

PATRICK K. FAULKNER
COUNTY COUNSEL

JACK F. GOVI
ASSISTANT COUNTY COUNSEL

DOROTHY R. JONES
CHIEF DEPUTY

COUNTY COUNSEL OF MARIN COUNTY

3501 Civic Center Drive, Suite 275
San Rafael, California 94903-5222

(415) 499-6117

FAX (415) 499-3796
TDD (415) 499-6172

MARI-ANN G. RIVERS
RENEE GIACOMINI BREWER
DAVID L. ZALTSMAN
MICHELE KENO
NANCY STUART GRISHAM
JENNIFER M. W. VUILLERMET
PATRICK M. K. RICHARDSON
THOMAS F. LYONS
STEPHEN R. RAAB
STEVEN M. PERL
SHEILA SHAH LICHTBLAU
EDWARD J. KIERNAN
JESSICA F. MILLS
DEPUTIES

JEANINE MICHAELS
ADMINISTRATIVE ASSISTANT

April 2008

SUMMARY OF SOLID WASTE FACILITY PERMIT PROCEDURE

This is a *summary* of the procedure regarding the Solid Waste Facility Permit Revision process for Redwood Landfill.

I. CEQA Procedure

1. Re the Environment Impact Report, the Planning Commission will hold a hearing and then make a recommendation regarding certification of the EIR to the decision making body, the Local Enforcement Agency (LEA), which is Environmental Health Services, as designated by the California Integrated Waste Management Board. (This recommendation concerns the EIR only. The planning commission has no jurisdiction regarding the permit itself.)
2. The LEA will then consider and then make the final decision regarding certification of the EIR. (The California Integrated Waste Management Board (CIWMB) legal counsel and staff have confirmed that when the Local Enforcement Agency makes the decision regarding certification of the EIR, that decision is final and not subject to appeal. This means that any action to contest the EIR would require bringing a legal action in a court of law.)

Procedure for Revision of the Solid Waste Facility Permit

1. The Redwood Landfill is expected to file its application for the Revised Solid Waste Facility Permit (SWFP) after the CEQA procedure described above. Filing of the application will start the time period under the process set forth in Public Resources Code Section 44004, et seq. The Redwood Landfill has indicated that it intends to file its application based upon the mitigated alternative described in the FEIR.

2. After the permit application is determined complete by the LEA, the LEA, after reviewing the application:

- a. holds a public hearing
- b. produces a draft proposed permit with conditions
- c. sends the proposed permit and conditions to both the applicant and to the CIWMB

3. The Waste Board (CIWMB) reviews the proposed permit with its conditions, etc., and decides whether to concur in the proposed permit and sends comments, suggestions, etc., including whether it concurs in the permit, back to the LEA.

4. After receiving the proposed permit and comments back from the Waste Board, the LEA reviews the comments, etc., from the Waste Board, as appropriate and determines whether to proceed with the issuance of the permit.

5. After the permit is issued, an appeal may be filed by either the permittee or an interested party pursuant to Public Resources Code Section 44004, et seq.

III. Notes

1. The LEA in this process is acting as an arm of the California State Integrated Waste Management Board. This procedure is not based upon the general police power of the local governmental entity (the County of Marin, as the landfill is in the unincorporated area of the county), but is a statutory procedure enacted by the California Legislature.

2. Should a member of the Board of Supervisors, or anyone else, desire to hold a workshop or other public meeting to discuss issues concerning the landfill, or waste in general, that certainly can occur. However, it should be noted that such a proceeding would be separate from and not part of the statutorily mandated procedure for handling a solid waste facility permit.