

AGREEMENT FOR SERVICES #092-131-P-E2010
Local Enforcement Agency – Solid Waste Management Services

THIS AGREEMENT made and entered into by and between the County of El Dorado, a political subdivision of the State of California (hereinafter referred to as "COUNTY") and the County of Placer, a political subdivision of the State of California, whose executive offices are located at 175 Fulweiler Avenue, Auburn, California 95603 (hereinafter referred to as "CONTRACTOR");

RECITALS

WHEREAS, COUNTY has been successfully contracting with CONTRACTOR for several years to provide specified solid waste management services through the Environmental Health Division of the Placer County Health and Human Services Department (hereinafter referred to as "PLACER LEA"); and

WHEREAS, COUNTY has determined that it is in its best interest to continue to contract with CONTRACTOR for provision of said services; and

WHEREAS, CONTRACTOR has represented to COUNTY that it is specially trained, experienced, expert and competent to perform the special services required hereunder and COUNTY has determined to rely upon such representations; and

WHEREAS, it is the intent of the parties hereto that such services be in conformity with all applicable federal, State and local laws; and

WHEREAS, COUNTY has determined that the provision of these services provided by CONTRACTOR is in the public's best interest, and that these services are more economically and feasibly performed by outside independent Contractors as well as authorized by El Dorado County Charter, Section 210 (b) (6) and/or Government Code 31000;

NOW, THEREFORE, COUNTY and CONTRACTOR mutually agree as follows:

Article I. SCOPE OF SERVICES

This Agreement is entered into pursuant to the provisions of Title 14 of the California Code of Regulations (CCR) Division 7, Chapter 5, Article 1.0 through 2.2, Sections 18050 and 18072 (b), incorporated by reference as if fully set forth herein. COUNTY and CONTRACTOR agree that under this authority, PLACER LEA shall provide services to COUNTY for permitting and enforcement activities within the County of El Dorado's territorial jurisdiction. The purpose of this Agreement is to comply with Title 14 CCR Section 18072 "Technical Expertise", which requires that a Local Enforcement Agency shall have one or more full time staff members dedicated solely for solid waste issues.

Definitions of technical terms of a solid waste program shall be those used in Title 27 CCR, Section 20164, and Division 30, of the Public Resources Code, Section 40100 et seq., attached hereto as Exhibit A, and incorporated by reference herein.

Section 1.01 COUNTY authorizes PLACER LEA to organize and operate a program suited to a local enforcement agency's responsibilities within COUNTY's territorial jurisdiction.

Section 1.02 For the duration of this Agreement, services provided by PLACER LEA shall meet the requirements for a Local Enforcement Agency's responsibilities in site identification and assessment for "Closed, Illegal, and Abandoned Sites" (hereinafter referred to as CIA); inspection; enforcement; preparation of enforcement papers; and permit preparation at Solid Waste Operations and Facilities, including disposal sites as set forth in Section 1.05, and shall be sufficient in these respects to satisfy the requirements of Public Resources Code, Division 30 and 31; Title 14 CCR Division 7; and Title 27 CCR Division 2.

Section 1.03 Personnel of COUNTY and PLACER LEA will coordinate in the provision of services related to this Agreement. Each party hereto shall identify one contact person for this purpose.

Section 1.04 COUNTY shall be responsible for:

- (a) California Integrated Waste Management Board Grant administration;
- (b) Providing to PLACER LEA not, less than thirty (30) days prior to the due date that CONTRACTOR must submit the annual updated Enforcement Program Plan (EPP), documentation which must be provided by COUNTY, such as the annual solid waste budget and list of solid waste hearing panel members;
- (c) Preparation of the designation information package;
- (d) Maintenance of a current solid waste independent hearing panel;
- (e) Solid waste task force and advisory committee;
- (f) Handling of citizen complaints on solid wastes not associated with Solid Waste Operations and Facilities, including disposal sites; excluding those services specifically identified as the responsibility of CONTRACTOR in Article I, Section 1.06, and

- (g) Investigation and handling of general nuisance complaints not associated with Solid Waste Operations and Facilities, including disposal sites, through its County Environmental Management Department.

Section 1.05 PLACER LEA shall be responsible for:

- (a) Obtaining certification from the California Integrated Waste Management Board (CIWMB) and seeking legal counsel on matters regarding enforcement and permitting.
- (b) Completion of all required forms and documents pursuant to this Agreement, and provision of all labor required to perform the following:
 - (i) The Enforcement Program Plan (EPP) shall be maintained and updated annually to ensure current information, per the requirements and due dates established by CIWMB.
 - (ii) All legally-mandated inspections and necessary follow-up inspections of Solid Waste Operations and Facilities, including disposal Sites and waste tire sites;
 - (iii) Site identification and site assessment for existing CIA sites as well as any new sites that are discovered;
 - (iv) Preparation, processing and issuance of Solid Waste Facility permit documents;
 - (v) Preparation and issuance of enforcement orders;
 - (vi) Investigation and follow-up of citizen complaints related to Solid Waste Operations and Facilities, including disposal Sites; and
 - (vii) Preparation and submission of monthly time accounting and cost information for reimbursement.
- (c) On-site investigations in response to complaints that may require use of Placer County vehicles.

Article II. TERM

This Agreement shall become effective upon final execution by both parties hereto and shall cover the period of July 1, 2010 to June 30, 2013 unless earlier terminated pursuant to the provisions under Article IX herein.

Article III. COMPENSATION FOR SERVICES

Section 3.01 CONTRACTOR may invoice for actual cost of obtaining outside legal counsel within the total not-to-exceed amount noted in Section 3.05, as PLACER LEA deems necessary for routine enforcement and permitting matters, and shall submit a copy of the actual invoice to COUNTY pursuant to Section 3.02. However, prior to obtaining legal counsel, CONTRACTOR shall notify COUNTY of its intent to retain legal counsel in sufficient time for COUNTY to participate in the decision to obtain outside legal counsel, and the selection process for said legal counsel.

Section 3.02 CONTRACTOR shall submit monthly invoices no later than thirty (30) days following the end of a "service month" except in those instances where CONTRACTOR obtains written approval from COUNTY Health Services Department Director or Director's designee granting an extension of the time to complete billing for services or expenses. For billing

purposes, a “service month” shall be defined as a calendar month during which CONTRACTOR provides services in accordance with Article I – Scope of Services.

Section 3.03 Invoices shall provide detail including, but not limited to, date of service, type of service, person performing the service, time involved, rate, and a brief statement as to the specifics of the service provided.

Section 3.04 For services provided herein, COUNTY agrees to pay CONTRACTOR monthly in arrears and within forty-five (45) days following the COUNTY’s receipt and approval of itemized invoice(s) identifying services rendered.

Section 3.05 Reimbursement shall be based upon the established hourly rate as set by the Placer County Board of Supervisors. In the event the rates are changed by County Board of Supervisors, CONTRACTOR shall submit an updated approved rate to COUNTY within thirty (30) days of approval.

Section 3.06 Not-To-Exceed:	
Annual not-to-exceed amount:	\$122,925.00
Total not-to-exceed amount for term of this Agreement:	368,775.00

Section 3.07 Invoices shall be submitted to:

County of El Dorado
 Health Services Department – Public Health Division Finance
 941 Spring Street, Suite 3
 Placerville, CA 95667

Article IV. RECORD KEEPING

PLACER LEA shall maintain at all times complete detailed records with regard to work performed under this Agreement in a form acceptable to COUNTY, and COUNTY shall have the right to inspect such records at any reasonable time. All records and documents prepared by PLACER LEA in the course of fulfilling its obligations under this Agreement shall be the property of COUNTY. PLACER LEA may retain copies of said records and documents for its own purposes.

Article V. AUDITS

All PLACER LEA funding records related to this Agreement shall be subject to audit by COUNTY at any time during the term of this Agreement, and for a period that extends through any required records retention period, should it be requested by COUNTY’s Auditor-Controller. In the event that PLACER LEA has more than one funding contract with COUNTY, PLACER LEA shall maintain an individual schedule of expenses for each COUNTY contract, such that can

be reconciled to an audit. If PLACER LEA receives in excess of \$500,000 in total funding from COUNTY in any one fiscal year, PLACER LEA must have an independent, individual audit of each COUNTY contract.

Article VI. CHANGES TO AGREEMENT

This Agreement may be amended by mutual consent of the parties hereto. Said amendments shall become effective only when in writing and fully executed by duly authorized officers of the parties hereto.

Article VII. CONTRACTOR TO COUNTY

It is understood that the services provided under this Agreement shall be prepared in and with cooperation from COUNTY and its staff. It is further agreed that in all matters pertaining to this Agreement, CONTRACTOR shall provide the services as set forth in Article I – Scope of Services, only to COUNTY and shall not provide such services to any other individual or entity affected by this Agreement, nor provide information in any manner to any party outside this Agreement that would conflict with CONTRACTOR’s responsibilities to COUNTY during the term hereof.

Article VIII. ASSIGNMENT AND DELEGATION

CONTRACTOR is engaged by COUNTY for its unique qualifications and skills as well as those of its personnel. CONTRACTOR shall not subcontract, delegate or assign services to be provided, in whole or in part, to any other person or entity without prior written consent of COUNTY. In the event COUNTY agrees in writing that CONTRACTOR may subcontract for services under this Agreement, CONTRACTOR shall require that all subcontractors comply with all terms and conditions of this Agreement, and all pertinent federal and State statutes and regulations.

Article IX. INDEPENDENT CONTRACTOR/LIABILITY

CONTRACTOR is, and shall be at all times, deemed independent and shall be wholly responsible for the manner in which it performs services required by terms of this Agreement. CONTRACTOR exclusively assumes responsibility for acts of its employees, associates, and subcontractors, if any are authorized herein, as they relate to services to be provided under this Agreement during the course and scope of their employment.

CONTRACTOR shall be responsible for performing the work under this Agreement in a safe, professional, skillful and workmanlike manner and shall be liable for its own negligence and negligent acts of its employees. COUNTY shall have no right of control over the manner in which work is to be done and shall, therefore, not be charged with responsibility of preventing risk to CONTRACTOR or its employees.

Article X. FISCAL CONSIDERATIONS

The parties to this Agreement recognize and acknowledge that COUNTY is a political subdivision of the State of California. As such, County of El Dorado is subject to the provisions of Article XVI, Section 18 of the California Constitution and other similar fiscal and procurement laws and regulations and may not expend funds for products, equipment or services not budgeted in a given fiscal year. It is further understood that in the normal course of COUNTY business, COUNTY will adopt a proposed budget prior to a given fiscal year, but that the final adoption of a budget does not occur until after the beginning of the fiscal year.

Notwithstanding any other provision of this Agreement to the contrary, COUNTY shall give notice of cancellation of this Agreement in the event of adoption of a proposed budget that does not provide for funds for the services, products or equipment subject herein. Such notice shall become effective upon the adoption of a final budget which does not provide funding for this Agreement. Upon the effective date of such notice, this Agreement shall be automatically terminated and COUNTY released from any further liability hereunder.

In addition to the above, should the Board of Supervisors during the course of a given year for financial reasons reduce, or order a reduction, in the budget for any COUNTY department for which services were contracted to be performed, pursuant to this paragraph in the sole discretion of the COUNTY, this Agreement may be deemed to be canceled in its entirety subject to payment for services performed prior to cancellation.

Article XI. DEFAULT, TERMINATION, AND CANCELLATION

Section 11.01 Default

Upon the occurrence of any default of the provisions of this Agreement, a party shall give written notice of said default to the party in default (notice). If the party in default does not cure the default within ten (10) days of the date of notice (time to cure), then such party shall be in default. The time to cure may be extended at the discretion of the party giving notice. Any extension of time to cure must be in writing, prepared by the party in default for signature by the party giving notice and must specify the reason(s) for the extension and the date on which the extension of time to cure expires.

Notice given under this section shall specify the alleged default and the applicable Agreement provision and shall demand that the party in default perform the provisions of this Agreement within the applicable period of time. No such notice shall be deemed a termination of this Agreement unless the party giving notice so elects in this notice, or the party giving notice so elects in a subsequent written notice after the time to cure has expired. In the event of termination for default, COUNTY reserves the right to take over and complete the work by contract or by any other means.

Section 11.02 Bankruptcy

This Agreement, at the option of the COUNTY, shall be terminable in the case of bankruptcy, voluntary or involuntary, or insolvency of CONTRACTOR.

Section 11.03 Ceasing Performance

COUNTY may terminate this Agreement in the event CONTRACTOR ceases to operate as a political entity, or otherwise becomes unable to substantially perform any term or condition of this Agreement.

Section 11.04 Termination or Cancellation without Cause

COUNTY may terminate this Agreement in whole or in part upon seven (7) calendar days written notice by COUNTY without cause. If such prior termination is effected, COUNTY will pay for satisfactory services rendered prior to the effective dates as set forth in the Notice of Termination provided to CONTRACTOR, and for such other services, which COUNTY may agree to in writing as necessary for contract resolution. In no event, however, shall COUNTY be obligated to pay more than the total amount of the contract. Upon receipt of a Notice of Termination, CONTRACTOR shall promptly discontinue all services affected, as of the effective date of termination set forth in such Notice of Termination, unless the notice directs otherwise.

Article XII. NOTICE TO PARTIES

All notices to be given by the parties hereto shall be in writing and served by depositing same in the United States Post Office, postage prepaid and return receipt requested. Notices to COUNTY shall be addressed as follows:

COUNTY OF EL DORADO
HEALTH SERVICES DEPARTMENT
931 SPRING STREET
PLACERVILLE, CA 95667
ATTN: NEDA WEST, DIRECTOR

or to such other location as the COUNTY directs.

Notices to CONTRACTOR shall be addressed as follows:

PLACER COUNTY ENVIRONMENTAL HEALTH DIVISION
3091 COUNTY CENTER DRIVE, SUITE 180
AUBURN, CA 95603
ATTN: JILL PAHL, DIRECTOR

or to such other location as the CONTRACTOR directs.

Article XIII. INDEMNITY

CONTRACTOR shall indemnify, defend and hold harmless County of El Dorado, its officers, agents, employees and representatives from and against any and all claims, losses, liabilities or

damages, demands and actions including payment of reasonable attorney's fees, arising out of or resulting from the performance of this Agreement, caused in whole or in part by any negligent or willful act or omission of CONTRACTOR, its officers, agents, employees, subcontractors, or anyone directly or indirectly employed by any of them regardless of whether caused in part by a party indemnified hereunder.

County of El Dorado shall indemnify, defend and hold harmless CONTRACTOR, its officers, agents, employees and representatives from and against any and all claims, losses, liabilities or damages, demands and actions including payment of reasonable attorney's fees, arising out of or resulting from the performance of this Agreement, caused in whole or in part by any negligent or willful act or omission of County of El Dorado, its officers, agents, employees, subcontractors, or anyone directly or indirectly employed by any of them regardless of whether caused in part by a party indemnified hereunder.

Article XIV. INSURANCE

It is agreed that CONTRACTOR and COUNTY shall each maintain at all times during the performance of this Agreement insurance coverage or self insurance in the amounts of not less than One Million Dollars (\$1,000,000) to cover all of its operations. Specifically, but not limited to not less than One Million Dollars (\$1,000,000) general liability; One Million Dollars (\$1,000,000) automobile liability; One Million Dollars (\$1,000,000) professional liability; and One Million Dollars (\$1,000,000) workers' compensation.

Article XV. INTEREST OF PUBLIC OFFICIAL

No official or employee of COUNTY who exercises any functions or responsibilities in review or approval of services to be provided by CONTRACTOR under this Agreement shall participate in or attempt to influence any decision relating to this Agreement which affects personal interest or interest of any corporation, partnership, or association in which he/she is directly or indirectly interested; nor shall any such official or employee of COUNTY have any interest, direct or indirect, in this Agreement or the proceeds thereof.

Article XVI. INTEREST OF CONTRACTOR

CONTRACTOR covenants that CONTRACTOR presently has no personal interest or financial interest, and shall not acquire same in any manner or degree in either: 1) any other contract connected with or directly affected by the services to be performed by this Agreement; or, 2) any other entities connected with or directly affected by the services to be performed by this Agreement. CONTRACTOR further covenants that in the performance of this Agreement no person having any such interest shall be employed by CONTRACTOR.

Article XVII. CONFLICT OF INTEREST

The parties to this Agreement have read and are aware of the provisions of Government Code Section 1090 et seq. and Section 87100 relating to conflict of interest of public officers and employees. CONTRACTOR attests that it has no current business or financial relationship with

any COUNTY employee(s) that would constitute a conflict of interest with provision of services under this contract and will not enter into any such business or financial relationship with any such employee(s) during the term of this Agreement. COUNTY represents that it is unaware of any financial or economic interest of any public officer or employee of CONTRACTOR relating to this Agreement. It is further understood and agreed that if such a financial interest does exist at the inception of this Agreement either party may immediately terminate this Agreement by giving written notice as detailed in the Article in the Agreement titled, "Default, Termination and Cancellation".

Article XVIII. CALIFORNIA RESIDENCY (FORM 590)

All independent Contractors providing services to the COUNTY must file a State of California Form 590, certifying their California residency or, in the case of a corporation, certifying that they have a permanent place of business in California. The Contractor will be required to submit a Form 590 prior to execution of an Agreement or COUNTY shall withhold seven (7) percent of each payment made to the Contractor during term of the Agreement. This requirement applies to any agreement/contract exceeding \$1,500.00.

Article XIX. TAXPAYER IDENTIFICATION NUMBER (FORM W-9)

All independent Contractors or corporations providing services to the COUNTY must file a Department of the Treasury Internal Revenue Service Form W-9, certifying their Taxpayer Identification Number.

Article XX. COUNTY BUSINESS LICENSE

It is unlawful for any person to furnish supplies or services, or transact any kind of business in the unincorporated territory of County of El Dorado without possessing a County business license unless exempt under County Code Section 5.08.070.

Article XXI. ADMINISTRATOR

The County Officer or employee with responsibility for administering this Agreement is Michael Deatherage, Public Health Laboratory Manager, or successor.

Article XXII. AUTHORIZED SIGNATURES

The parties to this Agreement represent that the undersigned individuals executing this Agreement on their respective behalf are fully authorized to do so by law or other appropriate instrument and to bind upon said parties to the obligations set forth herein.

Article XXIII. PARTIAL INVALIDITY

If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions will continue in full force and effect without being impaired or invalidated in any way.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the dates indicated below.

-- COUNTY OF PLACER --

By: _____
Kirk Uhler, Chairman
Board of Supervisors
"CONTRACTOR"

Dated: _____

*Attest: Ann Holman
Clerk of the Board of Supervisors*

Deputy

Date

-- COUNTY OF EL DORADO --

By: _____
Norma Santiago, Chair
Board of Supervisors
"COUNTY"

Dated: _____

*Attest: Suzanne Allen de Sanchez
Clerk of the Board of Supervisors*

Deputy

Date

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS TITLE 27.
ENVIRONMENTAL PROTECTION DIVISION 2. SOLID WASTE SUBDIVISION 1.
CONSOLIDATED REGULATIONS FOR TREATMENT, STORAGE, PROCESSING OR
DISPOSAL OF SOLID WASTE CHAPTER 2. DEFINITIONS ARTICLE 2. SPECIFIC
DEFINITIONS

This database is current through 2/19/10 Register 2010, No. 8 § 20164. Combined CIWMB & SWRCB Technical Definitions. [CIWMB T14:\$17225.1- 17225.74, \$17258.2, 17761,18200.1, 18251, 18011, 18231, 18281 // SWRCB C15: \$2601]

[Note: This section contains the SWRCB's and the CIWMB's technical definitions, combined and listed in alphabetical order. Each agency is responsible for adopting its own definitions within this combined listing. Unless otherwise stated in a given regulation, it is the intent of the SWRCB and CIWMB that each agency's definitions function for the other agency (e.g., when the CIWMB uses a term adopted by the SWRCB, or vice versa, the term has the same meaning as defined by the agency that adopted the term).]

1. "Abandoned site" (CIWMB) means a site where there is no responsible party.
"Abandoned Vehicles" (CIWMB) includes vehicles, with or without motor power, including cars, trucks, trailers, mobile homes, buses, etc., left on public or private property for an extended period of time and usually in an inoperable or hazardous condition.
2. "Acceptance for filing" (CIWMB) means the enforcement agency has determined that the application package is complete and correct and the specified permit action time frames contained in Chapter 4 of this subdivision commence.
3. "Active" (CIWMB) for CIWMB promulgated sections means the period when waste is being accepted for disposal at a disposal site.
4. "Active Face" (CIWMB) means the working surface of a landfill upon which solid wastes are deposited during the landfill operation, prior to the placement of cover material.
5. "Active life" or "operating life" (SWRCB) means the period during which wastes are being discharged to a waste management unit. The active life continues until final closure of the waste management unit has been initiated pursuant to this subdivision. For surface impoundments, the active life includes any time when the impoundment contains liquid, including waste and leachate.
6. "Affected medium" (SWRCB) means any natural medium that consists of or contains waters of the state (e.g., ground water, surface water, or the unsaturated zone) that has been affected by a release from a waste management unit.
7. "Agricultural Solid Wastes" (CIWMB) include wastes resulting from the production and processing of farm or agricultural products, including manures, prunings and crop residues wherever produced.
8. "Airport" (CIWMB) means public-use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.
9. "Alternative Daily Cover" (CIWMB) see "cover material".
10. "Annular Seal" (CIWMB) the seal placed in the space between the casing in a well and the wall of the hole, or between two concentric strings of casing, or between casing and tubing.
11. "Approval Agency" (CIWMB) includes any agency with regulatory powers regarding solid waste generation, collection, transportation, processing or disposal and includes, but is not limited to the CIWMB, the Department of Toxic Substances Control,

- California Regional Water Quality Control Boards, local air districts, local enforcement agencies, local health entities and local land use authorities.
12. "Approved closure plan" (SWRCB) means the portion of a waste management unit's (Unit's) final closure and post-closure maintenance plan that describes all actions necessary to prepare the Unit for post-closure maintenance, and that has been approved by the RWQCB and by any other state and local agencies having purview over that plan. "Aquifer" (SWRCB) means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells or springs.
 13. "Attitude" (SWRCB) means either the orientation in space of a geologic structural feature or the structural element position of a geologic bed, stratum, fracture, or surface relative to the horizontal.
 14. "Background" (SWRCB) means the concentrations or measures of constituents or indicator parameters in water or soil that has not been affected by waste constituents or leachate from the waste management unit being monitored.
 15. "Background Monitoring Point" (SWRCB) (as capitalized) means a well, device, or location specified in the waste discharge requirements at which monitoring for background water quality or background soil quality is conducted.
 16. "Background plot" (SWRCB) means an area adjacent to a land treatment unit that can reasonably be expected to have the same, or similar soil conditions as were present at the land treatment unit prior to discharges of waste. "Baling" (CIWMB) includes the process of compressing and binding solid wastes.
 17. "Bench" (CIWMB) means a terrace or comparatively level platform breaking the continuity of a slope.
 18. "Best management practice(s)" (SWRCB) means a practice, or combination of practices, that is the most effective and feasible means of controlling pollution generated by nonpoint sources for the attainment of water quality objectives.
 19. "Bird hazard" (CIWMB) means an increase in the likelihood of bird/aircraft collisions that may cause damage to the aircraft or injury to its occupants.
 20. "Bulky Waste" (CIWMB) includes large items of solid waste such as appliances, furniture, large auto parts, trees, branches, stumps and other oversize wastes whose large size precludes or complicates their handling by normal collection, processing or disposal methods.
 21. "CAI Units" (SWRCB) means waste management units that were closed, abandoned, or inactive prior to November 27, 1984.
 22. "Capillary force(s)" (SWRCB) means the adhesive force between liquids and solids which, in the case of ground water hydrology, causes soil-pore liquid to move in response to differences in matric potential. This effect causes ground water to rise from a saturated zone into the unsaturated zone, thereby creating a capillary fringe.
 23. "Cell" (CIWMB) means that portion of compacted solid wastes in a landfill that is enclosed by natural soil or cover material during a designated period. "Certified Engineering Geologists" (CIWMB) means a registered geologist, certified by the State of California, pursuant to section 7842 of the Business and Professions Code.
 24. "CIWMB" (CIWMB) means the California Integrated Waste Management Board, which is the lead agency for implementing the State municipal solid waste permit program that is deemed to be adequate by US EPA under regulations published pursuant to sections 2002 and 4005 of RCRA.
 25. "Classified waste management unit" or "classified Unit" (SWRCB) means a waste management unit (as defined in this section) that has been classified by a Regional Water Quality Control Board according to the provisions of Article 3 Subchapter 2, Chapter 3 of this division (§20240 et seq.).
 26. "Classified Unit" - see " 'classified waste management unit' or 'classified Unit' "

27. "CLGB" - see "concentration limit"
28. "Closed Site" (CIWMB) means a disposal site that has ceased accepting waste and was closed in accordance with applicable statutes, regulations, and local ordinances in effect at the time.
29. "Closure" (SWRCB) means the process during which a waste management unit (Unit), or portion thereof, that is no longer receiving waste, is undergoing all operations necessary to prepare the Unit (or portion thereof, as appropriate) for post-closure maintenance in accordance with an approved plan for closure, or partial final closure as appropriate.
30. "Closure Plan" (CIWMB) as used in this division refers to preliminary, final, and/or partial final closure plans as appropriate.
31. "COC" or "COCs" - see "Constituents Of Concern"
32. "Coefficient of variation" (SWRCB) means the standard deviation divided by the mean. It is a statistical measure of the dispersion of individual samples relative to the mean value of the samples.
33. "Collection" (CIWMB) means the act of collecting solid waste at the place of waste generation by an approved collection agent (public or private) and is distinguished from "removal."
34. "Collection Vehicle or Equipment" (CIWMB) includes any vehicle or equipment used in the collection of residential refuse or commercial solid wastes.
35. "Commercial Solid Wastes" (CIWMB) include all types of solid wastes generated by stores, offices and other commercial sources, excluding residences, and excluding industrial wastes.
36. "Concentration limit" (SWRCB) means the value for a constituent specified in the water quality protection standard under §20390 and §20400, including but not limited to values for concentration, temperature, pH, conductivity, and resistivity. The term can apply to a concentration that exceeds the constituent's background concentration [i.e., a "concentration limit greater than background (CLGB)" as described under §20400].
37. "Concentration limit greater than background (CLGB)" - see "concentration limit"
38. "Confined animal facility" (SWRCB) means any place where cattle, calves, sheep, swine, horses, mules, goats, fowl, or other domestic animals are corralled, penned, tethered, or otherwise enclosed or held and where feeding is by means other than grazing.
39. "Constituent" (SWRCB) means an element or compound which occurs in or is likely to be derived from waste discharged to the waste management unit.
40. "Constituent(s) of concern" or "COC(s)" (SWRCB) means any waste constituent(s), reaction product(s), and hazardous constituent(s) that is reasonably expected to be in or derived from waste contained in a waste management unit.
41. "Construction and Demolition Wastes" (CIWMB) include the waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures.
42. "Construction quality assurance" or "CQA" (SWRCB) means a planned system of activities that provides assurance that the facility, or component thereof, is constructed as specified in the approved design. As used in these regulations, the term includes "Construction quality control" or "CQC", a planned system of inspections that is used to directly monitor and control the quality of a construction project.
43. "Containment" (SWRCB) means the use of waste management unit characteristics or installed systems and structures to prevent or restrict the release of waste constituents, including waste constituents mobilized as a component of leachate or of landfill gas.
44. "Containment feature" (SWRCB) means any feature, whether natural or artificial, used to contain waste constituents, including waste constituents mobilized as a component of leachate or of landfill gas.

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45. "Containment structure" (SWRCB) means an artificial feature designed and installed to contain waste constituents, including waste constituents mobilized as a component of leachate or of landfill gas.
 46. "Contaminated materials" (SWRCB) means materials that contain waste constituents or leachate.
 47. "Control chart" (SWRCB) means a graphical method for evaluating whether a process is or is not in a state of statistical control.
 48. "Coverage" (SWRCB), when applied to financial assurance, means the amount of funds the discharger must make available for a known eventuality (e.g., closure) or potential eventuality (e.g., corrective action).
 49. "Cover Material" (CIWMB) means soils/earthen materials or alternative materials used in covering compacted solid wastes in a disposal site. Cover material may serve as daily, intermediate or final cover. "Alternative Daily Cover" means cover material other than at least six inches of earthen material, placed on the surface of the active face at the end of each operating day to control vectors, fires, odors, blowing litter, and scavenging.
 50. "Daily Cover Material" includes that cover material placed on the entire surface of the active face at least at the end of each operating day in order to control vectors, fire, odors, blowing litter and scavenging.
 51. "Final Cover Material" means cover material that represents the permanently exposed final surface of a fill.
 52. "Intermediate Cover Material" means cover material placed on all fill surfaces where additional cells are not to be constructed for 180 days or more to control vectors, fires, odors, blowing litter, scavenging, and drainage. Intermediate cover does not include final cover as defined in this section. "CQA" - see "construction quality assurance"
 53. "CQC" - refer to "construction quality assurance"
 54. "Critical Slope" (SWRCB) means a potential slip surface or slope on a site that has the lowest factor of safety.
 55. "Cross-contamination" (SWRCB) means a condition created when a drill hole, boring, or improperly-constructed well forms a pathway for fluid movement between a saturated zone which contains pollutants and a formerly separated saturated zone containing uncontaminated ground water.
 56. "Cutoff wall" (SWRCB) means a subsurface barrier to lateral fluid movement which extends from in-place natural geologic materials (which have the required hydraulic conductivity) to ground surface.
 57. "Day" (CIWMB) means calendar day unless otherwise specified.
 58. "Dead Animals" (CIWMB) include those animals whose carcasses or parts thereof require disposal.
 59. "Decomposable waste" (SWRCB) means waste which, under suitable natural conditions, can be transformed through biological and chemical processes into compounds which do not impair the quality of waters of the state. Nevertheless, incomplete decomposition may result in some water quality degradation (e.g., hardness, taste, odor, etc.).
 60. "Decomposition Gases" (CIWMB) include gases produced by chemical or microbial activity during the decomposition of solid waste.
 61. "Dedicated" (SWRCB), when applied to a waste management unit (Unit), means the Unit is used exclusively for discharges of particular wastes.
 62. "Dendritic" (SWRCB) when applied to a waste management unit's subdrain system, means that this system is arranged in a branching pattern.
 63. "Designated waste" (SWRCB) has the same meaning as under California Water Code §13173.
 64. "Dewatered sludge" (SWRCB) means residual semi-solid waste from which free liquid has been evaporated or otherwise removed.

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- 65. "Discharger" (SWRCB) means any person who discharges waste which could affect the quality of waters of the state, and includes any person who owns a waste management unit (Unit) or who is responsible for the operation of a Unit. When referring to dischargers of hazardous waste, the terms "discharge" and "waste" in this definition have the same meaning as they would have under the definitions for these terms provided in section 66260.10 of Chapter 11 of Division 4.5 of Title 22, CCR, effective July 1, 1991.
 - 66. "Discrete unit" (CIWMB) means any portion of the disposal area that can be individually monitored.
 - 67. "Disposal Area" (CIWMB) means that portion of a disposal site which has received or is receiving solid wastes.
 - 68. "Dump" (CIWMB) means a disposal site which has waste exposed to the elements, vectors and scavengers.
 - 69. "Dynamic Conditions" (CIWMB) means under transitory loading conditions, such as during an earthquake.
 - 70. "EA" (CIWMB) means enforcement agency as defined in PRC §40130.
 - 71. "Earthquake Magnitude" (CIWMB) means the Richter scale of earthquake magnitude used to express the total energy of an earthquake.
 - 72. "Electrical conductivity" (SWRCB) means the relative ability of water to conduct electrical current. It depends on the ion concentration of and can be used to approximate the total filterable residue (total dissolved solids) in the water.
 - 73. "Environmental Control System" (CIWMB) means a system to prevent the release of waste constituents from the containment structures of sites. Environmental control system for the purpose of this definition does not include systems which primary function is to protect water quality.
 - 74. "Excess exposure" (SWRCB) means that, for an organism exposed to a release from a waste management unit, the combined effect of all hazardous constituents in the organism's environment is such that the organism will suffer some measurable adverse effect on health or reproductive success, which effect is partly or wholly attributable to the release.
 - 75. "Existing" (SWRCB), when describing a waste management unit (e.g., "existing surface impoundment", or "existing Unit"), means that the waste management unit in question was operating, or had received all permits necessary for construction and operation, on or before November 27, 1984, pursuant to §20080 (d).
 - 76. "Existing Footprint" (SWRCB) (as capitalized) means the area of land, at an MSW landfill, that is covered by waste as of the date that landfill became subject to the federal regulations of 40 CFR Part 258, pursuant to §258.1 of that part, as published in the Federal Register of October 1, 1993 (Volume 58, No. 189, pages 51546 and 51547). [Note: see also definitions for "Federal Deadline" and "MSW landfill".]
 - 77. "Existing MSWLF unit" (CIWMB) (CIWMB usage) means any municipal solid waste landfill unit that is receiving solid waste as of the appropriate dates specified in Section 20060. Waste placement in existing units must be consistent with past operating practices or modified practices to ensure good management.
 - 78. "External hydrogeologic forces" (SWRCB) means seasonal and other fluctuations in ground water levels, and any other hydraulic condition which could cause a change in the hydraulic stress on a containment structure.
 - 79. "Facility" - see "waste management facility"
 - 80. "Facility Boundary" (CIWMB) means the boundary surrounding the entire area on which solid waste facility activities occur and are permitted.
 - 81. "Facility wastewater" (SWRCB) means all wastewater, from whatever source, produced at a confined animal facility.

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- 82. "Factor of safety" (SWRCB) means the ratio of forces resisting slope or foundation failure over forces driving slope or foundation failure.
 - 83. "Federal Deadline" (SWRCB) applies only to an MSW landfill, and means the compliance date applicable to that landfill or portion thereof pursuant to §258.1(e) of the federal MSW regulations (40CFR258), as revised in the Federal Register of October 1, 1993 (Volume 58, No. 189, pages 51546 and 51547). The term does not mean the date an MSW landfill must begin monitoring, in that all waste management units subject to these regulations have been required to monitor since the November 27, 1984 version of these regulations (see §20380 et seq.).
 - 84. "Fill" (CIWMB) includes compacted solid waste and cover material.
 - 85. "Flexible membrane liner (FML)" - see "geosynthetic(s)"
 - 86. "Floodplain" (SWRCB) means the land area which is subject to flooding in any year from any source.
 - 87. "FML" - see "geosynthetic(s)"
 - 88. "Foundation Failure" (CIWMB) means the failure of a foundation, soil or rock that serves to support an imposed load, along a surface of weakness.
 - 89. "Freeboard" (SWRCB) means the vertical distance between the lowest point along the top of a surface impoundment dike, berm, levee, or other similar feature and the surface of the liquid contained therein.
 - 90. "Free liquid" (SWRCB) means liquid which readily separates from the solid portions of waste under ambient temperature and pressure. Free liquids are not present when a 100 milliliter representative sample of the waste can be completely retained in a standard 400 micron conical paint filter for 5 minutes without loss of any portion of the waste from the bottom of the filter (or an equivalent test approved by the Department of Toxic Substances Control).
 - 91. "Garbage" (CIWMB) includes all kitchen and table food waste, and animal or vegetable waste that attends or results from the storage, preparation, cooking or handling of food stuffs.
 - 92. "Geologic materials" (SWRCB) means in-place naturally occurring surface and subsurface rock and soil.
 - 93. "Geologist" (CIWMB) means a person who is engaged in professional geological work under the supervision of registered geologist or registered civil engineer, who is in responsible charge of the work, pursuant to section 7805 of the Business and Professions Code.
 - 94. "Geomembrane" - see "geosynthetic(s)"
 - 95. "Geosynthetic(s)" (SWRCB) (n) means flexible materials in planar form manufactured to meet specific engineering purposes. The term includes, but is not limited to: "geomembrane", an essentially impermeable membrane used as a barrier to waste solids and fluids, and synonymous with "synthetic liner" and "flexible membrane liner (FML)"; "geocomposite liner (GCL)," a manufactured material using geotextiles, geogrids, geonets, and/or geomembranes in laminated or composite form; "geotextile" (including "geonet"), any permeable textile used with foundation, soil, rock, earth, or any other geotechnical engineering-related material as an integral part of a constructed project, structure, or system.
 - 96. "Ground acceleration" (SWRCB) means acceleration of earth particles caused by an earthquake.
 - 97. "Ground rupture" (SWRCB) means disruption of the ground surface due to natural or man-made forces (e. g., faulting, landslides, subsidence).
 - 98. "Ground water" (SWRCB) for the purpose of the SWRCB-promulgated requirements of this subtitle, means water below the land surface that is at or above atmospheric pressure.

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99. "Grout curtain" (SWRCB) means a subsurface barrier to fluid movement, installed by injecting grout mixtures (such as cement, silicates, synthetic resins, etc.) to fill and seal fractures in rock.
 100. "Hazardous constituent" (SWRCB) means a constituent identified in Appendix VIII to Chapter 11 of Division 4.5 of Title 22, CCR, or an element, chemical compound, or mixture of compounds which is a component of a waste or leachate and which has a physical or chemical property that causes the waste or leachate to be identified as a hazardous waste by the California Department of Toxic Substances Control.
 101. "Hazardous waste" (SWRCB) means any waste which, under Article 1, Chapter 11, Division 4.5 (§66261.3 et seq.) of Title 22 of this code, is required to be managed according to Division 4.5 of Title 22 of this code.
 102. "Head" or "hydraulic head" (SWRCB) means the pressure exerted by fluid on a given area. It is caused by the height of the fluid surface above the area.
 103. "Holding facilities" (CIWMB) means sedimentation basins/ponds designed to control suspended solids entrained in surface run-off, prior to discharge.
 104. "Holocene fault" (SWRCB) means a fault which is or has been active during the last 11,000 years.
 105. "Household waste" (CIWMB) means any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas).
 106. "Hydraulic conductivity" (SWRCB) means the ability of natural and artificial materials to transmit fluid. For water, including aqueous solutions, the term is expressed as a measure of the rate of flow (e.g., cubic centimeters per second) one can expect through a unit-area (e.g., one square centimeter) cross section of the material when the hydraulic gradient is unity (e.g., one centimeter of head loss per centimeter of travel through the material). The resulting numerical value is expressed in velocity units (e. g., centimeters per second).
 107. "Illegal Site" (CIWMB) means a disposal site that is not permitted and not exempt from obtaining a permit and is not closed or excluded from the requirement to obtain a SWFP.
 108. "Inactive" (SWRCB) means a temporary status of a waste management unit (Unit), following the initial receipt of waste, in which the Unit is no longer receiving waste.
 109. "Inactive mining waste management unit" (SWRCB) means any area containing mining wastes which is located at a present or former mining or milling site, and where all mining operations and discharges of mining waste ended and have not been resumed for 5 years, or more.
 110. "Inactive Site" (CIWMB) means a site that is temporarily idle for a specific period due to known circumstances and not part of the normal operation pattern contained in the solid waste facility permit.
 111. "Incinerator" (CIWMB) includes any equipment used for the volume reduction or destruction of combustible wastes by burning, from which the exhaust gases pass through a flue.
 112. "Incinerator Residue" (CIWMB) includes the solid materials remaining after reduction in an incinerator. "Independent sample" (SWRCB) means an individual sample of a monitored medium, obtained from a given Monitoring Point, that: (1) does not contain a parcel of the medium that has been previously sampled at that Monitoring Point sufficient to cause a measurable effect in the analytical results; and (2) has not been otherwise affected differently than any other individual sample or group of samples with which it will be compared.
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114. In applying No. 1, above, to ground water monitoring, the parcel of water of interest is the parcel of water that was in the well bore at the time of any previous sampling event.
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116. "Indicator parameters" (SWRCB) means measurable physical or chemical characteristics of water or soil-pore moisture which are used to detect the presence of waste constituents in water or soil-pore moisture, or the effects of waste constituents on waters of the state.
117. "Industrial Wastes" (CIWMB) include all types of solid wastes and semi-solid wastes which result from industrial processes and manufacturing operations.
118. "Inert waste" (SWRCB) means the same as under §20230(a).
119. "Interim cover" (SWRCB) means the same as under §20705(a).
120. "Intermediate cover" (SWRCB), when used in an SWRCB-promulgated requirement applicable to a waste pile waste management unit, has a meaning identical to the CIWMB's definition of the term as it applies to landfills (under the definition for "cover material" in this section).
121. "Iso-settlement map" (SWRCB) means a contour map showing lines of equal settlement of a landfill over a period of time.
122. "Land application unit" (CIWMB) means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for agricultural purposes or for treatment and disposal.
123. "Landfill" (SWRCB) means a waste management unit at which waste is discharged in or on land for disposal. It does not include surface impoundment, waste pile, land treatment unit, injection well, or soil amendments. [Note: see also the definition of "waste management unit" and §§20090(c&f).]
124. "Landfill gas condensate" (SWRCB) means liquids which are removed from a gas control system at a landfill and which are produced by the condensation of landfill gas being conveyed by that system. The term ceases to apply to such liquid upon its being treated to the extent that it no longer contains any constituent of concern whose concentration exceeds the water quality objectives of ground water in the uppermost aquifer underlying the waste management unit. [Note: see also §20200(d).]
125. "Land treatment unit" (SWRCB) means a waste management unit (Unit) at which liquid and solid waste is discharged to, or incorporated into, soil for degradation, transformation, or immobilization within the treatment zone. Such Units are disposal Units if the waste will remain after closure. [Note: see also the definition of "waste management unit" and §20090(f).]
126. "Lateral expansion" (CIWMB) means a horizontal expansion beyond the disposal area boundary.
127. "Lateral expansion (beyond Existing Footprint)" (SWRCB) applies only to an existing MSW landfill that is subject to the federal regulations under 40 CFR 258, and means any portion of the landfill which in map view -is contiguous with the landfill's Existing Footprint (as defined in this section) and which receives waste after the landfill's Federal Deadline (as defined in this section).
128. "Lateral expansion (of RWQCB-Permitted Area)" (SWRCB), for any new or existing waste management unit (Unit), means any increase -in map view -of the Unit's RWQCB-Permitted Area (as defined in this section)
129. "LCRS" - see "leachate collection and removal system"
130. "Leachate" (SWRCB) means any liquid formed by the drainage of liquids from waste or by the percolation or flow of liquid through waste. It includes any constituents extracted from the waste and dissolved or suspended in the fluid. The term ceases to apply to such liquid upon its being mingled with ground water outside the Unit's liner system. The term also ceases to apply to such liquid upon its being treated to the extent that it no

- longer contains any constituent of concern whose concentration exceeds the water quality objectives of ground water in the uppermost aquifer underlying the waste management unit.
131. "Leachate collection and removal system" or "LCRS" (SWRCB) means that portion of a waste management unit's containment system that is designed and constructed (pursuant to §20340) to collect all leachate that reaches it, and to convey such leachate to a designated collection area to minimize the buildup of leachate head on any underlying liner. The term does not include systems that are designed to collect ground water outside the Unit's liner, if any, including ground water that has been polluted by leachate.
 132. "Liner" (SWRCB) means a continuous layer of natural or artificial material, or a continuous membrane of flexible artificial material, or a continuous composite layer consisting of a membrane of flexible artificial material directly overlying a layer of engineered natural material, which is installed beneath or on the sides of a waste management unit (Unit), and which acts as a barrier to both vertical or lateral fluid movement.
 133. "Liner system" (SWRCB) means the entire sequence of individual liners, composite liners, and leachate collection system(s) which prevent or minimize releases from the waste management unit.
 134. "Liquefaction" (SWRCB) means the process resulting from seismic or other shaking whereby solid granular material takes on the flowing characteristics of a liquid.
 135. "Liquid waste" (SWRCB) means any waste materials which are not spadable.
 136. "Litter" (CIWMB) means all solid waste which has been improperly discarded at any location or which has migrated by wind or equipment away from the unloading area of a solid waste facility, disposal site or operation. Litter includes, but is not limited to, convenience food, beverage, and other product packages or containers constructed of steel, aluminum, glass, paper, plastic, and other natural and synthetic materials, thrown or deposited on the lands and waters of the state, but not including the properly discarded waste of the primary processing of agriculture, mining, logging, sawmilling, or manufacturing.
 137. "Local Air District" (CIWMB) means the local Air Quality Management District (AQMD) or the local Air Pollution Control District (APCD).
 138. "Local Government" (CIWMB) is a local public entity which is a county, city, district, or any other special political subdivision, but is not the State.
 139. "Manure" (SWRCB) means the accumulated moist animal excrement that does not undergo decomposition or drying as would occur on open grazing land or natural habitat. This definition shall include feces and urine which may be mixed with bedding materials, spilled feed, or soil.
 140. "Maximum credible earthquake" (SWRCB), or "MCE" (SWRCB), means the maximum earthquake that appears capable of occurring under the presently known geologic framework. In determining the maximum credible earthquake, little regard is given to its probability of occurrence except that its likelihood of occurring is great enough to be of concern. The term describes an event that could be approached more frequently in one geologic environment than in another; therefore, the following factors have a bearing upon the derivation of the MCE for any given facility: (a) the seismic history of the vicinity and of the geologic province; (b) the length of the significant fault or faults which can affect the site within a radius of 62 miles (100 kilometers) of the facility boundary; (c) the type(s) of faults involved; (d) the tectonic and/or structural history; and (e) the tectonic and/or structural pattern or regional setting (geologic framework); nevertheless (f) the time factor shall not be a parameter.

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141. "Maximum probable earthquake", or "MPE" (SWRCB), means the maximum earthquake that is likely to occur during a 100-year interval. The term describes a probable occurrence, rather than an assured event that will occur at a specific time; therefore, the following factors have a bearing upon the derivation of the MPE for a given facility: (a) the regional seismicity, considering the known past seismic activity; (b) the fault or faults within a 62 mile (100 kilometer) radius from the facility boundary that may be active within the 100 years following first acceptance of waste; (c) the type(s) of faults considered; (d) the seismic recurrence factor for the area described in ¶(b), above, and for any faults (when known) within that area; and (e) the mathematic probability analysis (or statistical analysis) of seismic activity associated with the faults included in the area described under ¶(b), above, including a graphical plot of recurrence information. Nevertheless, the postulated magnitude of the MPE is superseded by any more powerful seismic event that has occurred within historic time in the area described under ¶(b), above.
142. "Measurably significant" (SWRCB) means a change in the Monitoring Point data that, relative to the reference background value (or other approved reference value or distribution), is sufficient to indicate that a release has occurred, pursuant to the applicable data analysis method (including its corresponding trigger).
143. "Medical Waste" (CIWMB) means waste regulated pursuant to the Medical Waste Management Act, Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code.
144. "Mining waste" (SWRCB) means all waste materials (solid, semi-solid, and liquid) from the mining and processing of ores and minerals including soil, waste rock, and other forms of overburden as well as tailings, slag, and other processed mining wastes.
145. "Moisture-holding capacity" (SWRCB) means the amount of liquid which can be held against gravity by waste materials without generating free liquid.
146. "Monitoring parameter" (SWRCB) means one of the set of parameters specified in the waste discharge requirements for which monitoring is conducted. Monitoring parameters include physical parameters, waste constituents, reaction products, and hazardous constituents that provide a reliable indication of a release from a waste management unit.
147. "Monitoring Point" (SWRCB) (as capitalized) means a well, device, or location specified in the waste discharge requirements at which monitoring is conducted and at which the water quality protection standard, under §20390, applies.
148. "Municipal solid waste," or "MSW" (SWRBC) has the same meaning as under 40 CFR, Part 258.
149. "MSW landfill" or "municipal solid waste landfill unit" (SWRCB) means any landfill that is subject to the federal regulations of 40CFR258, including any portion of a disposal site that is subject to those regulations. The term includes any landfill, other than a Class I landfill, that received municipal solid waste (MSW) at any time and that has received any solid waste since October 9, 1991; therefore, the term does not include any landfill that stopped receiving waste prior to that date.
150. "New Unit" (SWRCB), when applied to a waste management unit (Unit) or portion thereof, means that the Unit (or portion thereof) began operating, or had received all permits necessary for construction and operation, after November 27, 1984, pursuant to §20080(d).
151. "New MSWLF unit" (CIWMB) means any municipal solid waste landfill unit that has not received waste prior to the operative date of October 9, 1993, or prior to October 9, 1997 if the MSWLF unit meets the conditions of 40 CFR 258.1(f)(1).
152. "Nonhazardous solid waste" (SWRCB) has the same meaning as under §20220(a).
153. "Nuisance" (SWRCB) has the same meaning as under Water Code §13050(m).

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154. "Nuisance" (CIWMB) for CIWMB-promulgated sections includes anything which is injurious to human health or is indecent or offensive to the senses and interferes with the comfortable enjoyment of life or property, and affects at the same time an entire community, neighborhood, household or any considerable number of persons although the extent of annoyance or damage inflicted upon an individual may be unequal and which occurs as a result of the storage, removal, transport, processing or disposal of solid waste.
155. "On-site" (CIWMB) means located within the permitted boundary.
156. "Open burning" (CIWMB) means the combustion of solid waste without: (1) Control of combustion air to maintain adequate temperature for efficient combustion, (2) Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion, and (3) Control of the emission of the combustion products.
157. "Operating" (CIWMB) means currently active or the period of site activity from the first receipt of waste until the final receipt of waste consistent with the normal pattern of operation in the solid waste facility permit.
158. "Operating" (SWRCB) - see "active life"
159. "Operating Area" (CIWMB) means that portion of a solid waste facility which is currently in use for the unloading, management or disposal of wastes.
160. "Operating life" (SWRCB) - see "active life" (SWRCB)
161. "Operator" (CIWMB) means the landowner or other person who through a lease, franchise agreement or other arrangement with the landowner becomes legally responsible to the State for including, but not limited to, the following requirements for a solid waste facility or disposal site: (A) obtaining a solid waste facility permit; (B) complying with all applicable federal, state and local requirements; (C) the physical operation of the facility or site; and (D) closing and maintaining the site during the postclosure maintenance period.
162. "Overpulling" (CIWMB) means excessive air intrusion into a disposal site during gas extraction to control the migration of landfill gas or to increase the production of landfill gas in an energy production system or flare.
163. "Partial Final Closure" (CIWMB) means the closure of discrete units of a site consistent with the approved closure and postclosure maintenance plan.
164. "Peak stream flow" (SWRCB) means the maximum expected flow of surface water at a waste management facility from a tributary watershed for a given recurrence interval.
165. "Peer-reviewed" (CIWMB) means published and independently reviewed by other experts within the same academic field.
166. "Perched ground water" (SWRCB) means a body of unconfined ground water separated from the zone of saturation by a portion of the unsaturated zone. Such perched water can be either permanent or ephemeral.
167. "Permeability" (SWRCB) means the ability of natural and artificial materials to transmit fluid.
168. "Physical parameter" (SWRCB) means any measurable physical characteristic of a substance including, but not limited to, temperature, electrical conductivity, pH, and specific gravity.
169. "Point of Compliance" (SWRCB) (as capitalized) means a vertical surface located at the hydraulically downgradient limit of a waste management unit (Unit) and that extends through the uppermost aquifer underlying the Unit.
170. "Post-closure maintenance" (SWRCB) means all activities undertaken at a closed waste management unit to maintain the integrity of containment features and to monitor compliance with applicable performance standards.

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- 171. "Post-closure maintenance period" (SWRCB) means the period after closure of a waste management unit (Unit) during which the waste in the Unit could have an adverse effect on the quality of the waters of the state.
 - 172. "Postclosure maintenance plan" (CIWMB) as used in this division refers to preliminary, final, and/or partial final postclosure maintenance plans as appropriate.
 - 173. "Premises" (CIWMB) includes a tract or parcel of land with or without habitable buildings or appurtenant structures.
 - 174. "Principal Gases" (CIWMB) means the organic or inorganic constituents of landfill gas, greater than one percent by volume, that typically include carbon dioxide, methane, oxygen, and nitrogen.
 - 175. "Private Access" (CIWMB) means that public access and disposal are not allowed.
 - 176. "Probable maximum precipitation" (SWRCB) means the estimated amount of precipitation for a given duration, drainage area, and time of year, which approaches and approximates the maximum that is physically possible within the limits of contemporary hydrometeorological knowledge and techniques. The term describes a precipitation event that has virtually no risk of being exceeded.
 - 177. "Professional Land Surveyor" (CIWMB) means a land surveyor licensed by the State of California pursuant to section 8747 of the Business and Professions Code.
 - 178. "Putrescible Wastes" (CIWMB) include wastes that are capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances because of odors, gases or other offensive conditions.
 - 179. "P-value" (SWRCB) means the smallest significance level for which the null hypothesis would be rejected, based on the data that was actually observed.
 - 180. "Rapid geologic change" (SWRCB) means alteration of the ground surface through such actions as landslides, subsidence, liquefaction, and faulting.
 - 181. "R Chart (range chart)" (SWRCB) means a control chart for evaluating the variability within a process in terms of the subgroup range R.
 - 182. "Reconstruction" (SWRCB) means modification to an existing waste management unit (Unit) which entails costs amounting to 50 percent or more of the initial cost of the Unit.
 - 183. "Refuse" (CIWMB) includes garbage and rubbish.
 - 184. "Regional Water Quality Control Board" - see "RWQCB"
 - 185. "Registered Civil Engineer" (CIWMB) means a civil engineer registered by the State of California, pursuant to section 6762 of the Business and Professions Code.
 - 186. "Registered Geologist" (CIWMB) means a geologist registered by the State of California, pursuant to section 7842 of the Business and Professions Code.
 - 187. "Regulated Hazardous Waste" (CIWMB) means a hazardous waste, as defined in §66260.10 of Division 4.5 of Title 22 of this code.
 - 188. "Relative compaction" (SWRCB) means the degree of compaction achieved, as a percentage of the laboratory compaction, in accordance with accepted civil engineering practices.
 - 189. "Removal" (CIWMB) means the act of taking solid wastes from the place of waste generation either by an approved collection agent or by a person in control of the premises.
 - 190. "Removal Frequency" (CIWMB) means frequency of removal of solid wastes from the place of waste generation either by an approved collection agency or by the owner of the waste, or frequency of removal of recyclables at facilities which separate recyclables from the waste stream.
 - 191. "Rubbish" (CIWMB) includes non-putrescible solid wastes such as ashes, paper, cardboard, tin cans, wood, glass, bedding, crockery, plastics, rubber by-products or litter.

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192. "Run-off" (SWRCB) means any precipitation, leachate, or other liquid that drains from any part of a waste management unit (Unit).
 193. "Run-on" (SWRCB) means any precipitation or other liquid that drains onto any part of a waste management unit.
 194. "RWQCB" or "Regional Water Quality Control Board" (SWRCB) has the same meaning as does the latter term, as described under Division 7 of the California Water Code.
 195. "RWQCB-Permitted Area" (SWRCB) (as capitalized) means the portion of land designated in WDRs for the discharge of waste at a waste management unit.
 196. "Salvaging" (CIWMB) means the controlled removal of waste material for utilization.
 197. "Saturated zone" (SWRCB) means an underground zone in which all openings in and between natural geologic materials are filled with water.
 198. "Scavenging" (CIWMB) means the uncontrolled and/or unauthorized removal of solid waste materials, or recyclable material at a solid waste facility.
 199. "Semi-solid waste" (SWRCB) means waste containing less than 50 percent solids.
 200. "Sensitive biological receptor of concern" (SWRCB) means a member of any species of organism whose members are likely to be exposed to a release from a waste management unit and experience some measurable adverse effect as a result of that exposure.
 201. "Septic Tank Pumpings" (CIWMB) include sludge and wastewater removed from septic tanks.
 202. "Shredding" (CIWMB) includes a process of reducing the particle size of solid wastes through use of grinding, shredding, milling or rasping machines. Shredding for the purposes of this Division does not apply to shredding of waste tires.
 203. "Site-Specific" (CIWMB) means specific to the local site.
 204. "Slope Failure" (SWRCB) means the downward and outward movement of ground slopes (e.g., natural rock, soils, artificial fills, or continuations of these materials).
 205. "Sludge" (SWRCB) means residual solids and semi-solids from the treatment of water, wastewater, and other liquids. It does not include liquid effluent discharged from such treatment processes.
 206. "Soil Engineer" (CIWMB) is synonymous with geotechnical engineer; means a registered civil engineer that is qualified to use the title of "soil engineer," pursuant to California Code of Regulations, Title 16, section 426.50.
 207. "Soil-pore liquid" (SWRCB) means the liquid contained in openings between particles of soil in the unsaturated zone.
 208. "Solid Waste Management" (CIWMB) includes a planned program for effectively controlling the generation, storage, collection, transportation, processing and reuse, conversion or disposal of solid wastes in a safe, sanitary, aesthetically acceptable, environmentally sound and economical manner. It includes all administrative, financial, environmental, legal and planning functions as well as the operational aspects of solid waste handling, disposal and resource recovery systems necessary to achieve established objectives.
 209. "Sorbent" (SWRCB) means a substance which takes up and holds a liquid either by absorption or adsorption.
 210. "Special Waste" (CIWMB) means "special waste" as defined in Title 22.
 211. "State Minimum Standards" (CIWMB) means the following sections of this Subdivision for the purposes of implementing Public Resources Code Section 44104: 20510 to 20701, 20710 to 20937, 21100 to 21200, 21430 and 21600.
 212. "State Water Resources Control Board" - see "SWRCB"
 213. "Static Conditions" (SWRCB) means under conditions of no external motions or forces, such as those of earthquakes.
 214. "Statistically significant" (SWRCB) means a statistical test has a p-value that is small enough for the null hypothesis to be rejected.

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215. "Storage" (SWRCB) means the holding of waste or recyclable materials for a temporary period, at the end of which the materials either is treated or is discharged elsewhere. "Store" (CIWMB) means stockpile, accumulate for later use or discard. [Note: this standard does not apply to waste tires.]
216. "Storm" (SWRCB) means the maximum precipitation for a given duration that is expected during the given recurrence interval [e.g., a 24-hour (duration) 100 year (recurrence interval) storm].
217. "Surface impoundment" (SWRCB) means a waste management unit which is a natural topographic depression, excavation, or diked area, which is designed to contain liquid wastes or wastes containing free liquids, and which is not an injection well.
218. "SWRCB" (SWRCB) means the State Water Resources Control Board, as described under Division 7 of the Water Code.
219. "Synthetic liner" - see "geosynthetic(s)"
220. "Tailings pond" (SWRCB) means an excavated or diked area which is intended to contain liquid and solid wastes from mining and milling operations.
221. "Trace Gases" (CIWMB) means all other organic or inorganic compounds or elements, measured at less than one percent by volume, found together with the principal gases in landfill gas, and may include vinyl chloride, benzene, hydrogen sulfide, carbon monoxide, hydrogen, mercury, etc.
222. "Transmissivity" (SWRCB) means the rate at which water of the prevailing kinematic viscosity is transmitted through a unit width of the aquifer under a unit hydraulic gradient.
223. "Treatment" (SWRCB) means any method, technique, or process designed to change the physical, chemical, or biological characteristics of waste so as to render it less harmful to the quality of the waters of the state, safer to handle, or easier to contain or manage. The term includes use of waste as a fuel, nutrient, or soil amendment.
224. "Treatment zone" (SWRCB) means a soil area of the unsaturated zone of a land treatment unit within which constituents of concern are degraded, transformed, or immobilized.
225. "Underlying ground water" (SWRCB), for the purposes of waste management unit siting criteria, includes water which rises above the zone of saturation due to capillary forces.
226. "Unit" - see "waste management unit"
227. "Unsaturated zone" (SWRCB) means the zone between the ground surface and the regional water table or, in cases where the uppermost aquifer is confined, the zone between the ground surface and the top of the saturated portion of the aquifer's confining layer.
228. "Unstable Areas" (CIWMB) means locations susceptible to natural or human-induced events or forces which are capable of rupturing the site containment structure.
229. "Uppermost aquifer" (SWRCB) means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer.
230. "Vector" (CIWMB) includes any insect or other arthropod, rodent, or other animal capable of transmitting the causative agents of human disease, or disrupting the normal enjoyment of life by adversely affecting the public health and well being.
231. "Waste constituent" (SWRCB) means a constituent that is reasonably expected to be in or derived from waste contained in a waste management unit.
232. "Waste management facility" or "facility" (SWRCB) means the entire parcel of property at which waste discharge operations are conducted. Such a facility may include one or more waste management units.
233. "Waste management unit" or "Unit" (SWRCB) (the latter capitalized or in quotes at the beginning of a sentence) means an area of land, or a portion of a waste management

- facility, at which waste is discharged. The term includes containment features and ancillary features for precipitation and drainage control and for monitoring.
234. "Waste pile" (SWRCB) means a waste management unit (Unit) at which only noncontainerized, bulk, dry solid waste is discharged and piled for treatment or storage on an engineered liner system that prevents the waste from contacting the underlying land surface. The term does not include a Unit of similar construction which is used for waste disposal (such a Unit would be a landfill).
235. "Water quality impairment" (SWRCB) means degradation of the existing quality of a body of surface or ground water resulting from a release of waste constituents, waste-derived hazardous constituents, or reaction products, including but not limited to any incomplete decomposition product which could cause nuisance by odor.
236. "Water Standard" (SWRCB) (as capitalized) means the water quality protection standard under §20390.
237. "WDRs" (SWRCB) means waste discharge requirements.
238. "X Bar chart" (SWRCB) means a control chart for evaluating the process level or subgroup differences in terms of the subgroup average.
239. "Zone of saturation" (SWRCB) means the subsurface zone which extends downward from the base of the unsaturated zone in which the interstices are filled with water under pressure that is equal to or greater than atmospheric pressure. Although the zone can contain gas-filled interstices (in which the gas pressure exceeds atmospheric pressure) or interstices filled with fluids other than water, it is still considered saturated.

<General Materials (GM) - References, Annotations, or Tables>

Note: Authority cited: Section 1058, Water Code; and Section 40502 Public Resources Code.
Reference: Section 13172, Water Code; Sections 40000, 40001, 40002, 43103 and 43105, Public Resources Code, and Title 40, CFR 258.2.

HISTORY

1. New article 2 (section 20164) and section filed 6-18-97; operative 7-18-97 (Register 97, No. 25).
2. Change without regulatory effect amending definition of "State Minimum Standards" filed 3-8-99 pursuant to section 100, title 1, California Code of Regulations (Register 99, No. 11).
3. Amendment of definition of "Discrete unit" and new definitions of "Closure plan" and "Postclosure maintenance plan" filed 2-25-2003; operative 2-25-2003 pursuant to Government Code section 11343.4 (Register 2003, No. 9).

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PUBLIC RESOURCES CODE SECTION 40100-40201

40100. Unless the context otherwise requires, the definitions in this article govern the construction of this division.
40105. "Authorized recycling agent" means a person that a local governing body or private commercial entity authorizes or contracts with to collect its recyclable waste material. An authorized recycling agency may be a municipal collection service, private refuse hauler, private recycling enterprise, or private nonprofit corporation or association.
40106. (a) "Biomass conversion" means the controlled combustion, when separated from other solid waste and used for producing electricity or heat, of the following materials:
- (1) Agricultural crop residues.
 - (2) Bark, lawn, yard, and garden clippings.
 - (3) Leaves, silvicultural residue, and tree and brush pruning.
 - (4) Wood, wood chips, and wood waste.
 - (5) Nonrecyclable pulp or nonrecyclable paper materials.
- (b) "Biomass conversion" does not include the controlled combustion of recyclable pulp or recyclable paper materials, or materials that contain sewage sludge, industrial sludge, medical waste, hazardous waste, or either high-level or low-level radioactive waste.
- (c) For purposes of this section, "nonrecyclable pulp or nonrecyclable paper materials" means either of the following, as determined by the board:
- (1) Paper products or fibrous materials that cannot be technically, feasibly, or legally recycled because of the manner in which the product or material has been manufactured, treated, coated, or constructed.
 - (2) Paper products or fibrous materials that have become soiled or contaminated and as a result cannot be technically, feasibly, or legally recycled.
40110. "Board" means the Department of Resources Recycling and Recovery, or the Director of Resources Recycling and Recovery, as appropriate.
40115. "City" or "county" includes city and county.
- 40115.5. "Closed disposal site" means a disposal site that ceases to accept solid waste and is closed in accordance with applicable statutes, regulations, and local ordinances in effect at the time of the closure.
40116. "Compost" means the product resulting from the controlled biological decomposition of organic wastes that are source separated from the municipal solid waste stream, or which are separated at a centralized facility. "Compost" includes vegetable, yard, and wood wastes which are not hazardous waste.
- 40116.1. "Composting" means the controlled or uncontrolled biological decomposition of organic wastes.
40117. "Gasification" means a technology that uses a noncombustion thermal process to convert solid waste to a clean burning fuel for the purpose of generating electricity, and that, at minimum, meets all of the following criteria:

- (a) The technology does not use air or oxygen in the conversion process, except ambient air to maintain temperature control.
 - (b) The technology produces no discharges of air contaminants or emissions, including greenhouse gases, as defined in subdivision (g) of Section 38505 of the Health and Safety Code.
 - (c) The technology produces no discharges to surface or ground waters of the state.
 - (d) The technology produces no hazardous waste.
 - (e) To the maximum extent feasible, the technology removes all recyclable materials and marketable green waste compostable materials from the solid waste stream prior to the conversion process and the owner or operator of the facility certifies that those materials will be recycled or composted.
 - (f) The facility where the technology is used is in compliance with all applicable laws, regulations, and ordinances.
 - (g) The facility certifies to the board that any local agency sending solid waste to the facility is in compliance with this division and has reduced, recycled, or composted solid waste to the maximum extent feasible, and the board makes a finding that the local agency has diverted at least 30 percent of all solid waste through source reduction, recycling, and composting.
40120. "Designated recycling collection location" means the place where an authorized recycling agent has contracted with either the local governing body or a private entity to pick up recyclable material segregated from other waste material. "Designated recycling collection location" includes, but is not limited to, the curbside of a residential neighborhood or the service alley of a commercial enterprise.
- 40120.05. "Director" means the Director of Resources Recycling and Recovery.
- 40120.1. "Disposal" or "dispose" has the same meaning as "solid waste disposal" as defined in Section 40192.
40121. "Disposal facility" or "facility" means any facility or location where disposal of solid waste occurs.
40122. "Disposal site" or "site" means the place, location, tract of land, area, or premises in use, intended to be used, or which has been used, for the disposal of solid wastes.
40124. "Diversion" means activities which reduce or eliminate the amount of solid waste from solid waste disposal for purposes of this division, including Article 1 (commencing with Section 41780) of Chapter 6.
40127. "Diversion program" means a program in the source reduction and recycling element of a jurisdiction's integrated waste management plan, specified in Chapter 2 (commencing with Section 41000) of, or Chapter 3 (commencing with Section 41300) of, Part 2 and that has the purpose of diverting solid waste from landfill disposal or transformation through source reduction, recycling, and composting activities. "Diversion program" additionally includes any amendments, revisions, or updates to the element, and any programs set forth in a time extension, alternative requirement, or compliance order approved by the board pursuant to Part 2 (commencing with Section 40900).
40130. "Enforcement agency" means the local agency designated pursuant to Article 1 (commencing with Section 43200) of Chapter 2 of Part 4 for the purpose of carrying out

this division, or the board if no designation of a local agency has been approved by the board.

40131. "Enforcement program" means the regulations and procedures adopted by the board pursuant to Chapter 2 (commencing with Section 43200) of Part 4.
- 40131.5. "Federal act" means the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Sec. 6901 et seq.).
40135. "Fund" means the Integrated Waste Management Fund, which is hereby created in the State Treasury. Any reference in this division or any other provision of law to the Solid Waste Management Fund shall mean the Integrated Waste Management Fund.
- 40135.1. "Account" means the Integrated Waste Management Account created in the fund pursuant to Section 4800L.
40140. "Hazard" includes any condition, practice, or procedure which is or may be dangerous, harmful, or perilous to employees, property, neighbors, or the general public.
40141. (a) "Hazardous waste" means a waste, defined as a "hazardous waste" in accordance with Section 25117 of the Health and Safety Code, or a combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may do either of the following:
- (1) Cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.
 - (2) Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed.
- (b) Unless expressly provided otherwise, "hazardous waste" includes extremely hazardous waste and acutely hazardous waste.
40145. "Jurisdiction" means a city, county, or regional agency that is approved by the board pursuant to Section 40975.
40148. "Large state facility" means those campuses of the California State University and the California Community Colleges, prisons within the Department of Corrections, facilities of the State Department of Transportation, and facilities of other state agencies, that the board determines, are primary campuses, prisons, or facilities.
40150. "Local governing body" means the legislative body of the city, county, or special district which has authority to provide solid waste handling services.
- 40150.1. "Multicounty regional agency" means a regional agency, as defined in Section 40181 that includes all of the jurisdictions that are located in at least two or more rural counties.
- 40150.2. "Minor violation" means the failure of a person to comply with a requirement or condition of an applicable law, regulation, permit, information request, order, variance, or other requirement, whether procedural or substantive, that an enforcement agency or the board is authorized to implement or enforce pursuant to Part 5(commencing with Section 45000) and that does not otherwise include any of the following:
- (a) A violation that results in injury to persons or property or that presents a significant threat to human health or the environment.

- (b) A knowing, willful, or intentional violation.
 - (c) A violation that is a chronic violation or that is committed by a recalcitrant violator. In determining whether a violation is chronic or a violator is recalcitrant, the enforcement agency or board, whichever issues the notice to comply, shall consider whether there is evidence indicating that the violator has engaged in a pattern of neglect or disregard with respect to applicable regulatory requirements.
 - (d) A violation that results in an emergency response from a public safety agency.
 - (e) A violation that enables the violator to benefit economically from the noncompliance, either by reduced costs or competitive advantage.
40151. "Nondisposal facility" means any solid waste facility required to obtain a permit pursuant to Article 1 (commencing with Section 44001) of Chapter 3 of Part 4, except a disposal facility or a transformation facility.
40160. "Operator" means a person who operates a solid waste facility or operates a disposal site.
40162. "Owner" means a person who holds fee title to, or a lease hold or other possessory interest in, real property that is presently in use as a solid waste facility or is a disposal site.
40170. "Person" includes an individual, firm, Limited Liability Company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.
40171. "Pollution" means the condition caused by the presence in or on a body of water, soil, or air of any solid waste or substance derived there from in such quantity, of such nature and duration, or under such condition that the quality, appearance, or usefulness of the water, soil, land, or air is significantly degraded or adversely altered.
40172. "Processing" means the reduction, separation, recovery, conversion, or recycling of solid waste.
40180. "Recycle" or "recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace. "Recycling" does not include transformation, as defined in Section 40201.
40181. "Regional agency" means an agency formed pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code and Article 3 (commencing with Section 40970) of Chapter 1 of Part 2.
40182. "Regional water board" means a California regional water quality control board.
40183. (a) "Rural city" or "rural regional agency" means a city or regional agency that is located within a rural county as defined in Section 40184.
- (b) (1) Unless the board takes action pursuant to paragraph (2), this section does not affect any reduction granted to a rural city by the board pursuant to Section 41787 prior to January 1, 2008.
 - (2) The board may review and take action regarding any reduction granted to a rural city by the board in accordance with subdivision (b) of Section 41787.

40184. (a) "Rural county" means a county or multicounty regional agency that annually disposes of no more than 200,000 tons of solid waste.
- (b) (1) Unless the board takes action pursuant to paragraph (2), this section does not affect any reduction granted to a rural county by the board pursuant to Section 41787 prior to January 1, 2008.
- (2) The board may review and take action regarding any reduction granted to a rural county in accordance with subdivision (b) of Section 41787.
40190. "Segregated from other waste material" means any of the following:
- (a) The placement of recyclable materials in separate containers.
- (b) The binding of recyclable material separately from the other waste material.
- (c) The physical separation of recyclable material from other waste material.
- 40190.5. "Sharps waste" means waste generated by a household that includes a hypodermic needle, syringe, or lancet.
40191. (a) Except as provided in subdivision (b), "solid waste" means all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes.
- (b) "Solid waste" does not include any of the following wastes:
- (1) Hazardous waste, as defined in Section 40141.
- (2) Radioactive waste regulated pursuant to the Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the Health and Safety Code).
- (3) Medical waste regulated pursuant to the Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code). Untreated medical waste shall not be disposed of in a solid waste landfill, as defined in Section 40195.1. Medical waste that has been treated and deemed to be solid waste shall be regulated pursuant to this division.
40192. (a) Except as provided in subdivisions (b) and (c), "solid waste disposal," "disposal," or "dispose" means the final deposition of solid wastes onto land, into the atmosphere, or into the waters of the state. For purposes of Part 2 (commencing with Section 40900), "solid waste disposal," "dispose," or "disposal" means the management of solid waste through landfill disposal or transformation at a permitted solid waste facility, unless the term is expressly defined otherwise. For purposes of Chapter 16 (commencing with Section 42800) and Chapter 19 (commencing with Section 42950) of Part 3, Part 4 (commencing with Section 43000), Part 5 (commencing with Section 45000), Part 6 (commencing with Section 45030), and Chapter 2 (commencing with Section 47901) of Part 7, "solid waste disposal," "dispose," or "disposal" means the final deposition of solid wastes onto land.
40193. "Solid waste enterprise" means any individual, partnership, joint venture, unincorporated private organization, or private corporation, which is regularly engaged in the business of providing solid waste handling services.

40194. "Solid waste facility" includes a solid waste transfer or processing station, a composting facility, a gasification facility, a transformation facility, and a disposal facility. For purposes of Part 5 (commencing with Section 45000), "solid waste facility" additionally includes a solid waste operation that may be carried out pursuant to an enforcement agency notification, as provided in regulations adopted by the board.
40195. "Solid waste handling" or "handling" means the collection, transportation, storage, transfer, or processing of solid wastes.
- 40195.1. (a) "Solid waste landfill" means a disposal facility that accepts solid waste for land disposal, but does not include a facility which receives only wastes generated by the facility owner or operator in the extraction, beneficiation, or processing of ore sand minerals, or a cemetery which disposes onsite only the grass clippings, floral wastes, or soil resulting from activities on the grounds of that cemetery.
(b) For the purposes of Article 3 (commencing with Section 43500) and Article 4 (commencing with Section 43600) of Chapter 2 of Part 4, "solid waste landfill" does not include a facility which receives only nonhazardous wood waste derived from timber production or wood product manufacturing. For the purposes of the fee imposed by Section 48000, facilities which receive only nonhazardous wood waste derived from timber production or wood product manufacturing shall, notwithstanding Section 48000, pay a quarterly fee to the state board on all solid waste disposed at each disposal site, which does not exceed the amount of the fee due and payable to the state board by those facilities during the 1992 calendar year.
40196. "Source reduction" means any action which causes a net reduction in the generation of solid waste. "Source reduction" includes, but is not limited to, reducing the use of nonrecyclable materials, replacing disposable materials and products with reusable materials and products, reducing packaging, reducing the amount of yard wastes generated, establishing garbage rate structures with incentives to reduce the amount of wastes that generators produce, and increasing the efficiency of the use of paper, cardboard, glass, metal, plastic, and other materials. "Source reduction" does not include steps taken after the material becomes solid waste or actions which would impact air or water resources in lieu of land, including, but not limited to, transformation.
- 40196.3. "State agency" means every state office, department, division, board, commission, or other agency of the state, including the California Community Colleges and the California State University. The Regents of the University of California are encouraged to implement this division.
- 40196.5. "State board" means the State Board of Equalization.
40197. "State water board" means the State Water Resources Control Board.
40200. (a) "Transfer or processing station" or "station" includes those facilities utilized to receive solid wastes, temporarily store, separate, convert, or otherwise process the materials in the solid wastes, or to transfer the solid wastes directly from smaller to larger vehicles for transport, and those facilities utilized for transformation.
(b) "Transfer or processing station" or "station" does not include any of the following:
(1) A facility, whose principal function is to receive, store, separate, convert, or otherwise process in accordance with state minimum standards, manure.

(2) A facility, whose principal function is to receive, store, convert, or otherwise process wastes which have already been separated for reuse and are not intended for disposal.

(3) The operations premises of a duly licensed solid waste handling operator who receives, stores, transfers, or otherwise processes wastes as an activity incidental to the conduct of a refuse collection and disposal business in accordance with regulations adopted pursuant to Section 43309.

40201. "Transformation" means incineration, pyrolysis, distillation, or biological conversion other than composting. "Transformation" does not include composting, gasification, or biomass conversion.