

**Waste Compliance and Mitigation Program Staff Report**  
Solid Waste Facilities Permit Revision for the Glenn County Landfill  
SWIS No. 11-AA-0001  
August 17, 2010

**Background Information, Analysis, and Findings:**

This report was developed in response to the Glenn County Local Enforcement Agency (LEA) request for Department of Resources Recovery and Recycling (Department) concurrence on the issuance of a proposed solid waste facilities permit revision for the Glenn County Landfill, SWIS No. 11-AA-0001, located in Glenn County. A copy of the proposed permit is attached. The report contains Waste Compliance and Mitigation Program (WCMP) staff's analysis, findings, and recommendations.

The proposed permit was originally received on December 29, 2009. Department staff completed a review of the permit application package and found inadequacies in the Report of Disposal Site Information, Closure Plans and Financial Assurances documentation. On February 4, 2010, the operator submitted a request to the LEA to waive the permit timelines in order to provide additional information to make the permit application package complete. The proposed permit was returned to the LEA on February 10, 2010. A new proposed permit was received by the Department on May 4, 2010. CalRecycle staff found the Preliminary Closure Maintenance Plans (PCMP) to be inconsistent with state minimum standards and supporting documents. The operator requested that time be waived and the proposed permit was returned to the LEA on June 2, 2010. An updated PCMP was submitted to the LEA on July 7, 2010. A third version of the proposed permit was received by CalRecycle on July 27, 2010, and a final version of the proposed permit was received by CalRecycle on August 9, 2010. Action must be taken on this permit no later than October 8, 2010. If no action is taken by October 8, 2010, the Department will be deemed to have concurred with the issuance of the proposed revised permit.

**Proposed Changes**

The following changes to the permit are being proposed:

	Current Permit (1992 SWFP)	Proposed Permit
Permitted Maximum Tonnage	100 tons per day	200 tons per day
Permitted Traffic Volume	None specified	200 vehicles per day
Permitted Area (acres)	192.6	356.4
Owner	Foley Ranches	County of Glenn Public Works

**Findings:**

Staff recommends concurrence with the issuance of the proposed revised permit. The documents on which staff's findings are based have been provided to the Deputy Director with this Staff Report and are permanently maintained in the facility files maintained by the Waste Compliance and Mitigation Program.

CCR Title 27 Sections	Findings	
21685(b)(1) LEA certified complete and correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated July 23, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

CCR Title 27 Sections	Findings	
21685(b)(2) LEA Five Year Permit Review	The LEA completed a Five Year Permit Review on July 27, 2007 with a finding of significant change and provided an additional copy to the Department along with the permit application package on December 29, 2009. The LEA re-certified his findings in a letter dated July 23, 2010, that the December 29, 2009 findings are still valid.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	The proposed permit was received by CalRecycle on August 9, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received by CalRecycle on December 29, 2009 provided a finding that the facility is consistent with PRC 50001. On January 14, 2010, WCMP staff in the Jurisdiction Compliance and Audit Section found the facility is identified in the Countywide Siting Element. The LEA re-certified his findings in a letter dated July 23, 2010, that the December 29, 2009 findings are still valid.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(5) Preliminary or Final Closure/ Postclosure Maintenance Plans consistency with State Minimum Standards	WCMP staff in the Cleanup, Closure, and Financial Assurances Division have found that the Preliminary Closure/ Postclosure Maintenance Plans dated June, 2010, are consistent with State Minimum Standards as indicated in their memo dated July 29, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(A) Financial Assurances Documentation compliance	WCMP staff in the Cleanup, Closure, and Financial Assurances Division found the Financial Assurances Documentation is in compliance as described in their memo dated August 5, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(B) Operating Liability compliance	WCMP staff in the Cleanup, Closure, and Financial Assurances Division found the Operating Liability is in compliance as described in their memo dated August 5, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WCMP staff in the Compliance, Evaluations, and Enforcement Division conducted a pre-permit inspection on May 12, 2010. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA finding	The LEA provided a finding in their permit submittal package received on December 29, 2009 that the proposed permit is consistent with and supported by the existing CEQA documentation. See details below. The LEA re-certified his findings in a letter dated July 23, 2010, that the December 29, 2009 findings are still valid.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

CCR Title 27 Sections	Findings	
21650(g)(5) Public Notice and or Meeting, Comments	The required informational meeting was conducted by the LEA on November 9, 2009, at 4pm. No members of the public attended. No written comments were received by the LEA or WCMP staff.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA determination to support responsible agency's findings	The Department is a responsible agency under CEQA with respect to this project, a proposed revised solid waste facilities permit. WCMP staff has determined that the CEQA record can be used to support the Director's action on the proposed revised permit. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

**Compliance History:**

The pre-permit inspection was conducted by WCMP Compliance, Evaluation and Enforcement staff on May 12, 2010. One violation was noted for section 20921, gas monitoring and control. The proposed permit revision will approve moving the perimeter of the permitted landfill boundary back to a distance of approximately 500 feet from the existing footprint of waste. This permit revision will also move the landfill gas monitoring points and bring the facility into compliance with section 20921.

The following are both permit and state minimum standards violations for the last five years:

- 2010- through July, 7 violations of section 20921 explosive gas control, 4 violations PRC 44014(b) operator complies with terms and conditions of permit (maximum permitted daily tonnage exceeded), 2 violations of section 20790 leachate control and 1 violation of section 20870 hazardous waste control
- 2009- 12 violations of 20921, 6 violations of PRC 44014(b), 1 violation of 20790 and 2 violations of section 20830 litter control
- 2008- 12 violations of 20921, 12 violations of PRC 44014(b), 13 miscellaneous violations
- 2007- 11 violations of 20921, 12 violations of PRC 44014(b), 15 miscellaneous violations
- 2006- 12 violations of 20921, 12 violations of PRC 44014(b), 28 miscellaneous violations

Glenn County Landfill was placed on the Inventory of Solid Waste Facilities on June 28, 2004 because of the chronic violations of Title 27 Section 20921. On October 28, 2004, the Glenn County Health Department issued a Notice and Order requiring the operator to take actions to cease gas migration at the landfill boundary by June 28, 2006. The landfill was not issued a violation for landfill gas in September 2005, and was therefore removed from the Inventory of Solid Waste Facilities that Violate State Minimum Standards. On August 17, 2007, the facility was once again listed on the Inventory of Solid Waste Facilities that Violate State Minimum Standards for gas violations. On December 21, 2007, the Glenn County LEA issued Notice and Order 01-07 for Landfill Gas violations with a final compliance deadline of August 17, 2009.

On December 16, 2009, the Glenn County Environmental Health Department, acting as LEA, requested Department approval to extend the final compliance deadline of Notice and Order 01-07. After making the required findings, including the facts that the operator has acquired title to the existing, permitted landfill and surrounding property; and a permit revision is in process to add 500 foot buffer zones around the perimeter of the landfill which will extend the LFG monitoring compliance points; staff recommended approval of the LEA's request and it was approved by Ted Rauh, Waste Compliance and Mitigation Program Director, with the following conditions:

- The Notice and Order 01-07 (N&O) is to be extended to a final compliance deadline of August 17, 2010.

- Department staff independently evaluated the measures that have been taken thus far and determined that they are adequate and no additional measures are necessary.
- If the operator is still out of compliance with landfill gas concentration on or after August 17, 2010, the LEA will invoke the penalty phase of the Notice and Order.

With the approved time extension the landfill operator has until August 17, 2010 to come into compliance with the landfill gas requirements.

For the purpose of CalRecycle's determination to concur in or to object to a proposed permit for a facility that has landfill decomposition gases exceeding the compliance levels in Tile 27 Section 20921, the facility shall be considered to be consistent with State Minimum Standards specified in Section 20921 if all of the following requirements have been satisfied with respect to the facility:

1. The operator has delivered all notices to the EA and owner as required pursuant to Sections 20919, 20919.5 and 20937. *Status: The Glenn County LEA, has received the applicable notices.*
2. The EA shall have forwarded to CIWMB (now CalRecycle) all notifications received. *Status: CalRecycle has received the applicable notices.*
3. Landfill gas monitoring has been and is being conducted at least monthly. *Status: The Glenn County LEA has conducted monthly monitoring since December 2003, when elevated concentrations of methane were detected in one of the gas monitoring wells.*
4. The EA has determined that landfill decomposition gas generated by the facility does not constitute an imminent and substantial threat to public health and safety or the environment. *Status: The Glenn County LEA made the finding in the Notice and Order dated December 21, 2007.*
5. The EA has determined that to come into compliance it will take the operator longer than 90 days due to the time it takes to plan and implement appropriate corrective measures. *Status: The Glenn County LEA made the finding in the Notice and Order dated December 21, 2007.*
6. The facility is operating under an enforcement order issued to the operator that meets all the requirements. *Status: The Glenn County LEA, issued a Notice and Order to the operator on December 21, 2007. The compliance dates in the Notice and Order have been extended until August 17, 2010.*
7. The EA has reviewed and approved and the CIWMB has reviewed all investigation reports or results, proposed work plans, or proposed gas mitigation measures. *Status: CalRecycle, and the LEA, received, reviewed and approved the updated gas remediation plan submitted by the operator June 3, 2009. CalRecycle approved the plan in a memo dated July 31, 2009.*
8. The operator is in compliance with the approved gas mitigation measures or work plans approved by the EA and specified in the enforcement order. *Status: The operator is in compliance with the remediation plan and there has been no need to enforce the notice and order requirements through the implementation of penalties.*
9. For facilities that propose a facility property boundary expansion, a footprint expansion, or any other increase in facility capacity as part of the permit application, investigations or analyses respecting landfill decomposition gases at the facility must have been conducted by the operator prior to the submittal of the permit application to the EA. *Status: In 2006, the California Regional Water Quality Control Board issued WDR No.*

R5-2006-0119. Studies were conducted as part of the CEQA process specifically regarding air and water impacts, see below.

**Environmental Analysis:**

Under the requirements of the California Environmental Quality Act (CEQA), the Department must consider the environmental documents (EDs) prepared by the lead agency that analyze for potentially significant impacts that would occur if the proposed project were to be implemented. Public Resources Code Section 21002.1(b) states that “[e]ach public agency shall mitigate or avoid the significant effects on the environment of projects that it carries out or approves whenever it is feasible to do so.” Upon consideration in the concurrence of the issuance of the Solid Waste Facilities Permit, the Department must evaluate the ED for CEQA compliance before the Department can concur in its issuance.

Two EDs were prepared and circulated by the Glenn County Planning and Public Works Agency, acting as lead agency, for the project under consideration of the concurrence in the issuance of a full Solid Waste Facilities Permit:

- 1) A Mitigated Negative Declaration (MND), State Clearinghouse (SCH) No. 2009022035, was circulated for a 30-day review period from February 11, 2009, through March 12, 2009. The MND described and analyzed for an increase in daily tonnage at the Glenn County Landfill (GCLF). A traffic study was conducted in 1997 for an increase to 700 tons per day (tpd) that supported the increase in tonnage from 100 tpd to 200 tpd in the MND. The lead agency approved the project and adopted the MND and a Mitigation Monitoring or Reporting Program (MMRP) on April 21, 2009, and filed a Notice of Determination (NOD) with the Glenn County Clerk of the Board (Clerk) on April 21, 2009.
- 2) A Program Environmental Impact Report (PEIR), for the *Landfill Strategic Plan for Glenn County*, SCH No. 2007122062, was circulated for a 45-day review period from December 10, 2008, through January 23, 2009, for a proposed expansion of the landfill design and operations. The draft PEIR analyzed four options for the continuation of municipal solid waste (MSW) disposal services provided by the GCLF. All of the options presented for analysis in the draft PEIR were analyzed at the ‘program’ level, meaning that the four options were not analyzed at a project level for consideration of the issuance of a permit. A project level analysis, however, was provided for expansion of the landfill property to include a buffer area surrounding the GCLF to include the installation of landfill gas (LFG) wells, installation of an access road to the LFG wells and the construction of a fence to contain the buffer area where these ancillary facilities to the current operations were installed. The lead agency approved the project and certified the PEIR and adopted a MMRP May 5, 2009, and filed a NOD with the Glenn County Clerk on May 5, 2009.

The project is for the issuance of full Solid Waste Facilities Permit by the Glenn County Health Services Department, the Local Enforcement Agency (LEA), that will increase the landfill boundary into the buffer area for the installation of the LFG wells and increase the maximum permitted tonnage and maximum traffic volume for the facility. The LEA has made a determination that “[t]hese [environmental] documents describe and support the changes to design and operation which will be authorized with the issuance of this permit.”

CalRecycle staff recommends that the MND and the PEIR, and the substantial evidence to support the determinations in the EDs, addresses the project under consideration and that there is no potential for significant impact(s) that will result upon the issuance of this full Solid Waste Facilities Permit.

Department staff further recommends the MND and PEIR are adequate for the Director's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and authority, or which are required to be carried out or approved by the Department.

There are no grounds under CEQA for the Department to prepare a subsequent or supplemental ED or assume the role of lead agency for its consideration of the proposed Solid Waste Facilities Permit.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed Solid Waste Facilities Permit and all of its components and supporting documentation, this staff report, the ND adopted by the lead agency, the PEIR certified by the lead agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed Solid Waste Facilities Permit. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

**Local Issues:**

The California Environmental Quality Act record indicates no offsite cumulative environmental impacts. The project document availability, hearings, and associated meetings were extensively noticed consistent with the California Environmental Quality Act and Solid Waste Facilities Permit requirements. A review from the public process indicates that environmental justice issues were not identified by the surrounding community (Census Tract 103). Census information indicates that the surrounding population is approximately 82.0% white, 1.5% black or African American, 7.2% American Indian or Alaska Native, 0.5% Asian, 0.1% Native Hawaiian or Pacific Islander, 5.9% some other race and 2.8% two or more races. 13.4% of the total population described themselves as Hispanic or Latino. 12.3% of the families in the Census Tract were below the poverty level. Staff has not identified any environmental justice issues related to this item. Staff finds the project and permit process to be consistent with Government Code Section 65040.12, as there has been fair treatment of people of all races, cultures, and incomes with respect to the proposed action being recommended above.

**Public Comments:**

As of July 29, 2010, no public comments have been received by Department or LEA staff. No members of the public attended the informational meeting on November 9, 2009, nor was the meeting attended by Department staff.

**Department Staff Action Summary:**

After receipt of the proposed permit on December 29, 2009, staff consulted with the LEA and operator on numerous occasions. Staff provided a detailed letter to the LEA dated January 28, 2010, outlining deficiencies with the RDSI and areas that needed to be corrected before the RDSI should be deemed complete and correct. Cleanup, Closure, and Financial Assurances Division (CCFAD) staff provided comments to the LEA that identified inconsistencies within the Preliminary Closure Plan documents. Staff found inconsistencies in the proposed permit that was resubmitted on May 5, 2010 and shared these with the LEA. On May 27, 2010, CCFAD staff provided additional comments on the inadequacies of the closure plan to the consultant preparing the plans on behalf of the operator. CalRecycle staff received the third edition of the proposed permit on July 27, 2010 and worked with the LEA to correct some errors and formatting issues. The final version of the proposed permit was received by CalRecycle on August 9, 2010.