COUNTY OF ORANGE
HEALTH CARE AGENCY

REGULATORY HEALTH SERVICES
ENVIRONMENTAL HEALTH

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January 2, 2004

Janice V. Goss, Director
County of Orange
Integrated Waste Management Department
320 North Flower Street, Suite 400
Santa Ana, CA 92703

Subject: Stipulated Agreement for Temporary Waiver of Certain Limits in Solid Waste Facility Permit for Active Landfills in Orange County

Dear Ms. Goss:

Pursuant to California Code of Regulations, Title 14, Section 17211.4 et seq., the Orange County Solid Waste Local Enforcement Agency (LEA) has reviewed and approved your request for a temporary waiver of certain limits in the solid waste facility permit (SWFP) for Frank R. Bowerman, Olinda Alpha and Prima Deshecha Landfills in order to receive waste in excess of permitted tonnage for a specified period of time. The additional waste will be generated by an emergency project initiated by the Orange County Flood Control District to restore the flood control capacity of the San Diego Creek in Irvine.

Attached herewith is the Stipulated Agreement, signed by both the Orange County Integrated Waste Management Department and the LEA, authorizing the requested temporary waiver.

If you have any questions, please contact Sam Abu-Shaban at (714) 667 – 2026.

Sincerely,

Karen L. Hodel
Karen L. Hodel
Program Manager
Solid Waste Local Enforcement Agency
Environmental Health

Enclosure

cc: Dixie Lass, CRWQCB-SA
John Odermatt, CRWQCB-SD

STIPULATED AGREEMENT

1. The Orange County Integrated Waste Management Department (OCIWMD) and Orange County Health Care Agency Environmental Health, who has the authority to act as the Solid Waste Local Enforcement Agency (LEA) pursuant to Public Resources Code Section 43200 et seq., have entered into this Stipulated Agreement on January 2, 2004. OCIWMD is the owner and operator of the Frank R. Bowerman (FRB), Olinda Alpha and Prima Deshecha Landfills. On entering into this agreement, the parties recognize and agree that this Stipulated Agreement is for the temporary waiver of certain Solid Waste Facility Permit (SWFP) limits as specified herein.

2. The temporary waiver is solely for the purpose of allowing FRB, Olinda Alpha and Prima Deshecha Landfills to receive waste in excess of permitted tonnage. The waste referenced in this Stipulated Agreement is that generated by the emergency project to remove sediment (estimated at 120,000 tons) and vegetation (estimated at 2,080 tons) from the San Diego Creek in Irvine to restore channel design flood control capacity. The emergency project is planned to commence in early January 2004, and to last for ninety (90) working days, with a completion date in May 2004. The San Diego Creek capacity has been significantly reduced by buildup of sediment and vegetation resulting in increased flood danger potential to the Michelson Water Reclamation Plant and surrounding communities. Flooding of the Michelson Water Reclamation Plant could result in millions of gallons per day of raw sewage spilling into adjacent properties and Upper Newport Bay creating an acute threat to public health and the environment.

3. On or about December 2, 2003, the Manager of the Orange County Flood Control District informed the Director of OCIWMD of this emergency project and the need to dispose of the large volume of waste generated in the Orange County landfill system. Further, on December 16, 2003, the Orange County Board of Supervisors approved a recommendation by the Orange County Flood Control District to declare a local emergency so sediment and vegetation removal from San Diego Creek can proceed almost immediately.

4. This Stipulated Agreement will go into effect on January 5, 2004, and last for ninety (90) calendar days, terminating by end of business on April 3, 2004. Depending upon the progress in removing sediment and vegetation from the San Diego Creek, OCIMWD may submit a written request for a time extension for a specific period. The time extension period shall be 90 calendar days or less. The written request shall include, among other information, reason(s) for the time extension, a new specific termination date, and a written report in accordance with California Code of Regulations (CCR), Title 14, Section 17211.6(c). If a time extension is granted by the LEA, it shall be solely for the purpose of allowing FRB, Olinda Alpha and Prima Deshecha Landfills to receive waste as specified herein.

5. This Stipulated Agreement temporarily affects the following operational SWFP limits as indicated:

FRB Landfill

a) Waiver of permitted maximum daily waste tonnage.
b) Increase permitted waste receipt hours by one (1) hour so that trucks hauling waste have access to FRB Landfill between 7:00 AM and 5:00 PM, Monday through Saturday.
c) Waiver of permitted traffic volume (vehicle trips per day).

Olinda Alpha Landfill

a) Waiver of permitted maximum daily waste tonnage.
b) Waiver of permitted traffic volume (vehicles per day).

Prima Deshecha Landfill

a) Waiver of permitted maximum daily waste tonnage.
b) Waiver of permitted traffic volume (vehicles per day).

6. Green and commingled waste shall be disposed of at FRB landfill. If unable to access FRB Landfill, haul trucks shall dispose of green and commingled waste at Prima Deshecha Landfill. Sediment waste shall be hauled to Olinda Alpha Landfill where, if deemed suitable for daily cover or other on-site construction/maintenance projects, it shall be exempt from the permitted maximum daily tonnage limit.

7. OCIWMD shall keep separate records of waste generated by this emergency project. Waste tonnage resulting from this emergency project shall not count towards the maximum permitted daily tonnage. However, the LEA will enforce the maximum permitted daily tonnage limit for FRB, Olinda Alpha and Prima Deshecha Landfills for receipt of waste not related to this emergency project.

8. OCIWMD shall submit to the LEA a written report ten (10) calendar days prior to the termination date of this Stipulated Agreement. The report contents shall comply with the requirements of CCR, Title 14, Section 17211.6.

9. All terms and conditions contained in the SWFP for FRB, Olinda Alpha and Prima Deshecha Landfills which are not the subject of this Stipulated Agreement, shall remain in effect. Further, OCIWMD shall comply with all State Minimum Standards as outlined in CCR, Title 27.

10. Nothing in this Stipulated Agreement limits the LEA's ability under applicable laws to enforce State solid waste laws and regulations. Further, this Stipulated Agreement shall not be construed as relieving OCIWMD from their obligation to obtain other regulatory agencies' approvals or permits for this emergency project or to comply with other regulatory agencies' requirements.

11. This Stipulated Agreement may be modified, cancelled, or revoked by the LEA without advanced notice, if any of the conditions listed in CCR, Title 14, Section 17211.2(g) exist at FRB, Olinda Alpha and/or Prima Deshecha Landfills.

Date: 1/2/04

Janice V. Goss, Director
Orange County Integrated Waste Management Department

Date: 1-2-04

Karen L. Hodel, Program Manager
Solid Waste Local Enforcement Agency
Environmental Health