



Guidance: Additional Storage of Recycled Materials at Solid Waste Facilities

The recycling markets and the movement of recycled commodities around the globe are being significantly affected by the economic slowdown. This is having a direct impact on solid waste facilities and their ability to move recycled materials off site to markets, resulting in an increasing need to store more processed material on site for longer periods of time.

What can be done to address the slowdown in recycled material leaving solid waste sites? The following are some strategies and tools to help local enforcement agencies (LEA) and facility operators address the situation and reduce compliance issues.

Check the permit and operating documents

Make sure there is agreement on what can be done under the existing permit. Does the permit with its operating document (the report of facility information, transfer/processing report, or report of disposal site information) describe and allow for additional storage amounts or time for processed recycled materials? Verify and discuss the current parameters for storage so there are fewer surprises stemming from erroneous assumptions regarding current allowances.

Adjust the operating documents

If the permit has limits on storage that are hampering the holding of larger amounts of material for longer times, then the permit can be updated to reset the limits. The operator should submit an application to amend the report of facility information (RFI), transfer/processing report (T/PR) or report of disposal site information (RDSI) to the LEA. The amendment should include a site diagram showing the location and dimensions of the storage areas. There should be a description of areas used for short-term (normal) storage activities and long-term (special circumstance) storage areas. If the LEA finds that the amendment is consistent with the permit, California Environmental Quality Act (CEQA), and operating and design standards, then the amendment can be approved in 30 days or less.

If the LEA can't find that the requested change in storage limits is consistent with the permit, a modification to the permit may be required, and in some limited circumstances a revision might be necessary. The LEA will inform the operator if there is need to change the permit and what is required to do so. As with all changes at solid waste facilities, there are other regulatory authorities that may have an interest such as local land use authorities and local fire authorities. These other agencies and departments should be contacted and included in discussions as appropriate. Building flexibility into

permit documents to recognize and better address future fluctuations in the recyclable materials market is a preferred option because it will provide a higher level of protection and avoid potential compliance issues.

Temporary waiver

If materials are not moving off site because of one or more extraordinary circumstances, the operator can request a temporary waiver from conditions in the permit that are preventing the operator from making changes relative to material storage, when it is necessary to protect public health and safety and the environment. It is the CIWMB's view that the uncontrolled placement of recyclable materials in locations that may lack adequate protection against the threats of fire and disease vectors should be avoided. The oversight of materials stored at solid waste facilities would reduce the potential threat to the environment and public health.

Three examples of extraordinary circumstance that appear to fit the current economic slowdown are material purchasers reneging on a contract, material returned for reasons other than poor material quality, and/or no new buyers of material are available to take the material. The operator will need to provide the LEA with evidence that extraordinary circumstances exist in requesting a temporary waiver. Any situation that provides the operator with market advantages over competitors would not be appropriate. For example, a request that would increase the amounts or types of materials entering the site would not be appropriate.

The process for requesting and processing a temporary waiver is found in CIWMB regulations. The process requires a determination that the changes being granted under the waiver request are consistent with CEQA and other regulatory agency requirements. Please note that CIWMB's Executive Director, after consulting with the LEA, may condition, limit, suspend, or terminate a temporary waiver if it may adversely affect public health and safety or the environment or if it has been issued improperly. The waiver is a temporary solution; the operator and LEA should work toward a permanent solution through the permit process.

No matter which strategy is utilized, the operator would need to continue to comply with all design and operating requirements applicable to the facility. Before making any changes in the facility's protocols for the increased storage of recyclable materials, CIWMB strongly suggests that the LEA and operator consult with the local fire authority. You can access additional assistance and guidance relative to fire prevention issues and general assistance from the Permitting and Local Enforcement Agency Services Division CIWMB staff person for your jurisdiction.

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