



California Integrated Waste Management Board

LEA Central: Landfill Gas Plan Rejection Dispute Resolution Process

Landfill operators may request the Board's Executive Director to reconsider a decision by staff to reject, in whole or in part, a Landfill Gas Monitoring and Control Program Plan proposed by the operator. The dispute resolution process outlined below provides guidance for Board staff and landfill operators when a dispute occurs.

Initial Consideration of Landfill Gas Monitoring and Control Program Plan (LFG Plan)

Board staff considers the LFG Plan proposed by operator, approved by local enforcement agency, and determines to concur with it or reject it ("Decision") or to request additional information necessary for staff to make its final decision ("Information Request").

A **Decision** shall specify which parts of the LFG Plan are acceptable, which parts of the Plan are rejected, and staff's basis for each rejection.

An **Information Request** shall specify what additional information is needed and why the information is needed; and state that the Information Request shall constitute staff's rejection of the proposed LFG Plan if staff does not receive all information requested by a specified date (date depends on the type and amount of information requested).

Board staff delivers the Decision or Information Request via email and certified mail to operator. The date of certified mailing is the "Delivery Date."

Operator Request for Dispute Resolution

Within 15 days from the Delivery Date, the operator may request that the Executive Director reconsider Board staff's Decision ("Request for Dispute Resolution"). The Request for Dispute Resolution shall be written and signed by the operator. It must be e-mailed and mailed via certified mail to the Executive Director and copied to the Program Director at the follow address:

Mark Leary, Executive Director
California Integrated Waste Management Board
1001 I Street
P.O. Box 4025
Sacramento, CA 95812-4025
Email address: mleary@ciwmb.ca.gov

Ted Rauh, Program Director
California Integrated Waste Management Board
Waste Compliance and Mitigation Program
1001 I Street
P.O. Box 4025
Sacramento, CA 95812-4025
Email address: trauh@ciwmb.ca.gov

The Request for Dispute Resolution should be received by the Executive Director and the Program Director with a certified mail date not later than 15 days from the original Delivery Date of the Decision.

The **Request for Dispute Resolution** must contain the following components:

Specify what parts of the Decision the operator is disputing and its basis for each.

Be based on the operator's Plan and supporting documents that the operator has provided to staff. **Other supporting documentation or justification not already provided to staff will not be considered by the Executive Director or his designee.**

Executive Director's Final Action

The Executive Director, or his designee, will consider and act on the Request for Dispute Resolution and will notify the operator filing the request in writing within 45 days from receipt ("Final Action"). He will apply the process on a case-by-case basis and may vary the application of the process as he see fit.

The Final Action will specify in writing the Executive Director's decision on each matter disputed by the operator in its Request for Dispute Resolution and the basis for each decision. The Final Action **may**:

Deny the Plan as proposed by the operator; or

Concur with the LEA's approval of the Plan as proposed by the operator.

Note: The timelines indicated are advisory only and are included in an attempt to ensure that the process occurs as expeditiously as possible. The Executive Director may take longer to render a decision if he determines additional time is necessary. No request will be rejected simply because it is sent later than the dates set out above. This process does not create any rights or obligations for any operator, the Board or any other person.

Last updated: July 28, 2009
Landfill Gas <http://www.ciwmb.ca.gov/LEACentral/LandfillGas/>
Gino Yekta: gyekta@ciwmb.ca.gov (916) 341-6354

[Conditions of Use](#) | [Privacy Policy](#)

©1995, 2009 California Integrated Waste Management Board. All rights reserved.



LEA Central: Landfill Gas

Extension Requests to Delay Implementation of Monitoring Program Plans

Landfill operators who have made a good faith effort to implement approved landfill gas monitoring and control program plans, but have been unable to do so for reasons beyond their control, may submit written extension requests to Board staff for consideration on a case-by-case basis.

Submission of Requests

An operator may apply for an extension by submitting a written request with a detailed **justification for the extension as described in regulation** [Title 27, California Code of Regulation Section 20921(b)(3)(B)(iii)], including a proposed schedule for achieving full implementation, to the Board's Permitting and Local Enforcement Agency Support Division staff point of contact mailing address: 1001 I Street, PO Box 4025, Sacramento, CA 95812. Extension requests may be submitted **with** a landfill gas monitoring plan or **after** the plan has received Board concurrence.

Requests will not be acted upon until there is an enforcement agency-approved plan that has Board concurrence. Determinations regarding extensions are separate from Board concurrence with the enforcement agency approval of the plans.

Justification for Extension

The Board will consider extending the date beyond October 18, 2009, for full implementation of an approved plan—after consultation with the enforcement agency—if it is determined that the operator has made a good faith effort to achieve timely implementation, but has been unable to do so for reasons beyond the operator's control. Board staff determination of that finding will be on a case-by-case basis.

Here are some examples of reasons that may or may not be considered as justification.

Reasons that Board staff **may consider** beyond the operator's control include:

1. Length of a public procurement process following approval of a plan. The operator would need to demonstrate that they were diligently following their procurement process, but that the bidding, review, or awarding of the contract will take more time.
2. Operator received no bids or contractors are unavailable. The operator would need to demonstrate the lack of actual bids.

Reasons that Board staff **would not likely consider** beyond the operator's control include:

1. Failure to have an enforcement agency-approved and Board-concurred plan.
2. Plan is too expensive to implement or the operator does not have the funds to implement.

Dispute Resolution

As with any other decision made by the Board's program staff, a landfill operator whose extension request is denied may submit a written request asking for reconsideration by the Program Director and Executive Director.

Last updated: August 27, 2009
Landfill Gas <http://www.ciwmb.ca.gov/LEACentral/LandfillGas/>
Gino Yekta: gyekta@ciwmb.ca.gov (916) 341-6354

[Conditions of Use](#) | [Privacy Policy](#)

©1995, 2009 California Integrated Waste Management Board. All rights reserved.

