

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the matter of:

John Smith Road Landfill Class I Area
2650 John Smith Road
Hollister, California 95023
EPA I.D. CAD990665432

Name of Applicant:

Mr. David Mirrione, City Manager
City of Hollister, Public Works
Department
1321 South Street
Hollister, California 95023
David.Mirrione@hollister.ca.gov

Project Code:

DTSC200055-78

AGREEMENT FOR PROCESSING
APPLICATION FOR A HAZARDOUS
WASTE FACILITY POST CLOSURE
PERMIT

Health and Safety Code
Section 25205.7

The California Department of Toxic Substances Control (DTSC) and John Smith Road Landfill (Applicant) enter into this Agreement for Processing Application for a Hazardous Waste Facility Post Closure Permit (Agreement) and agree as follows:

1. Jurisdiction and Purpose. This Agreement governs the application for a Hazardous Waste Facility Post Closure Permit. Health and Safety Code section 25205.7 requires Applicant to (a) reimburse DTSC for its costs incurred in processing the Application; (b) make an advance payment to DTSC of at least 25% of DTSC's total estimated costs of processing the Application¹; and (c) reimburse DTSC for its costs incurred for the purposes of complying with the California Environmental Quality Act (CEQA). The Application is for the existing hazardous waste facility located at 2650 John Smith Road, Hollister, San Benito County, California (Facility). The Facility is owned by the City of Hollister and operated by San Benito County.

¹ Advance payment is not required for federal facilities per Health and Safety Code, section 25205.7(a)(2)(B).

2. Billing and Payment.

2.1. Applicant agrees to pay DTSC for its costs incurred in processing the Application and its costs incurred for the purposes of complying with CEQA, including costs of preparing analysis and documentation required by CEQA. DTSC will provide Applicant with a billing statement at least quarterly. Applicant agrees to make payment within 30 days of receipt of DTSC's billing. Costs incurred include interest on unpaid amounts that are billed and outstanding more than 60 days from the date of the invoice as provided in Health and Safety Code section 25360.1.

2.2. DTSC's cost estimate for processing the Application is attached as Exhibit A and incorporated herein as part of the Agreement. Applicant understands that the amount in Exhibit A is only a cost estimate for the activities shown on Exhibit A and it may differ from the actual costs incurred by DTSC in processing the Application. DTSC may provide revised cost estimates to Applicant as the work progresses under this Agreement. Any revision to the Application after it is initially submitted to DTSC may require a new or revised cost estimate. The cost estimate in Exhibit A does not include costs that DTSC may incur in overseeing any required corrective action at the Facility.

2.3. This section does not apply to federal facilities¹. The advance payment in the amount of \$73,363.13 which represents 25% of DTSC's total estimated costs of processing the Application must be received by DTSC within 30 days of the date of the invoice. It is expressly understood and agreed that DTSC will not begin or continue to process the Application until after DTSC receives the advance payment. The advance payment will be retained by DTSC and applied to charges incurred by processing the application. DTSC will refund remaining unapplied funds due to the Applicant after the final invoice is issued.

2.4. DTSC's billing statements shall be sent to David Mirrione at 1321 South Street, Hollister, California 95023. When a payment is made by check or money order, the check or money order shall be payable to the "Department of Toxic Substances Control"; reference DTSC's Project Code as shown on the first page of this Agreement and the name of the Facility; and be sent to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st Floor (*use this only for FedEx, UPS, etc.*)
P.O. Box 806 (*use this for US Mail only*)
Sacramento, California 95812-0806

Payments can also be made with a credit card or Electronic Funds Transfer.

2.5. DTSC shall retain all cost records associated with the work performed under this Agreement as may be required by State law. DTSC will make all documents that support DTSC's cost determination available for inspection upon request in accordance with the Public Records Act, Government Code section 6250 et seq.

2.6. Any dispute concerning DTSC's costs incurred in processing the Application is subject to the dispute resolution procedure as established pursuant to Health and Safety Code section 25206.2(b)(2)(H) and (I). DTSC has provided a copy of the Cost Reimbursement Policy and Procedure to Applicant, which is also available electronically on DTSC's website. DTSC reserves its right to recover unpaid costs under applicable State and federal laws.

3. Project Managers. The Project Managers for DTSC and Applicant during the term of this Agreement are:

Department of Toxic Substances Control:

Talin Saatjian
Hazardous Substances Engineer
Permitting Division
9211 Oakdale Avenue
Chatsworth, California, 91311
Phone: (818)717-6539
Email: Talin.Saatjian@dtsc.ca.gov

John Smith Road Landfill Class I Area:

Mr. David Mirrione, City Manager
City of Hollister, Public Works Department
1321 South Street
Hollister, California 95023
Phone: (831)636-4300
Email: David.Mirrione@hollister.ca.gov

The above Project Manager(s) may be changed upon sufficient advance written notification to each party.

4. Reservation of Rights. DTSC reserves all of its authorities, rights, defenses and remedies under applicable law and regulations, including the authority and right to recover its costs incurred therefor; to discontinue processing the Application if Applicant fails to make any payment due under this Agreement; and to make permitting decisions according to applicable law and regulations. Applicant reserves all of its rights, defenses and remedies available to Applicant under applicable law and regulations.

5. Effective Date. The effective date of this Agreement is the date of signature by DTSC's authorized representative after this Agreement is first signed by Applicant's authorized representative. Except as otherwise specified, "days" means calendar days.

6. Parties Bound. This Agreement applies to and is binding, jointly and severally, upon Applicant and its agents, receivers, trustees, successors and assignees,

and upon DTSC and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Agreement.

7. Representative Authority. Each undersigned representative of the party to this Agreement certifies that she or he is fully authorized to enter into the terms and conditions of this Agreement and to execute and legally bind the party to this Agreement.

8. Counterparts. This Agreement may be executed and delivered in any number of counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one and the same document.

Agreed to by:

John Smith Road Landfill Class I Area

Signature Date: _____

Name: _____

Title: _____

Department of Toxic Substances Control

Signature Date: _____

Name: _____

Title: _____

SITE: CAD990665432
 FACILITY: John Smith Road Landfill
 PERMIT: Post Closure Renewal
 PROJECT MANAGER: Taylor Grose
 DATE: August 2024

EXHIBIT A
Department of Toxic Substances Control
PERMIT APPLICATION PROCESSING COST ESTIMATE¹

	Project Manager	Cost Estimating Engineer	Supervisor	Branch Chief	Engineering Special Projects Office	Enforcement	Corrective Action Specialist	Geologic Services Branch	Human and Ecological Risk Office	Industrial Hygienist	Public Participation	Office of Legal Counsel	California Environmental Quality Act Unit	Financial Responsibility Unit	Clerical	Travel	Contracts/ Other Expenses	Total Hours	Cost
Estimation Rates	\$341	\$341	\$374	\$376	\$289	\$228	\$289	\$291	\$269	\$228	\$178	\$339	\$283	\$178	\$111				
TASK 1: INITIAL COMPLETENESS REVIEW (ADMINISTRATIVE COMPLETENESS)																			
HOURS	16		3.5											6	1			26.5	\$ 8,547
SUBTOTAL ESTIMATED COST	\$5,456		\$1,309											\$1,068	\$111		\$603		
TASK 2: TECHNICAL REVIEW OF PERMIT APPLICATION																			
2A: TECHNICAL REVIEW THRU ISSUANCE OF 1ST NOD																			
HOURS	160	15	9		26	10		33	10						3			266	\$ 85,461
SUBTOTAL ESTIMATED COST	\$54,560	\$5,115	\$3,366		\$7,514	\$2,280		\$9,603	\$2,690						\$333				
2B: REVIEW OF 1ST NOD RESPONSE AND ISSUANCE OF 2ND NOD OR TECHNICAL COMPLETE DETERMINATION																			
HOURS	44	6	7		6	28		10	3					6	1			111	\$ 32,682
SUBTOTAL ESTIMATED COST	\$15,004	\$2,046	\$2,618		\$1,734	\$6,384		\$2,910	\$807					\$1,068	\$111				
2C: REVIEW OF RESPONSE TO 2ND NOD AND TECHNICAL COMPLETE DETERMINATION																			
HOURS																			
SUBTOTAL ESTIMATED COST																			\$ -
TASK 3: DRAFT PERMIT DECISION																			
SUBTOTAL HOURS	56		14	4		14						21						109	\$ 36,147
SUBTOTAL ESTIMATED COST	\$19,096		\$5,236	\$1,504		\$3,192						\$7,119							
TASK 4: CEQA COMPLIANCE																			
SUBTOTAL HOURS	12		5									4	13		2			36	\$ 11,219
SUBTOTAL ESTIMATED COST	\$4,092		\$1,870									\$1,356	\$3,679		\$222				
TASK 5: PUBLIC PARTICIPATION																			
SUBTOTAL HOURS	79		24					12	3		77	23	12		28			258	\$ 70,621
SUBTOTAL ESTIMATED COST	\$26,939		\$8,976					\$3,492	\$807		\$13,706	\$7,797	\$3,396		\$3,108		\$2,400		
TASK 6: FINAL PERMIT																			
SUBTOTAL HOURS	35		5	6		1					11	5			14			77	\$ 22,099
SUBTOTAL ESTIMATED COST	\$11,935		\$1,870	\$2,256		\$228					\$1,958	\$1,695			\$1,554		\$603		
TASK 7: PROJECT MANAGEMENT																			
HOURS	78																	78	26677.50
ESTIMATED COST	\$26,677.50																		
TOTAL ESTIMATED PERMIT PROCESSING COST																			293,452.50

1. See attached Task Description and Cost Assumptions for a description of the type of work included for each task and assumptions used to generate the costs.
 2. Additional costs may be incurred depending upon the quality of the application received and the applicant's responsiveness to NODs.

SITE: CAD990665432
 FACILITY: John Smith Road Landfill
 PERMIT: Post Closure Renewal
 PROJECT MANAGER: Taylor Grose
 DATE: August 2024

EXHIBIT A
Department of Toxic Substances Control
PERMIT APPLICATION PROCESSING COST ESTIMATE¹

	Project Manager	Cost Estimating Engineer	Supervisor	Branch Chief	Engineering Special Projects Office	Enforcement	Corrective Action Specialist	Geologic Services Branch	Human and Ecological Risk Office	Industrial Hygienist	Public Participation	Office of Legal Counsel	California Environmental Quality Act Unit	Financial Responsibility Unit	Clerical	Travel	Contracts/ Other Expenses	Total Hours	Cost

EXHIBIT A
Department of Toxic Substances Control
TASK DESCRIPTION AND COST ASSUMPTIONS

TASK		TASK DESCRIPTION	COST ASSUMPTIONS
TASK 1: INITIAL COMPLETENESS REVIEW (ADMINISTRATIVE COMPLETENESS)		Review Permit Application for Administrative Completeness. Assess whether the submitted application contains the elements required to be considered Administratively Complete. Includes all activities performed during this phase, including preparation of correspondence, processing of the Disclosure Statement, etc.	Assuming application is administratively complete
TASK 2: TECHNICAL REVIEW OF PERMIT	2A: TECHNICAL REVIEW THRU ISSUANCE OF 1ST NOD	Assess whether the application meets statutory and regulatory requirements, and prepare written comments in the form of Notice(s) of Deficiency, if needed. This task may include, but is not limited to: review of application, coordination with other government agencies, document management, meetings, preparation of documentation, meetings/ coordination, closure cost estimate review, financial assurance mechanism review, Compliance History Report, tank certification review, environmental monitoring program review, assessment of need for corrective action, meeting to discuss comments/ Notices of Deficiency, and other activities.	Assumes that the application is deficient
	2B: REVIEW OF 1ST NOD RESPONSE AND ISSUANCE OF 2ND NOD OR TECHNICAL COMPLETE DETERMINATION	Meet with applicant to discuss 1st NOD. Review submittal provided in response to 1st NOD, prepare written comments, if needed. Prepare 2nd NOD.	Assumes revised application is complete, No need for a second NOD, and Moderate compliance history
	2C: REVIEW OF RESPONSE TO 2ND NOD AND TECHNICAL COMPLETE DETERMINATION	Conference call or meeting at DTSC office to discuss 2nd NOD. Review submittal provided in response to 2nd NOD and prepare written comments, if needed.	Assumes not applicable
TASK 3: DRAFT PERMIT DECISION		Prepare draft permit, internal reviews, prepare associated documents required for public notice (e.g., statement of basis, fact sheet, etc.).	
TASK 4: CEQA COMPLIANCE		Prepare and/or review necessary CEQA documents. Respond to public comments regarding the CEQA documents.	
TASK 5: PUBLIC PARTICIPATION		Conduct Public Participation activities throughout the project, including, but not limited to community survey(s), information repository setup and maintenance, public notices, community updates, public meetings and/or hearings, translation services, documentation of activities, and responding to public comments.	Assumes 750 addresses, DTSC mailing, Translation needed. 1 meeting recorder - translator, zoom meeting (no overnight travel)
TASK 6: FINAL PERMIT		Activities necessary after the public comment period concludes, including preparation and issuance of the permit, Notice of Decision, response to comments, Statement of Basis, and associated correspondence.	Assumes 750 addresses, DTSC mailing, Translation needed.
TASK 7: PROJECT MANAGEMENT		Project Management activities include planning, scheduling, cost tracking, monitoring of charges, coordinating project activities, maintaining project files, verifying invoices, other activities necessary to process the permit application not covered by tasks above.	10% of total hours