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Director

COPY

STIPULATED AGREEMENT
COLD CANYON LANDFILL
SWIS No. 40-AA-0004
Agreement No. 2001-02

Facility Name: Cold Canyon Landfill
Facility Address: 2268 Carpenter Canyon Road
San Luis Obispo CA 93401

Cold Canyon Land Fill, Inc. ("Operator") and Environmental Health Services and the Local Enforcement Agency for Solid Waste ("LEA") for San Luis Obispo County, agree to and shall comply with the terms outlined in this Stipulated Agreement ("Agreement").

ISSUE

Pursuant to Section 17211.3, CCR, Tile 27 (Emergency Regulations), the operator of Cold Canyon Landfill has requested of the LEA permission to make a change in operation or design at the facility to address a temporary emergency.

Cold Canyon Land Fill, Inc. has requested permission to temporarily compost green material on the surface of the landfill, on approximately a one-acre area that is covered by intermediate cover, a layer of 1 foot or greater.

Currently, the facility's Solid Waste Facility Permit and operations do not include on-site composting at the landfill. Cold Canyon Land Fill, Inc. operates an adjacent, but separate, green material composting facility under a Registration Permit # 40-AA-0017. The landfill's on-site green material feedstock pile for chipping and grinding and transfer to the adjacent compost facility is near the facility's storage capacity and the adjacent compost facility is operating at full capacity. However, the incoming green material exceeds the processing capacity of the compost facility and the operator has encountered numerous obstacles in approval of the expansion for that facility.

The operator is requesting a temporary order to allow the facility to compost on-site while the operator is in the process of revising both the landfill permit to allow on-site composting, and the adjacent compost facility permit to expand and relocate the facility. This Stipulated Agreement will assist the operator in handling the temporary crisis by allowing an increase in composting activities, thus avoiding disposing of the material.

FINDINGS:

The Cold Canyon Landfill ("CCLF"), located at 2268 Carpenter Canyon Road, San Luis Obispo, California, in the County of San Luis Obispo, is owned by Corral de Piedra Land Co. and operated by Cold Canyon Land Fill, Inc. The landfill is currently operating under a Revised Solid Waste Facility Permit issued by the San Luis Obispo County Environmental Health Division on February 7, 1994.

2. The operator of CCLF also currently operates a Green Material Compost Facility adjacent to, but separate from, the existing landfill under a Revised Registration Permit issued on April 30, 2001. The compost facility is the only one currently permitted in the county and was initially permitted in 1996.

3. The operator stockpiles and grinds green material for compost and biomass feedstock on the landfill as there is insufficient space at the compost facility to accommodate this activity. In 1999, the operator identified a need to expand and relocate the composting facility due to planned landfill expansion into the area currently used for storage and grinding of feedstock materials and increased recycling of green material. Excavation of the area must begin this fall in advance of the landfill expansion scheduled to occur early in 2002.

4. During 2000, the operator began the process of amending the land use entitlement in order to expand and relocate the compost facility. The existence of wetlands on the site resulted in a lengthy environmental review process and involved multiple agencies, including: the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the State Department of Fish and Game. To date, the State Department of Fish and Game have given approval for the operator to move forward with the expansion. However, the operator continues to await approval by the U.S. Fish and Wildlife Service and the Army Corps of Engineers.

5. The land use entitlement (Development Plan) along with an environmental document (Negative Declaration), as required by CEQA, was approved by the San Luis Obispo County Planning Commission on July 12, 2001. However, the CIWMB Environmental Review Section noted numerous deficiencies related to description of the operational aspects of the expansion. The operator was unaware that submittal of a Report of Compost Facility Information (RCSI) was necessary at this point in the process, intending to submit the document with an application for a Solid Waste Facility Permit. Since the CIWMB concluded that insufficient analysis was performed to support issuance of a Solid Waste Facility Permit, additional review was needed upon submittal of an RCSI.

6. On August 28, 2001 the operator submitted an application for revision of the Landfill's Solid Waste Facility Permit, including a new revised RDSI. One of the proposed changes in operation included in the RDSI is temporary on-site green material composting at the landfill when needed. The LEA is currently processing the permit application package. It is anticipated that a proposed permit will be submitted to the Integrated Waste Management Board for consideration by November 21, 2001.

7. On September 11, 2001, the LEA received from the operator copies of a draft Report of Composting Site Information, fully describing the composting activities to be undertaken after the expansion. The operator and the LEA anticipate submittal of an application for either a standardized or a full permit in the near future.

TERMS AND CONDITIONS:

1. The operator shall conduct the temporary composting operation in accordance with state minimum standards found in 14 CCR, Section 17850, et.seq.

2. The operator shall be limited to a one-acre area located on top of landfill Module 5 where intermediate cover is in place over the waste management unit.

3. The operator shall be limited to a maximum of 2,000 cubic yards of actively composting material at one time on the landfill.

4. This Agreement shall terminate upon issuance of a Revised Solid Waste Facility Permit for the landfill which provides for temporary on-site composting operations.

5. Should any unforeseen circumstances arise which are beyond the control of the operator that would cause the operator to not meet a deadline under "Specified Actions," the operator shall notify the LEA at least 3 business days prior to the date specified for task completion to request an amendment to the agreement. In such an event, the dates may be amended with concurrence by the operator, LEA and CIWMB staff.

6. Pursuant to 14 CCR, Section 17211.6, the operator shall submit a written report to the LEA within 10 days prior to the termination date of this Agreement. (Refer to Section 17211.6 for all information required to be in the report.)

7. This Agreement shall terminate 90-days from the date this Agreement is signed.

8. Due to the length of the composting cycle being 120-days, there will be at least one extension granted, if needed, to allow the operator to complete the specified actions below within the time frame of this Agreement.

9. The operator shall continue efforts to expand the composting facility, completing the CEQA process and submitting an application for an upgraded permit.

SPECIFIED ACTIONS:

1. On ***August 28, 2001,*** operator submitted an application for revision of the Solid Waste Facility Permit. One of the proposed changes is to allow for temporary on-site composting when needed.

2. By ***September 27, 2001,*** the LEA shall review and determine if the application package is complete and correct.

3. By ***October 27, 2001,*** the operator shall submit any additional information that the LEA deems necessary.

4. By ***November 21, 2001,*** the LEA shall submit a proposed permit to the CIWMB for consideration.

5. By ***January 20, 2001,*** the CIWMB shall have acted on the proposed permit.

AGREEMENT AND REMEDIES:

The undersigned hereby agree to the following:

1. This Agreement shall become effective immediately upon execution by the operator and the LEA. No enforcement action shall be pursued against the operator if the ***Terms and Conditions*** and ***Specified Actions*** contained in this Agreement are completed in accordance with the stated deadlines for compliance.

2. If the operator does not contact the LEA to amend or extend the agreement and violates any part of the ***Terms and Conditions*** or does not adhere to deadlines listed under ***Specified Actions***, the following enforcement actions shall be implemented:

   A. A Notice of Violation of this Agreement and Section 44014(b), Public Resources Code, shall be issued by the LEA and the operator given 72 hours to correct the violation and/or amend the Agreement.
   B. The inspection report for the month during which the violation occurs shall include a violation of Section 44014(b).

3. If the operator remains in violation, this Agreement may be declared "null and void" and legal action may be taken, including but not limited, obtainment of a court injunction, imposition of civil penalties, or suspension of the Solid Waste Facility Permit.

PLEASE TAKE FURTHER NOTICE: That this office as the local enforcement agency may seek civil penalties of up to $10,000.00 per day for statutory violations pursuant to Section 45023 of the Public Resources Code (PRC).

Signed this 27 day of September, 2001.

OPERATOR: **Cold Canyon Land Fill, Inc.**
A California Corporation

By: _____
Bruce Rizzoli, General Manager

LEA: **San Luis Obispo County, Environmental Health Services**

By: _____
Curtis A. Batson, R.E.H.S.
Director, Environmental Health Services