

RULE 428 Commercial Offsite Multiuser Hazardous Waste and Nonhazardous Waste Disposal Facilities - Adopted 3/1/88

I. General provisions

The provisions of this Rule shall apply to any commercial offsite multiuser hazardous or nonhazardous waste disposal facility licensed under the provisions of Division 20, Chapter 6.5 of the California Health and Safety Code.

II. Definitions

The definition of terms shall have the same meaning as those defined in Division 20, Chapter 6.5 of the California Health and Safety Code and the applicable portions of the Rules and Regulations of the District except as hereinafter listed.

- A. Commercial Disposal Facility - A disposal facility that receives financial compensation by accepting waste materials for disposal which is not owned by, leased to, or under the control of the produce of the waste.
- B. Multiuser Disposal Facility - A disposal facility available for use by the general public. A multiuser facility does not include private disposal facilities or disposal cooperatives which are owned by, leased to, or under the control of the producer of the waste.
- C. Offsite Disposal Facility - A disposal facility whose location is not contiguous with the area(s) in which the disposed waste material is generated. This does not include onsite facilities which are owned by, leased to, or under the control of the producer of the waste.

III. Requirements

- A. Any person operating an existing commercial offsite multiuser hazardous waste or nonhazardous waste disposal facility shall pursuant to Rule 201 II. file an application for a Permit to Operate with the Control Officer within 30 days after the effective date of this Rule.
- B. Any person intending operation of a new commercial offsite multiuser hazardous waste or nonhazardous waste disposal facility or intending to modify an existing facility shall pursuant to Rule 201 I. obtain an Authority to Construct from the Control Officer prior to construction of the facility.
- C. The application for an Authority to Construct or Permit to Operate shall include a detailed description of the wastes approved for disposal at the site, the volume of waste received or expected to be received, the expected emissions associated with the operation of the facility, and the approved size (in acres) of the facility. In addition to the above, all applications shall include such other information, data, or drawings as necessary to render the application complete as required by the Rules and Regulations of the District. Applications for all such permits shall be made on forms provided by the Control Officer.

At the time the Authority to Construct or Permit to Operate application is filed with the Control Officer, the affected facility shall submit a plan. The plan shall include at least the following:

1. Methods used to monitor odors;
2. Precautions to be taken to prevent creation of nuisance odors;
3. Procedures to deal with public complaints;
4. The names, titles, responsibilities, and telephone numbers of responsible persons who, one of whom, may be contacted at all times while the facility is in use; and
5. If the applicable, the information required by Section 25155.10 of the California Health and Safety Code relating to ambient air monitoring plans.
6. Precautions to be taken to prevent the mixing of incompatible wastes.

If the Control Officer determines the facility is so designed, controlled, or equipped that it may be expected to comply with the applicable rules, a permit shall be issued as provided by Rule 208.

- D. Not later than 30 days prior to the expiration of the Permit to Operate, the affected facility shall submit to the Control Officer the data necessary to document compliance with the Permit to Operate and the applicable Rules and regulations of the District. The Control Officer shall review this data and other available data to determine compliance. If the facility is found to be in compliance, the Control Officer shall re-issue the Permit to Operate.
- E. Any change to the physical configuration of an existing facility, or change in the volume, character, or nature of the wastes received at the facility subject to this Rule requires modification of the permit and the plan. An Authority to Construct pursuant to Rule 201 I. shall be obtained prior to effecting any proposed changes.

IV. **Enforcement**

- A. The Control Officer shall investigate complaints regarding the operation of facilities affected by this Rule. He shall also utilize the investigative techniques most appropriate for determining the validity of such complaints including but not limited to the use of fixed air monitoring stations, the use of portable air monitoring equipment, examination of facility records, examination of on-site or off-site meteorological records, or the initiation of on-site or off-site inspections. The Control Officer may also consult with or seek the assistance of other agencies including those which may have permits for the operation of such facilities.
- B. Any person in violation of this regulation may be subject to the applicable penalty provisions of Sections 42400 through Section 42407 of the California Health and Safety Code or any other applicable civil or criminal penalty sections which may be provided for by law. In carrying out the provisions of this Rule, the Control Officer may also utilize the provisions of Section 42307 (Permit Revocation) of the California Health and Safety Code for any noncomplying permit holder subject to this regulation.

V. **Exemptions**

The provisions of this Rule shall not apply to the establishment or operation of sanitary landfills by the County of Kern or any of the incorporated cities within Kern County.