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MONTEREY REGIONAL
WASTE MANAGEMENT DISTRICT
Home of the Last Chance Mercantile
FINANCE COMMITTEE MEETING
AGENDA

TIMOTHY S. FLANAGAN
General Manager
GUY PETRABORG, P.E., G.E.
Director of Engineering & Compliance
PETER SKINNER
Director of Finance & Administration
TIM BROWNELL
Director of Operations
ZOË SHOATS
Director of Communications
ROBERT WELLINGTON
Legal Counsel

Wednesday, April 7, 2021

Bales Boardroom

9:00 a.m.

14201 Del Monte Blvd., Monterey County, CA

Please Note: Meeting will be held virtually via zoom compliant with Governor Newsom's executive Order N-29-20 which allows local legislative bodies to hold public meetings via teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and address the local legislative body to avoid public gatherings, and which suspended all contrary provisions of the Brown Act. To join the zoom webinar, click on this link: <https://us02web.zoom.us/j/81518468272> copy/paste the link into your browser, or type the link into your browser. If your computer does not have audio, you will also need to join the meeting via phone. To participate via phone, please call: 1-669-900-9128; Meeting ID: 815 1846 8272 Public Comments: if you are unable to participate via telephone or virtually, you may also submit your comments by e-mailing them to igonzales@mrwmd.org with one of the following subject lines "Public Comment Item #" (insert the item number relevant to your comment) or "Public Comment - Non Agenda Item". Comments must be received by 4:00 p.m. on Tuesday, April 6, 2021. All submitted comments will be provided to the Committee and may be read into the record or compiled as part of the record. Public comment will also be accepted during the meeting.

CALL TO ORDER

ROLL CALL AND ESTABLISHMENT OF QUORUM

PUBLIC COMMUNICATIONS

Anyone wishing to address the Committee on matters *not* appearing on the Agenda may do so now. *Please limit comments to a maximum of three (3) minutes.* The public may comment on any other matter listed on the agenda at the time the matter is being considered by the Board.

ITEMS FOR COMMITTEE CONSIDERATION, DISCUSSION AND ACTION

1. Review Draft Preliminary Budget FY 2021/22
2. Last Chance Mercantile Re-Opening Process
3. Update on Covid-19
4. Discuss Landfill Module 7
5. Update on Disposal of Treated Wood Waste
6. Discuss Monterey One Water (M1W) Power Purchase
7. General Manager Comments

ADJOURNMENT

NEXT MEETING DATE: Wednesday, May 5, 2021 9:00 a.m.

This agenda was posted at the District offices at 14201 Del Monte Blvd, Monterey County, CA. Staff reports and additional information regarding these agenda items are available on the District website (www.mrwmd.org) and at the District offices during regular business hours (additional fee for copying). All meetings are open to the public. The District does not discriminate against persons with disabilities and the Boardroom is wheelchair accessible. Recordings of meetings can be provided upon request. To request assistive listening devices, sign language interpreters, readers, large print agendas or other accommodations, please call Ida Gonzales at (831) 384-5313 or e-mail: igonzales@mrwmd.org. Requests must be made at least 48 hours in advance of the meeting.



Memorandum

MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT

DATE: April 2, 2021
TO: Finance Committee
FROM: General Manager
SUBJECT: Finance Committee Meeting of April 7, 2021

1. **Review Draft Preliminary Budget FY 2021/22**

Please refer to the enclosed information from Garth Gregson.

2. **Review Last Chance Mercantile Re-Opening Process**

The Last Chance Mercantile project team will provide a verbal report at the committee meeting. Staff will provide a preliminary response to Director Delgado's questions from last month's Board meeting. A complete report and analysis will be provided to the Board at the April 23 meeting.

Recommendation: Information Only

3. **Update on Covid-19**

Staff will provide a verbal update at the meeting. First round of on-site vaccines have been given. About 70% of our employees elected to receive the vaccine. We have the Visiting Nurses Association to thank as well as District HR staff. It was a very smooth and efficient process to give 88 vaccines to MRWMD staff, temporary staff and contractors in 2.5 hours. Second doses of the vaccine will be administered to staff on April 20.

Recommendation: Information Only

4. **Discuss Landfill Module 7**

Please refer to the enclosed staff report from Guy Petraborg, director of engineering and compliance. Module seven (7) will be developed adjacent to the existing module six (6) which is just coming into use this year. The planning of this module is part of our overall site development. Staff will go over the development plan for the next fiscal year, develop a site master plan that will highlight the revised schedule of module development (to replace the 2007 site master plan) inclusive of SB 1383 considerations.

Recommendation: Information Only

5. **Update on Disposal of Treated Wood Waste**

Guy Petraborg, director of engineering and compliance will provide verbal report at the meeting. Please refer to the enclosed variance information.

Recommendation: Information Only

6. **Discuss Monterey One Water (M1W) Power Purchase**

Staff will be bringing to the Board at the April 23 meeting a revised Power Purchase Agreement (PPA) that will reflect the changed nature of the original agreement and scope of work when first agreed to in 2016. District staff and M1W staff are currently working on these changes to the PPA. We hope that these changes will be identified and agreed to by respective staffs for recommendation to each Board before the end of April.

Recommendation: Information Only

7. **General Manager Comments**

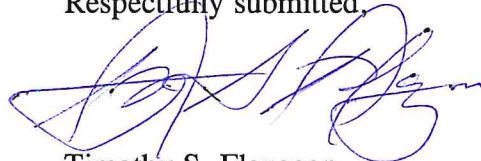
TAC Update SB 1383 – The TAC will continue to work through the aggressive timeline established by SB 1383. Director of Communications, Zoe Shoats, is the key point person for the District in being the TAC facilitator. Mike Niccum from Pebble Beach Community Services District is the current TAC Chair and all the member agencies try to have their staff present for the TAC meetings. Additional outreach efforts with member agencies will be planned over the summer and the fall ahead of the January 2022 implementation requirement.

Safety – Last month, the Maintenance Shop recorded its fifth straight year without an OSHA recordable accident or injury! Please join me in celebrating that tremendous effort. The Maintenance team will be recognized at the April Board meeting.

ADJOURNMENT

NEXT MEETING DATE: May 5, 2021 at 9:00 a.m.

Respectfully submitted,



Timothy S. Flanagan



Memorandum

MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT

DATE: April 2, 2021
TO: Finance Committee
FROM: Accounting Manager
SUBJECT: Fiscal 2022 Preliminary Operating Statement

Attached is the fiscal 2022 preliminary operating statement. This statement will be reviewed at the Finance and Personnel Committee meetings on April 7.

- Total tons received expected to decrease 15-20% from fiscal 2021 due to lower tons being delivered by GreenWaste San Jose and tip fee revenue will decline about \$1.3M from the fiscal 2021 estimate.
- No changes to tip fees other than new agreements with the County of Santa Cruz, the City of Scotts Valley, the City of Capitola and the City of Watsonville.
- MRF revenue (product sales & CRV reimbursements) expected to increase over fiscal 2021 as commodity prices are expected to remain at current price levels.
- Power revenue expected to increase about over fiscal 2021.
- Total headcount expected to increase by 4 FTE's from 119 to 122. The recent headcount data has been.

February 1, 2020 – 138

July 1, 2020 – 126

March 1, 2021 – 119

September 30, 2021 – 122 (projected)

The headcount additions include a Compliance Manager, Public Education and Outreach Coordinator and Administrative Assistant.

- Operating expenses are expected to increase \$800K over fiscal 2021.
- Net income is expected to decrease \$2.3M from the fiscal 2021 estimated results.

Respectfully submitted,

Garth Gregson

Monterey Regional Waste Management District

Fiscal 2022 Budget ('000)

	<u>F22 Budget</u>	<u>F21 Est</u>	<u>F20 Full Year</u>
* Operating Revenues *			
Tip Fee Revenue	26,819	28,083	28,828
Other Sales Revenue:			
Last Chance	-	-	593
Power Sales	1,800	1,622	1,324
MRF Sales & CRV Revenue	8,855	8,711	7,373
Other Sales	1,100	1,044	1,484
Total Other Sales Revenue	<u>11,755</u>	<u>11,377</u>	<u>10,774</u>
* Total Operating Revenues *	<u><u>38,574</u></u>	<u><u>39,460</u></u>	<u><u>39,602</u></u>
* Operating Expenses *			
Salary Expenses:			
Salary, Wages	9,626	9,974	12,244
Deferred Compensation	158	152	151
Health Insurance	2,356	2,254	2,843
Medicare/Social Security	140	125	146
PERS	1,624	1,684	2,675
Unemployment Insurance	80	118	57
Workers Compensation	840	834	835
Total Salary Expenses	<u>14,824</u>	<u>15,141</u>	<u>18,951</u>
Non-Salary Expenses:			
Amortization & Depreciation	4,300	4,117	4,080
Closure/Post Closure Costs	375	367	355
Outside Services	563	626	706
Environmental Services	1,133	830	331
Gasoline, Oil & Fuel	997	986	918
Hazardous Waste Disposal	327	352	305
Insurance	698	588	410
Office Expense	225	305	267
Operating Supplies	1,151	1,580	1,077
Other Expense	40	23	23
Professional Services	1,660	1,033	788
Public Awareness	309	116	162
Recycling Services	2,050	1,931	2,324
Repairs & Maintenance	2,845	2,829	3,160
Safety Equip/Supplies/Training	249	231	255
Taxes & Surcharges	1,461	1,412	1,324
Training/Meetings/Education	96	53	77
Utilities	142	126	109
Total Non-Salary Expenses:	<u>18,621</u>	<u>17,505</u>	<u>16,671</u>
* Total Operating Expenses *	<u><u>33,445</u></u>	<u><u>32,646</u></u>	<u><u>35,622</u></u>
** Operating Income (Loss) **	5,129	6,814	3,980
* Nonoperating Revenues (Expenses) *			
Interest Income	250	245	750
Finance Charges	2	-	4
Rents & Leases	340	335	343
Other Income	-	4	-
Sales of Fixed Assets	-	(38)	29
Equipment Financing - Interest	(30)	(49)	(47)
Revenue Bonds - Interest	(2,164)	(1,490)	(947)
* Nonoperating Revenues (Expenses) *	<u>(1,602)</u>	<u>(993)</u>	<u>132</u>
*** Change in Net Position ***	<u><u>3,527</u></u>	<u><u>5,821</u></u>	<u><u>4,112</u></u>



Memorandum

MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT

DATE: April 2, 2021
TO: General Manager
FROM: Director of Engineering & Compliance
SUBJECT: Discuss Landfill Module 7

Reviewed by:  Date: 4/2/21
General Manager

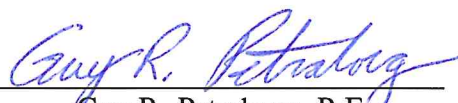
RECOMMENDATION: NONE INFORMATION ONLY

BACKGROUND

The Monterey Peninsula Landfill, typical of modern sanitary landfill construction practices, is built in a series of phased modules developed over time until the permitted disposal area of 315 acres is attained. The landfill is currently about 140 acres in plan area and consists of six (6) modules constructed over the past 55 years. The most recent modules consist of Module 4 built in 2002, Module 5 built in 2013, and Module 6 built in 2019. Modules 1 thru 5 are generally located in the northern portion of the permitted landfill footprint where waste elevations are on the order of Elevation 150 feet (local datum). Module 6 is located in the central western portion of the permitted landfill footprint and has base operations layer elevations on the order of 15 to 30 feet. Filling of the eastern half of Module 6 has recently begun and consists of limited, select household waste loads which do not contain bulky or rigid materials and is commonly referred to as a “fluff layer”. The fluff layer is the first layer of waste placed over the base operations layer as a protective measure for the underlying single composite base liner system. Once the “fluff layer” is in place, normal waste disposal operations can resume for the filling the remainder of Module 6.

DISCUSSION

The base liner system of Module 6 was connected to the base liner systems of Module 4 along the north side and Module 5 on the east side; and is planned to be connected to the base liner system of Module 7 along the south and west sides. The Module 7 design consists of a floor area of about 15 acres in size that includes a permanent underdrain sump (below the base liner system) for the collection of shallow perched groundwater zone and a permanent leachate sump (above the base liner system). In contrast, due to the fact that Module 6 was designed and constructed to drain to the future Module 7 sumps, Module 6 has a temporary groundwater sump and a temporary leachate sump with an underlying lysimeter (temporary leak detection element). Maintaining the fill operations at the lower elevations of Modules 6 and 7, and having permanent sump systems are a couple of the factors influencing the timing of developing Module 7. The final design of the module is nearing completion and an engineer’s estimate will be provided at that time. A conceptual level cost estimate prepared by staff indicates about \$2.6 million for a rough grading phase and \$5.4 million for a final grading and liner construction phase. The conceptual cost estimates for both phases are inclusive of a conceptual level contingency factor of 20% (\$1.34 million). At the Finance Committee Meeting, Staff will discuss the design features of Module 7, the planned phasing of construction of Module 7, the planned project schedule, and anticipated capital budget needs for the project.


Guy R. Petraborg, P.E.



Department of
Toxic Substances
Control

California Environmental
Protection Agency

Department of Toxic
Substances Control



**TREATED WOOD WASTE
DISPOSAL FACILITY VARIANCE**

Applicant Organization: Monterey Regional
Waste Management District

Variance No.: TWW-2021-DF-00065

Site Name: Monterey Peninsula Landfill,
Modules 3 through 6

Site Location: 14201 Del Monte Blvd.,
Marina, CA 93933

Effective Date: March 4, 2021

Expiration Date: August 31, 2021

Modification History:

Pursuant to Section 25143 of the California Health and Safety Code, the Department of Toxic Substances Control hereby issues the attached Variance consisting of 12 pages.

Ryan W Batty Digitally signed by Ryan W Batty
Date: 2021.03.04 17:25:10 -08'00'

Supervisor,

Permitting Division

Department of Toxic Substances
Control

Date: March 4, 2021

1. INTRODUCTION

- a) Pursuant to Health and Safety Code, Section 25143, and California Code of Regulations, title 22, Section 66260.210, the California Department of Toxic Substances Control (DTSC) grants a variance to the applicant identified below for the management of treated wood waste (TWW).
- b) DTSC hereby grants this variance only from the requirements specified herein and only in accordance with all terms and conditions specified herein.

2. APPLICANT IDENTIFYING INFORMATION

VARIANCE ID: TWW-2021-DF-00065

ORGANIZATION: Monterey Regional Waste Management District

NAME: David Ramirez

ADDRESS: 14201 Del Monte Blvd.
Marina, CA 93933

SITE LOCATION: 14201 Del Monte Blvd., Marina, CA 93933

3. TYPE OF VARIANCE

This Variance authorizes the Applicant to dispose of non-RCRA hazardous TWW at Monterey Peninsula Landfill, Modules 3 through 6 in accordance with a set of alternative management standards in lieu of the requirements for hazardous waste pursuant to Health and Safety Code, division 20, chapter 6.5, articles 6, 6.5, and 9 and California Code of Regulations, title 22, division 4.5, chapters 12, 13, 14, 15, 16, 18, and 20.

4. ISSUANCE AND EXPIRATION DATES

DATE ISSUED: March 4, 2021

EXPIRATION DATE: August 31, 2021

5. APPLICABLE STATUTES AND REGULATIONS

Health and Safety Code division 20, chapter 6.5 (Health & Saf. Code, sec. 25100 et seq.) and California Code of Regulations, title 22, division 4.5 (Cal. Code Regs., tit. 22, sec. 66260.1 et seq.), except as specifically identified in section 8 of this variance.

6. DEFINITIONS

For the purposes of this variance, the definitions set forth in California Code of Regulations, title 22, Section 66260.10 shall apply unless otherwise defined. The following definitions shall apply to the terms used in this variance:

“Agent” means a person operating with a “TWW handler and transporter variance” or a “TWW transporter only variance” that is hired by a “TWW generator” for the removal, collection, or transportation of “TWW”.

“Applicant” means the entity that applied to DTSC for a variance.

“Class 1 hazardous waste landfill” means a landfill as defined in California Code of Regulations, title 22, Section 66260.10, which is also authorized as part of a permitted facility as defined in California Code of Regulations, title 22, Section 66260.10.

“Composting Facility” means a facility that produces compost as defined in Public Resources Code, Section 40116 and is authorized to operate pursuant to division 30 of Public Resources Code (commencing with § 40000).

“Gasification Facility” means a facility that utilizes a gasification process as defined in Public Resources Code, Section 40117 and is authorized to operate pursuant to division 30 of Public Resources Code (commencing with § 40000).

“Large Quantity Generator” means a “TWW generator” who generates 10,000 pounds (5 tons) or more of “TWW” per calendar year.

“Limited Volume Transfer Operation” means an operation that receives less than 60 cubic yards, or 15 tons of solid waste per operating day for the purpose of storing the waste prior to transferring the waste to another solid waste operation or facility and which does not conduct processing activities but may conduct limited salvaging activities and volume reduction by the operator and is authorized to operate pursuant to division 30 of Public Resources Code (commencing with § 40000).

“Resizing” means the minimal cutting, breaking, or sawing, but does not include planing, grinding, chipping, sanding, shredding, mulching, or other mechanical handling or any other treatment.

“Small Volume Construction and Demolition/Inert (CDI) Debris Processing Operation” means a site that receives less than 25 tons of any combination of construction and demolition debris and Type A inert debris per operating day for the purposes of storage, handling, transfer, or processing that is authorized to operate pursuant to division 30 of Public Resources Code (commencing with § 40000).

“Small Quantity Generator” means a “TWW generator” who generates less than 10,000 pounds (5 tons) of “TWW” per calendar year.

“Solid Waste Landfill” means a facility as defined in Public Resources Code, Section 40195.1 that is authorized to operate pursuant to division 30 of Public Resources Code (commencing with § 40000).

“Transfer or Processing Station” means a facility as defined in Public Resources Code, Section 40200 that is authorized to operate pursuant to division 30 of Public Resources Code (commencing with § 40000).

“Transformation Facility” means a facility that utilizes a transformation process as defined in Public Resources Code, Section 40201 and is authorized to operate pursuant to division 30 of Public Resources Code (commencing with § 40000).

“Treated wood” means wood that has been treated with a chemical preservative for purposes of protecting the wood against attacks from insects, microorganisms, fungi, and other environmental conditions that can lead to decay of the wood and the chemical preservative is registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. § 136 and following).

“Treated Wood Waste” means a waste that meets the requirements of subsection (B) of Section 9.

“TWW” means “Treated Wood Waste.”

“TWW approved landfill” means either a Class 1 hazardous waste landfill, or a composite-lined portion of a solid waste landfill unit that is operating with a DTSC issued “TWW disposal facility variance” and meets all requirements applicable to disposal of municipal solid waste in California after October 9, 1993, and that is regulated by waste discharge requirements issued pursuant to division 7 (commencing with § 13000) of the Water Code for discharges of designated waste, as defined in Section 13173 of the Water Code, or treated wood waste and that is in compliance with this variance.

“TWW disposal facility variance” means a DTSC issued “TWW variance” that allows a “TWW approved landfill” to dispose of TWW with an alternative set of management standards in lieu of the requirements for hazardous waste.

“TWW emergency responder” means a person operating with a DTSC issued “TWW emergency response variance” who generates, handles, collects, accumulates, stores, transports, treats, recycles, or disposes of TWW in response to a declared emergency.

“TWW emergency response variance” means a DTSC issued “TWW variance” that allows an “TWW emergency responder” to transport and generate TWW with an alternative set of management standards in lieu of the requirements for hazardous waste.

“TWW facility” means either:

- a) a solid waste landfill, as defined in this Section, that is operating with a “TWW disposal facility variance”; or
- b) a transfer or processing station, as defined in this Section, that is operating with a “TWW handler and transporter variance”; or
- c) a TWW approved landfill, as defined in this Section, that is operating with a “TWW disposal facility variance”; or
- d) a class 1 hazardous waste landfill; or
- e) Small Volume Construction and Demolition/Inert (CDI) Debris Processing Operation, as defined in this Section, that is operating with a “TWW handler and transporter variance”; or
- f) Limited Volume Transfer Operation, as defined in this Section, that is operating with a “TWW handler and transporter variance”.

TWW Facility shall not include composting facilities, gasification facilities, or transformation facilities.

“TWW generator” means a person operating with “TWW small quantity generator variance” or “TWW large quantity generator variance” who generates, handles, collects, accumulates, stores, transports, treats, recycles, or disposes of TWW.

“TWW handler” means a person operating with a DTSC issued “TWW handler and transporter variance” who handles, collects, processes, accumulates, stores, transfers, transports, or treats TWW.

“TWW handler and transporter variance” means a DTSC issued “TWW variance” that allows a “TWW handler” to handle and transport TWW with an alternative set of management standards in lieu of the requirements for hazardous waste.

“TWW large quantity generator variance” means a DTSC issued “TWW variance” that allows a “TWW generator” to transport and generate TWW with an alternative set of management standards in lieu of the requirements for hazardous waste.

“TWW small quantity generator variance” means a DTSC issued “TWW variance” that allows a “TWW generator” to transport and generate up to 10,000 pounds of TWW with an alternative set of management standards in lieu of the requirements for hazardous waste.

“TWW transporter” means a person operating with a DTSC “TWW transporter only variance” who collects, consolidates, and transports TWW.

“TWW transporter only variance” means a DTSC issued “TWW variance” that allow a “TWW transporter” to transport TWW with an alternative set of management standards in lieu of the requirements for hazardous waste.

“TWW variance” means a variance for the management of treated wood waste issued by DTSC on or after March 1, 2021.

“Unit” means a pile, stack, container, bundle, or other discernable aggregation of TWW for purposes of this variance.

“Wood waste” means all waste timber products and failed timber products including solid sawn lumber and engineered wood products, offcuts, shavings and sawdust that meet the definition of “waste” pursuant to Health and Safety Code Section 25124. “Wood Waste” does not mean forest residues, green waste, or garden waste materials such as branches, bushes and tree stumps.

7. FINDINGS/DETERMINATIONS

DTSC has determined that the variance Applicant has met the requirements set forth in Health and Safety Code, Section 25143, for the receipt of a waiver from specific regulatory requirements as outlined Section 8 of this Variance. The specific findings and determinations made by DTSC are as follows:

- a) TWW is a hazardous waste and presents a threat to human health and the environment when improperly managed.
- b) TWW is generated in relatively large quantities in California by a broad spectrum of generators that include households, small businesses, large business, and state and federal agencies.
- c) As of January 2021, there is only one operating hazardous waste landfill in California, located in Kern County, that is authorized to receive non-exempt hazardous TWW for disposal. In order to utilize this facility, many generators in California would be required to ship their TWW a significant distance.
- d) The sunset of Health and Safety Code, Section 25150.7, on December 31, 2020, and the associated repeal of the regulations in California Code of Regulations, title 22, division 4.5, Chapter 34, have caused concern among the generators of TWW about the availability of cost-effective disposal options for TWW.
- e) The timely and safe disposal of waste, such as TWW, is critical to the state response to a declared emergency and is necessary to return impacted property to beneficial reuse as soon as possible.
- f) DTSC finds that the temporary issuance of a variance for TWW management while a long-term solution to the management of this waste

stream is found is prudent and responsible and in furtherance of DTSC's mission to protect public health and the environment from toxic harm.

8. PROVISIONS WAIVED

DTSC hereby grants a variance, pursuant to Health and Safety Code, Section 25143, and California Code of Regulations, title 22, Section 66260.210, from the hazardous waste management provisions of law as they pertain to the management of TWW. The conditions of this Variance provide an alternative set of management standards in lieu of the requirements for hazardous waste pursuant to Health and Safety Code, division 20, chapter 6.5, articles 6, 6.5, and 9 and California Code of Regulations, title 22, division 4.5, chapters 12, 13, 14, 15, 16, 18, and 20 for a person managing TWW.

All Sections of this Variance, and California Code of Regulations, title 22, Section 66264.101, apply to persons managing TWW. This Variance is contingent upon compliance with all terms and conditions listed in Section 9 of this variance. The Applicant is subject to all requirements of California Code of Regulations, title 22, division 4.5 which are not specifically waived.

9. TERMS AND CONDITIONS

A. General

- a) This Variance is valid only:
 1. for a period of six months; or
 2. until such time as additional statutory, and regulatory, requirements relating to the management of TWW become effective, whichever is sooner.
- b) This Variance may be extended once for a period not to exceed six (6) months if the Applicant completes all of the following:
 1. notifies DTSC prior to the expiration date of the Variance that the Applicant is requesting an extension, and the requested length of the extension (not to exceed six months); and
 2. makes the notification by email or postal mail and includes the following language:

On _____, 2021, DTSC issued treated wood waste variance number _____ to _____ located at _____ in California. We are hereby requesting that DTSC extend the term of this variance for an additional _____ months. We agree to continue to abide by the conditions of the Variance.

Furthermore, a copy of this notification will be maintained along with the Variance and made available upon request.

- c) The Applicant shall maintain a copy of this Variance at the disposal facility and shall make the Variance available for review upon request.
- d) The Applicant shall only manage TWW within the scope and manner described in the variance application submitted to DTSC.

B. Applicability

- a) The alternative management standards of this Variance apply only to wood waste that meets all of the following:
 - 1. is a hazardous waste pursuant to chapter 11, of division 4.5 of California Code of Regulations, title 22;
 - 2. is a hazardous waste solely due to the presence of a preservative in or on the wood that is registered in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) for use as a wood preservative; and
 - 3. is not subject to regulation as a hazardous waste under the federal Resource Conservation and Recovery Act (RCRA).
- b) The alternative management standards of this Variance do not apply to wood waste exempted from hazardous waste management standards pursuant to Health and Safety Code Section 25143.1.5.
- c) The following wood wastes are not eligible for the alternative management standards of this Variance:
 - 1. wood waste that is hazardous due to the presence of coatings, paint, or other treatments that are not registered in accordance with FIFRA for use as a wood preservative; or
 - 2. wood waste when designated to be burned.

C. Prohibited Activities

- a) TWW managed in accordance with the alternative management standards of this Variance shall not be:
 - 1. burned;
 - 2. scavenged;
 - 3. commingled with other waste prior to disposal, if previously segregated;

4. stored in contact with the ground;
5. generated;
6. accumulated;
7. shipped offsite;
8. recycled;
9. treated; and
10. disposed to land except in compliance with subsection (E) of Section 9.

- b) Any label or mark that identifies the wood waste as TWW shall not be intentionally removed, obliterated, defaced, or destroyed prior to disposal in a landfill.

D. Tracking Shipments

- a) Receipt of shipments. A TWW approved landfill shall keep a record of each shipment of TWW received at the TWW facility. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document. The record for each shipment of TWW received shall include the following information:
 1. name and address of the originating TWW generator from whom the TWW was sent;
 2. weight of TWW or the estimated weight of TWW (An estimated weight may be used when a scale is unavailable, or weighing is impractical. Assumptions required for weight estimates shall be recorded in the shipment records.);
 3. date of receipt of the shipment of TWW; and
 4. the TWW variance number of the TWW generator, receiving TWW facility, and if applicable the TWW transporter.
- b) Reporting receipt of shipments. A TWW approved landfill that receives TWW shall submit, to the department, semi-annual reports for the periods ending June 30 and December 31 of each year. Reports shall be required beginning June 30, 2021 and shall be submitted in an electronic format provided by the department within 30 days of the end of each reporting period. Each semi-annual report shall include the following information:

1. reporting facility information:
 - i. facility name, location address, contact person's name, and telephone number;
 - ii. identification Number; and
 - iii. TWW disposal facility variance identification number.
2. for all TWW shipments received, other than those reported under subsections (D)(b)(3), (D)(b)(4), and (D)(b)(5) of Section 9, the TWW approved landfill shall report the following information;
 - i. generator's Identification Number, or, if the generator does not have an Identification Number, the name, address, contact person's name, mailing address, and telephone number of the generator;
 - ii. dates of shipments;
 - iii. weight of TWW per shipment;
 - iv. TWW generator's TWW variance identification number; and
 - v. TWW transporter's TWW variance identification number (if different).
3. TWW household information;
 - i. weight summary of all TWW quantities received that were generated by households.
4. TWW load check information;
 - i. weight summary of all TWW quantities discovered and separated from solid waste as part of an on-site load checking program.
5. for shipments received from a TWW facility the following information shall be reported by the TWW approved landfill;
 - i. TWW facility's Identification Number or the name, address, contact person's name, mailing address, and telephone number;
 - ii. dates of shipments;

- iii. weight of TWW per shipment;
 - iv. TWW facility's TWW variance identification number;
 - v. TWW transporter's TWW variance identification number (if different).
- c) Other Reporting. A TWW approved landfill may accept TWW from a transporter that does not have a DTSC issued TWW variance, provided that the TWW approved landfill does the following:

- 1. provides the transporter with a notice stating the following:

ADVISORY FROM THE DEPARTMENT OF TOXIC SUBSTANCES CONTROL: This notice is to advise you that in order to transport a hazardous waste, you must either be a registered hazardous waste transporter, or have received a variance from the Department of Toxic Substances Control. Further information on becoming a hazardous waste transporter or obtaining a variance can be found on DTSC's website at the following link: www.dtsc.ca.gov.

Failure to follow hazardous waste transportation rules may subject you to fines and penalties.

- 2. at least once per month, provide DTSC with the following information.
 - i. the generators name, address, affiliation (e.g. company name), and telephone number;
 - ii. the transporters name, address, affiliation (e.g. company name), telephone number, driver license number, and vehicle license plate number (excluding trailers);
 - iii. dates of shipments; and
 - iv. weight of TWW per shipment;
- 3. this reporting requirement does not apply to TWW received from utilities that is exempt in accordance with Health and Safety Code, Section 25143.1.5

- d) Record retention.

1. a TWW approved landfill shall retain the records described in subsection (D)(a) of section 9 for at least three years from the date of receipt of a shipment.

E. Disposal

- a) When disposed to land, TWW shall be disposed in either a Class I hazardous waste landfill, or a TWW approved landfill.
- b) A TWW approved landfill that accepts TWW shall:
 1. comply with the prohibitions in subsection (C) of Section 9 for handling TWW;
 2. ensure that any management of the TWW at the TWW approved landfill prior to disposal complies with the applicable requirements of this Variance;
 3. monitor the composite-lined portion of a landfill unit at which TWW has been disposed. When a release is verified, cease discharge of TWW to that landfill unit until corrective action results in cessation of the release. The landfill shall notify the department that TWW is no longer being discharged to that landfill unit and when corrective action results in cessation of the release; and
 4. handle TWW in a manner consistent with all applicable requirements of the California Occupational Safety and Health Act of 1973 (ch. 1, part 1, div. 5 (commencing with § 6300) of the Labor Code), including all rules, regulations, and orders relating to hazardous waste.
- c) If treated wood waste is accepted by a TWW approved landfill that manages and disposes of the treated wood waste in accordance with the TWW disposal facility variance, and that is managed and disposed in accordance with the terms of that variance, the treated wood waste, upon acceptance by the TWW approved landfill, shall thereafter be deemed to be a solid waste, and not a hazardous waste, for purposes of Chapter 6.5 and Section 40191 of the Public Resources Code.

F. Training

- a) An employer managing TWW shall provide training for all employees handling TWW and all employees that may reasonably be expected to contact TWW. A record of the training shall be maintained for a period of three years and available for review. The training shall include:

1. all applicable requirements of the California Occupational Safety and Health Act of 1973 (ch. 1, part 1, div. 5 (commencing with § 6300) of the Labor Code)), including all rules, regulations, and orders relating to hazardous waste;
2. procedures for identifying and segregating TWW;
3. safe handling practices;
4. requirements of this Variance; and
5. proper disposal methods.

10. DISCLAIMER

The issuance of this Variance does not relieve the Applicant of the responsibility for compliance with Health and Safety Code division 20, chapter 6.5 (sec. 25100, et seq.), or the regulations adopted thereunder, and any other laws and regulations other than those specifically identified in Section 8 of this Variance. The granting of this variance confers no relief from compliance with any federal, state, or local requirements other than those specifically provided herein.

This issuance of this variance does not release the Applicant from any liability associated with the handling of hazardous waste, except as specifically provided herein and subject to all terms and conditions of this variance.

11. VARIANCE MODIFICATION OR REVOCATION

This Variance is subject to review at the discretion of DTSC and may be modified or revoked by DTSC upon change of ownership and at any other time pursuant to Health and Safety Code, Section 25143.

12. NOTIFICATION

Notice of the issuance of this Variance will be placed in the California Regulatory Register within 30-days of issuance in accordance with Health and Safety Code Section 25143(f).

13. CEQA DETERMINATION

DTSC has determined the variance is categorically exempt in accordance with the requirements of the California Environmental Quality Act, Public Resources Code section 21000 et seq. and the Guidelines for Implementation of the California Environmental Quality Act, California Code of Regulations, Title 14, Division 6, Chapter 3. DTSC will file a Notice of Exemption with the Office of Planning and Research State Clearinghouse.