

**RULE 1150. EXCAVATION OF LANDFILL SITES**

(a) Definitions

For the purpose of this rule:

- (1) A Landfill is a place, location, tract of land, area, or premises in use, or which has been used for the disposal of waste.
- (2) An Active Landfill is a landfill that has received and/or processed waste within the preceding two years.
- (3) An Inactive Landfill is a landfill that has not received and/or processed waste within the preceding two years.
- (4) Operator is the legal owner of a landfill or a person authorized by the legal owner to operate the landfill or to perform excavation activities at the landfill.
- (5) Excavation means any activity which exposes buried waste to the atmosphere except for activities which are a normal part of the daily operation of an active landfill.

(b) Requirements

- (1) The operator of a landfill is subject to the provisions of this rule.
- (2) No person shall initiate excavation of an active or inactive landfill without Excavation Management Plan approved by the Executive Officer. The Plan shall, as a minimum, provide information regarding the quantity and characteristics of the material to be excavated and transported, and shall identify mitigation measures to be activated as necessary during excavation to ensure a that public nuisance condition does not occur. Mitigation measures shall be selected after consideration of the physical characteristics of the landfill. Such mitigation measures may include gas collection and disposal, baling, encapsulation, covering of the material, chemical neutralizing, or other measures approved by the Executive Officer.
- (3) The Executive Officer shall not approve any Excavation Management Plan unless such a Plan includes a provision for immediate cessation of excavation activities when the operator is notified by the Executive Officer that a public nuisance has occurred. Upon determination by the Executive Officer that a public nuisance has occurred, those mitigation

measures identified in the Plan shall be implemented immediately, as well as any additional mitigation measures which the Executive Officer deems appropriate.

- (4) As part of his evaluation of an Excavation Management Plan, the Executive Officer may consult with public health agencies in evaluating potential health effects. When the results of such consultations so warrant, ambient air monitoring equipment requirements may be specified as a condition of Plan approval.
- (5) Compliance with the provisions of this rule does not exempt a person from complying with the requirements of Rule 402, Nuisance; California Health and Safety Code section 41700; or other applicable codes, rules, and regulations.
- (6) The District shall respond within 30 days to the applicant as to whether a submitted Plan is complete or incomplete. If additional review time is needed by the District, the applicant will be so informed within the same 30-day period.

(c) Exemptions

- (1) The drilling of holes up to 24 inches in diameter for geological evaluation or for telephone or power transmission poles or their footings.
- (2) The drilling of oil wells, gas wells, or landfill gas collection wells or the maintenance of gas or leachate collection systems shall not require submittal of an Excavation Management Plan. Permit requirements to construct/operate equipment at a landfill remain, and are not affected by requirements for an Excavation Management Plan.
- (3) Emergency excavation performed by, under the jurisdiction of, or pursuant to the requirements of, an authorized Health Officer, Agricultural Commissioner, or Fire Protection Officer. Whenever possible, the Executive Officer shall be notified prior to commencing such excavation.
- (4) The Executive Officer may exempt from the requirements of this rule any excavation activities which he determines pose an insignificant risk of violating Health and Safety Code Section 41700.

(d) Fees

For the purpose of determining the appropriate processing fees only, the filing of an Excavation Management Plan shall be considered the equivalent of filing an

application for a permit. The person submitting the Plan shall be assessed a filing fee as described in Rule 301(a), an engineering evaluation fee and operating fee as described in Rule 301(b) and 301(e) - Schedule 5, and where applicable, Rule 301(f) and Rule 304. The fees shall be due and payable as described in those rules.

(e) **Effective Dates**

The provisions of this rule shall be effective for any landfill site excavation begun after January 1, 1983.