



Solid Waste Local Enforcement Agency
1010 Second Avenue, MS 606 L
San Diego, CA 92101
(619) 533-3692; fax: (619) 533-3689

Information Bulletin: No. 1
Subject: AB 1497 Public Hearings
Date: June 30, 2004

BACKGROUND: The Local Enforcement Agency (LEA) is certified by the California Integrated Waste Management Board to enforce state laws and regulations at solid waste sites within the City of San Diego, including all active and closed landfills. Regulatory responsibilities of the LEA include issuing permits for Solid Waste Facilities.

AB1497 (Montanez) was signed by the Governor October 10, 2003 and became effective January 1, 2004. This bill added section 43501.5 and amended Sections 44004 and 45011 of the Public Resources Code relating to solid waste. Section 44004 was amended to include a requirement that the LEA hold at least one public hearing on the proposed determination regarding any proposed revision to a Solid Waste Facilities Permit. This public hearing requirement does not apply to new permits.

The California Integrated Waste Management Board (CIWMB) will be developing new regulations to fully implement AB1497, with the process expected to begin in late summer 2004. In the meantime, LEAs are required to comply with the basic requirement of AB1497. This Bulletin provides information about the purpose and intent of the AB1497 public hearing and how the public hearing component of AB 1497 will be implemented in the City by the LEA.

A. Purposes of Hearing – The purposes of the public hearing are to provide information to the public regarding the proposed revision to the Solid Waste Facility Permit (SWFP), to identify staff’s preliminary determination regarding the requested SWFP revision, and to hear public comments and concerns regarding the project. It is not a decision-making hearing. The decision to approve or deny the SWFP revision will be made by the LEA within 120 days of the date the application was deemed complete as required by State statute. The LEA will consider the public comments received at the hearing when making the final decision. The project will then be forwarded by the LEA to the CIWMB for concurrence at a public meeting.

B. Timing of Hearing – The law requires that the public hearing be held within 60 days of receipt of an application for a revised permit unless the application is rejected for filing, which includes the 30 days that the LEA has to determine if the application is complete and correct. It is inferred that the public hearing will occur within 30 days of the date the application package is deemed complete and accepted for filing. An application accepted as incomplete must be deemed complete within 180 days and the public hearing must be held within 30 days of when the application is deemed complete.

C. Cost Recovery – The City of San Diego LEA Solid Waste Facility Permit fees were developed with the intent of recovering the complete costs associated with the LEA’s regulatory duties. The current solid waste permit application fees do not include the cost of conducting a public hearing, which is a new LEA responsibility. In order to recover staff costs, the LEA will charge the hourly technical staff rate of \$80/hour as provided in Attachment A, Section E of the fee ordinance. An initial payment of \$320 (four hours of staff time) will be required to schedule the public hearing. Staff time in excess of four hours will be invoiced to the applicant and must be paid within 30 days of receipt of the invoice.

All other costs associated with the public hearing, including cost of renting the meeting room, audio/visual equipment rental, transcription services, and refreshments, will be paid for by the applicant.

D. Public Notice – As required by AB1497, LEA staff will mail a Notice of Public Hearing at least 10 working days prior to the hearing date to all property owners and residents within 300 feet of the site, and to the CIWMB. The mailing list and 2 sets of mailing labels will be provided by the applicant with the application. Notices will also be mailed to the “Always” List for the Community Plan area as maintained by Development Services Department’s Project Management Division, and to any interested party who has filed a written request for the notice.

E. Location & Format – To the extent possible, the public hearing will be held at a place that is convenient for the community to attend. The hearings will usually be conducted during normal business hours. Translation services will be made available if necessary, based on the ethnic make-up of the affected community.

All attendees will be asked to sign in, and those wishing to speak will be required to fill out a speakers slip. Written comments will also be accepted.

At the hearing, LEA staff will make a brief presentation of the proposed permit revision and the preliminary staff determination (approve or deny). The applicant will be available for questions. Members of the public and other interested parties will then have an opportunity to ask clarifying questions and to state their comments. Depending on the number of people in attendance, comments may be limited to 2 or 3 minutes. Since this is not a decision making hearing, it is not intended that there will be lengthy discussion or debate of the issues. Normally, the hearing will not exceed 2 hours.

F. Recording & Transcript of hearing – An audio tape will be made of the hearing as well as a verbatim transcript. The cost of providing these will be the responsibility of the applicant.

G. Written summary of public hearing – The LEA staff will provide a brief written summary of the public hearing for submittal to the CIWMB with the revised proposed permit. The summary will include the number of people in attendance at the hearing and a brief discussion of any significant issues raised at the hearing that may be of interest to the CIWMB.