/or operation (may be approximate to within +/- 90 days of the application and/or operation);~~

~~(5) the location, by either street address or section, township and range; operators may include a list of operation areas for which land application of nonhazardous ash may be made and shall include information for each operations area as prescribed in this section;~~

~~(6) the name, address and telephone number of generator, operator, and land owner;~~

~~(7) a copy of the American Society of Agronomy certification of qualification or a similar certification of qualification that the CIWMB determines to be equivalent as specified in section 17376 (a)(1) for verifying agricultural professional credentials, or a written submittal of proof that the agricultural professional meets the qualifications pursuant to section 17376 (a)(2). The submittal of proof must contain a minimum of three (3) references of past crop fertility employment and provide a resume of experience in the crop fertility field, and, provide a signed statement by the agricultural professional that the information provided is true and correct to the best of his or her knowledge.~~

~~(8) the following statement shall be signed by the operator: "The undersigned certify under penalty of perjury that the information in this document and all attachments are true and correct to the best of my knowledge, and is being executed in accordance with the requirements of the California Code of Regulations, Title 14, Division 7, Chapter 3, Article 5.8 (commencing with section 17375). I certify that the ash as represented in this document is nonhazardous as defined in section 17376 (o) to be applied in accordance with this notification. I am aware that there are significant penalties for submitting false or misleading information in this certification, including the possibility of fine or imprisonment, or both."~~

~~(c) A new Enforcement Agency Notification is required any time there are changes to section 17377.2(b)(1) (8).~~

~~(d) All nonhazardous ash agronomic land application operations and reclamation projects may be inspected by the enforcement agency as necessary for the protection of public health, safety and the environment.~~

~~NOTE: Authority cited: Sections 40502, 43020, and 43021 of the Public Resources Code. Reference: Sections 43020 and 43021 of the Public Resources Code.~~

Section 17377.2~~3~~. Nonhazardous Ash Transfer/Processing Operations.

(a) All operators of nonhazardous ash transfer/processing operations, except as otherwise provided in this Article, shall comply with the Enforcement Agency Notification requirements set forth in the California Code of Regulations, Title 14, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18103).

(b) In addition to the requirements to subdivision (a), the following statement shall be included in the enforcement agency notification and signed by the operator: "The undersigned certify under penalty of perjury that the information in this document and all attachments are true and correct to the best of my knowledge, and is being executed in accordance with the requirements of the California Code of Regulations, Title 14, Division 7, Chapter 3, Article 5.8 (commencing with section 17375). I certify that the ash as represented in this document is nonhazardous and from a nonhazardous feedstock as defined in section 17376 (g) and is to be managed in accordance with this notification. I am aware that there are significant penalties for submitting false or misleading information in this certification, including the possibility of fine or imprisonment, or both."

~~(b) Enforcement Agency Notifications for transfer/processing shall also contain the information identified in section 17377.2 (b)(2), (4), (5), (6), (8).~~

(c) A new Enforcement Agency Notification is required any time there are changes to information required by this section.

(d~~c~~) These operations may be inspected by the enforcement agency as necessary for the protection of public health, safety and the environment.

NOTE: Authority cited: Sections 40502, 43020, and 43021 of the Public Resources Code. Reference: Sections 43020 and 43021 of the Public Resources Code.

Section 17377.3~~4~~. Nonhazardous Ash Disposal/Monofill Facilities.

(a) All nonhazardous ash disposal/monofill facilities, shall obt~~ain~~ a Standardized Nonhazardous Ash Solid Waste Facility Permit pursuant to the requirements of the California Code of Regulations, Title 14, Division 7, Chapter 5.0, Article 3.0 (commencing with section 18105).

(b) The enforcement agency shall include only those terms and conditions, and no others, contained in CIWMB Form 98 (new 7/96) Standardized Nonhazardous Ash Solid Waste Facility Permit, set forth in Appendix A in this Division.

NOTE: Authority cited: Sections 40502, 43020, and 43021 of the Public Resources Code. Reference: Sections 43020 and 43021 of the Public Resources Code.

Section 17378.0. Applicability of State Minimum Standards for Nonhazardous Ash Operations and Facilities.

Sections 17378.1 through 17378.3 set forth the minimum standards that apply to all types of nonhazardous ash operations and facilities. Approvals, determinations and other requirements which the enforcement agency is authorized to make under Article 5.8 shall be provided in writing to the operator. The operator shall maintain a copy of these approvals in addition to those records identified in section 17379.

NOTE: Authority cited: Sections 40502, 43020, and 43021 of the Public Resources Code. Reference: Sections 43020 and 43021 of the Public Resources Code.

Section 17378.1. Siting On Landfills.

(a) Nonhazardous ash operations and facilities or portions thereof, located atop closed solid waste landfills shall meet postclosure land use requirements pursuant to the California Code of Regulations, Title 14, Division 7, Chapter 3, Article 7.8, section 17796.

(b) Operations and facilities or portions thereof, located on intermediate cover on a solid waste landfill shall locate operations areas on foundation substrate that is stabilized, either by natural or mechanical compaction, to minimize differential settlement, ponding, soil liquefaction, or failure of pads or structural foundations.

(c) Operations and facilities or portions thereof, located on intermediate cover shall be operated in a manner that will not interfere with the operations of the landfill or with the closure of the landfill.

NOTE: Authority cited. Sections 40502, 43020, and 43021 of the Public Resources Code. Reference: Sections 43020 and 43021 of the Public Resources Code.

Section 17378.2. General Design Requirements.

(a) The design of a new nonhazardous ash transfer/processing operation or disposal/monofill facility shall utilize expert advice, as appropriate, from persons competent in engineering, architecture, landscape design, traffic engineering, air quality control, and design of structures.

(b) Each nonhazardous ash transfer/processing operation or nonhazardous ash disposal/monofill facility design shall be based on appropriate data regarding the expected service area, anticipated nature and quantity of nonhazardous ash to be received, climatological factors, physical settings, adjacent land use (existing and planned), types and number of vehicles anticipated to enter the operation or facility, adequate off-street parking facilities for transfer vehicles, drainage control, the hours

of operation and other pertinent information. If the operation or facility is to be used by the general public, the design shall take account of features that may be needed to accommodate such public use.

(c) The operation or facility shall be designed in such a manner as to restrict the unloading area to as small an area as practicable, provide adequate control of windblown material, and minimize the creation of nuisances at the operation or facility. Other factors that shall be taken into consideration are: dust control, noise control, public safety, and other pertinent matters related to the protection of public health.

(d) Nonhazardous ash storage containers that are considered weathertight shall be durable, easily cleanable, ~~weathertight,~~ designed for safe handling, and constructed to prevent loss of wastes from the equipment during storage. Such equipment shall be nonabsorbent and leak-resistant. Unloading areas shall be easily cleanable, designed for safe handling and constructed to prevent loss of nonhazardous ash.

NOTE: Authority cited: Sections 40502, 43020, and 43021 of the Public Resources Code. Reference: Sections 43020 and 43021 of the Public Resources Code.

Section 17378.3. Operating Standards

Each operator of a nonhazardous ash transfer/processing operation or disposal/monofill facility shall meet the following requirements:
~~Standards (a) through (d) apply to all active operations and facilities:~~

(a) All activities at the operation or facility shall be conducted in a manner that minimizes nuisances, noise impacts, or other public health, safety and environmental hazards.

(b) Unauthorized human or animal access to the operation or facility shall be prevented.

(c) Traffic flow into, on, and out of the operation ~~and~~or facility shall be controlled in a safe manner.

(d) The operator shall take adequate measures to minimize and prevent safety hazards due to obscured visibility at the operation or facility. ~~prevent the creation of excessive dust. Dust is excessive when it results in any of the following:~~

~~(1) safety hazards due to obscured visibility~~

~~(2) irritation of the eyes~~

~~(3) hampered breathing~~

(e) Drainage shall be controlled at ~~transfer/processing~~ operations and ~~disposal/monofill~~ facilities to protect the public health and safety and to prevent interference with the operation.

(f) All ~~transfer/processing~~ operations and ~~disposal/monofill~~ facilities open for public business shall post legible signs at all public entrances that include the following:

(1) name of operation or facility,
(2) name of the operator,
(3) hours of operation,
(4) a statement that only nonhazardous ash will be accepted, and
(5) phone number where operator or designee can be reached in case of an emergency.

(g) The operator ~~of an transfer/processing operation or disposal/monofill facility~~ shall provide telephone or radio communication capability for emergency purposes.

~~(h) All nonhazardous ash land application operations shall:~~

~~(1) be applied in accordance with good agronomic practices and at agronomic rates for the soil and crops at each operations area.~~

~~(2) be located and maintained so as to prevent the offsite migration of nonhazardous ash.~~

~~(3) not be applied during excessively windy conditions.~~

~~(4) not remain spread over bare ground more than four days prior to incorporation and should not be applied to areas with physical constraints that would severely limit incorporation such as shallow hardpan, large rocks, or boggy conditions that could limit equipment access.~~

~~(5) have a ground slope of less than 25 percent.~~

~~(6) not result in any heavy metals additions exceeding the maximum acceptable metal loadings shown in the following Table and item (A):~~

~~Cumulative Metals Loading Rates~~	~~Kilograms per Hectare*~~	~~Pounds per Acre*~~
~~Arsenic (As)~~	~~41~~	~~36.5~~
~~Cadmium (Cd)~~	~~39~~	~~34.8~~
~~Copper (Cu)~~	~~1500~~	~~1338.3~~
~~Lead (Pb)~~	~~300~~	~~267.7~~
~~Mercury (Hg)~~	~~17~~	~~15.2~~
~~Nickel (Ni)~~	~~420~~	~~374.7~~
~~Selenium (Se)~~	~~100~~	~~89.2~~
~~Zinc (Zn)~~	~~2800~~	~~2498.2~~

~~* Dry weight basis~~

~~(A) Molybdenum (Mo) ceiling concentration limit levels on a dry weight basis not to exceed 75 milligrams per kilogram.~~

~~(7) show proof of compliance with California Department of Food and Agriculture regulations relating to licensed manufacturers or distributors of fertilizing materials.~~

~~(8) not stockpile nonhazardous ash at an operations area for more than one month unless the nonhazardous ash is covered, or the surface of the stockpile has been conditioned to prevent the spread of airborne particles.~~

~~(i) Beneficial rates of application for reclamation projects shall be determined through soil analysis and analysis of the nutrient and mineral content of the material to be applied to the land. Analysis of beneficial rates of application must be determined by an agricultural professional as defined in section 17376 (a), or, for other uses as specified in section 17376 (v), a certified engineering geologist or registered civil engineer under the California Department of Consumer Affairs certification of qualification and registration programs. Heavy metal soil concentration limits shall not exceed the limits pursuant to section 17378.3 (h)(6).~~

~~(j) All nonhazardous ash reclamation projects shall ensure compliance with subsections 17378.3 (h) (2),(3),(4),(8).~~

~~(k) Once the enforcement agency has reason to believe that nonhazardous ash has been disposed of because no attestation has been provided by an agricultural professional or because nonhazardous ash has been stockpiled longer than the time periods set forth in section 17376 (g) (2) or (3), the burden of proof shall be on the land owner or operator to demonstrate that disposal has not occurred.~~

NOTE: Authority cited: Sections 40502, 43020, and 43021 of the Public Resources Code. Reference: Sections 43020 and 43021 of the Public Resources Code.

Section 17379.0. General Record Keeping Requirements.

Each operator <u>of a nonhazardous ash transfer/processing operation or disposal/monofill facility</u> shall meet the following requirements:

(a) All records required by this Article shall be kept by the operator in one location and be accessible for five (5) years and shall be made available for inspection by authorized representatives of the CIWMB, enforcement agency, and other duly authorized regulatory and enforcement agencies during normal working hours. The operator shall submit copies of records to the enforcement agency upon request. An alternative schedule of record submittal may be approved by the enforcement agency.

(b) The operator shall maintain a daily log or file of special occurrences encountered during operations and methods used to resolve problems arising from these events, including details of all incidents that required implementing emergency procedures. Special occurrences may include: fires, injury and property damage, accidents, explosions, discharge of hazardous or other wastes not permitted, flooding and other unusual occurrences.

(c) The operator shall record any written public complaints received by the operator, including:

(1) the nature of the complaint,

(2) the date the complaint was received,

(3) if available, the name, address, and telephone number of the person or persons making the complaint,

(4) any actions taken to respond to the complaint.

(d) The operator shall record the date, generator source, and quantity of nonhazardous ash accepted.

(e) The ~~transfer/processing and disposal/monofill~~ operator shall maintain records of weights or volumes handled in a manner and form approved by the enforcement agency so as to be sufficiently accurate for overall planning and control purposes.

(f) Transfer/processing facility operators shall record the quantity of nonhazardous ash leaving the operations.

(g) The disposal/monofill facility operator shall also record the name of all transfer/processing operations where the nonhazardous ash was located prior to receipt by the operator and the dates the nonhazardous ash was received at each of these operations and removed.

~~(h) For land application operations, the operator shall maintain records for each operations area where nonhazardous ash is applied including the location and acreage of the area where nonhazardous ash was applied, the determination by an agricultural professional as required by sections 17376(b) or 17378.3 (i) of this Article, and the dates and amounts of ash applied per acre;~~

~~(i) Reclamation project and land application operators shall record the nonhazardous ash compositions, feedstock source, and current (no more than one year old) heavy metals test results for metals listed in section 17378.3(h)(6), or current (no more than one year old) chemical analyses from samples collected and analyzed in accordance with the methods specified in the California Code of Regulations, Title 22, Division 4.5, Chapter 11 or an equivalent method.~~

NOTE: Authority cited: Sections 40502, 43020, and 43021 of the Public Resources Code. Reference: Sections 43020 and 43021 of the Public Resources Code.

Section 17379.1. Nonhazardous Ash Operation and Facility Restoration

All nonhazardous ash transfer/processing operations and disposal/monofill facilities shall meet the following requirements:

(a) The operator shall provide the enforcement agency written notice of intent to perform site restoration, at least 30 days prior to beginning site restoration.

(b) The operator(s) and owner(s) shall provide site restoration necessary to protect public health, safety, and the environment.

(c) The operator shall ensure that the following site restoration procedures are performed upon completion of operation and termination of service:

(1) the operation or disposal/monofill facility grounds, excluding the disposal area, shall be cleaned of all nonhazardous ash, construction scraps, and other materials related to the operation or disposal/monofill facility, and these materials legally recycled, reused, or disposed of;

(2) all machinery shall be cleaned of nonhazardous ash prior to removal from the facility;

(3) all remaining structures shall be cleaned of nonhazardous ash.

NOTE: Authority cited: Sections 40502, 43020, and 43021 of the Public Resources Code. Reference: Sections 43020 and 43021 of the Public Resources Code.

Chapter 5. Enforcement of Solid Waste Standards and Administration of Solid Waste Facility~~ies~~ Permits; Loan Guarantees

Article 3.2. Reports of Facility Information

Section 18226. Report of Nonhazardous Ash Disposal Site Information.

(a) Each operator of a nonhazardous ash disposal/monofill facility that is required to obtain a Standardized Solid Waste Facility~~ies~~ Permit, as set forth in section 17377.34, shall, at the time of application, file a Report of Nonhazardous Ash Disposal Site Information with the enforcement agency. A Report of Nonhazardous Ash Disposal Site Information shall contain all of the information required in Title 27, California Code of Regulations, section 21600 with the exception of ~~the following:~~ subsections: (b)(3)(A), (b)(4)(E), and (b)(8)(B).

~~(1) the name(s) of the operator, owner, and the company they represent, if applicable.~~

~~(2) plans for the facility, to include: a site location map, a site map, and identification of adjacent land uses and distances to nearby residences or structures.~~

~~(3) a schematic drawing of buildings and other structures showing layout and general dimensions of the disposal operations area, including, but not limited to, unloading, storage, disposal, and parking areas.~~

~~(4) a descriptive statement of the manner in which the disposal operation is to be conducted at the facility.~~

~~(5) the days and hours of disposal operation. For facilities with continuous operations, indicate the start of the operating day for purpose of calculating amount of waste received per operating day.~~

~~(6) the total acreage contained within the operating area and either the total estimated capacity in tons or cubic yards with the conversion factor used for expression in tons. Indicate in-place densities assumed, or the capacity in cubic yards. Also include a projection of the life expectancy of the facility based on current and/or anticipated loadings.~~

~~(7) information showing the chemical and physical properties of the ash, and the quantities of nonhazardous ash to be received. If tonnage was figured from records of cubic yards, include the conversion factor used.~~

~~(8) a description of the proposed methods used by the facility to comply with all applicable state minimum standards commencing with the California Code of Regulations, Title 14, section 17378.0 and as referenced in section 17378.3.~~

~~(9) the general location of the proposed disposal/monofill facility shown on a map of at least the scale size equivalent to a 1:24,000 USGS topographical quadrangle. Such map shall show points of access to the facility.~~

~~(10) a plot plan that delineates the legal boundaries for which clear title is held by the applicant and/or any parcels that are leased. Copies of lease agreements shall be submitted and substantiation shall be shown that the disposal/monofill facility owner is cognizant of the disposal operations and the responsibilities assigned to the facility owner by the standards.~~

~~(11) identification on the plot plan of the specific limits of the existing and planned disposal area(s) showing relationships to the property boundary lines and adjacent land uses surrounding the facility, distances to the nearest structures shall be identified.~~

~~(12) a description of the sequence of developmental stages of the disposal/monofill facility, giving tentative implementation schedules for development, usage, site completion and closure. Describe the extent of change that will occur in areas that will be excavated for the placement of nonhazardous ash.~~

~~(13) a map showing the existing topographical contours of the property and proposed final elevations of the completed disposal/monofill facility.~~

~~(14) if known, a description of the uses of the facility after termination of disposal operations, including the time frame for implementation of such use.~~

~~(15) resume of management organization that will operate the disposal/monofill facility.~~

~~(16) a listing of permits already obtained and the date obtained or last revised.~~

NOTE: Authority cited: Sections 40502, 43020, and 43021 of the Public Resources Code. Reference: Sections 43020 and 43021 of the Public Resources Code.

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APPENDIX A

State of California **CIWMB FORM 98 (new 7/96)**	**California Integrated Waste Management Board**
STANDARDIZED NONHAZARDOUS ASH SOLID WASTE FACILITY~~IES~~ PERMIT	
1. Facility/Permit Number (SWIS):	
2. Facility Name and Address/Location:	3. Operator Name and Mailing Address:
3. Owner Name and Mailing Address:	5. Enforcement Agency and Address:
6. Signature of Enforcement Agency Approving Officer: 7. Please Print or Type Name and Title of Approving Officer:	8. Date Signed:
9. Date Received by CIWMB: 10. CIWMB Concurrence Date:	
11. Signature of CIWMB Approving Officer: 12. Please Print or Type Name and Title of Approving Officer:	13. Date Signed:
14. Date of Permit Issuance:	15. Permit Review Due Date:
The facility for which this permit has been issued shall only be operated in accordance with the description provided in the application pursuant to Section 18105.1 and Report of Nonhazardous Ash Disposal Site Information pursuant to Section 18226. (Applicants may use the Standardized Permit Application CIWMB 92).	

16. Legal Description of Facility: (description may be attached)

17. Findings:

a. This permit is consistent with standards adopted by the California Integrated Waste Management Board, pursuant to Public Resources Code Section 44010.

b. [ ] A CEQA exemption (state the type, and identify section of exemption, or N/A), _____), or [ ] a (state type of environmental document, date, and SCH#) has been filed with the State Clearinghouse and adopted or certified. Where mitigation measures have been identified, a Mitigation Reporting or Monitoring Program has been adopted as part of the project pursuant to Public Resources Code Section 21081.6.

c. The following authorized agent _____ has made the determination that the facility is consistent with the applicable general plan, as required by Public Resources Code, Section 50000.5(a).

d. The operation of this facility is consistent with the [ ] County Solid Waste Management Plan (50000), or the [ ] County Integrated Waste Management Plan (50001).

e. The design of the proposed facility or the design and operation of an existing facility, as appropriate, is in compliance with State Minimum Standards for Nonhazardous Ash Operations and Facility Regulatory Requirements, Title 14, Division 7, Chapter 3, Article 5.8 of the California Code of Regulations.

f. Public Resources Code Section 44009 has been complied with.

18. In addition to this permit, the facility may have one or more of the following permits or restrictions on its operations. Persons seeking information regarding these items should contact the appropriate regulatory agency.

Report of Nonhazardous Ash Disposal Site Information
State Water Resources Control Board/Regional Water Quality Control Board Waste Discharge Requirements or Waiver
National Pollutant Discharge Elimination System (Stormwater) Permit
Fire Protection District Findings
Mitigation and Monitoring Measures (pursuant to the California Environmental Quality Act)
Conditional Use Permit/Land Use Permit
California Environmental Quality Act Environmental Impact Report or Negative Declaration
Air Pollution Permits and Variances
Coastal Commission Restrictions

Other Permits may also apply

19. Terms and Conditions:

a. The operator shall comply with applicable state minimum standards set forth in Title 14, Division 7, Chapter 3, Article 5.8 of the California Code of Regulations.

b. The operator shall comply with all applicable mitigation and monitoring measures that are to be implemented with the enforcement agency. ~~developed in accordance with a certified environmental document filed pursuant to Public Resources Code Section 21081.6.~~

c. The operator shall maintain a copy of this standardized permit at the facility or at a location agreed upon by enforcement agency, to be available at all times to facility, enforcement agency, and CIWMB personnel.

d. The operator shall maintain and make available for inspection by the enforcement agency and CIWMB all correspondence and reports provided to other regulatory agencies that have jurisdiction over the facility.

e. The design capacity of ____ tons or cubic-yards (circle one) per day of nonhazardous ash being disposed of shall not be exceeded.

f. The facility has a total operating area of _____ acres.

g. The maximum quantity of nonhazardous ash that can be received per ~~on~~ any operating day is _____ cubic yards/tons (circle one).

h. The days and hours of operation shall be _____. For facilities with continuous operations, indicate the start of the operating day for purpose of calculating amount of nonhazardous ash received per day.

i. Additional clarifying information concerning the design and operation of the nonhazardous ash facility shall be furnished upon written request of the enforcement agency or the CIWMB.

j. Unless specifically permitted or allowed under Title 14, Division 7, Chapter 3, Article 5.8 of the California Code of Regulations, the facility shall only accept nonhazardous ash.

k. Migration of wastes, leachate, or dust off-site are prohibited.

l. The facility, if located outside of a city, shall be maintained in compliance with the flammable clearance provisions, pursuant to Public Resources Code Section 44151.