

Permitting & Assistance Branch Staff Report
Solid Waste Facilities Permit Revision for the Badlands Sanitary Landfill
SWIS No. 33-AA-0006
March 21, 2011

Background Information, Analysis, and Findings:

This report was developed in response to the Riverside County Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery's (Department) concurrence on the issuance of a proposed Solid Waste Facilities Permit revision for the Badlands Sanitary Landfill, SWIS No. 33-AA-0006, located in Moreno Valley and owned and operated by Riverside County Waste Management Department. A copy of the proposed permit is attached. This report contains the Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was received on February 4, 2011. Action must be taken on this proposed permit no later than April 5, 2011. If no action is taken by April 5, 2011, 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 (2005 SWFP)	Proposed Permit
Permitted Area	246 acres	278 acres
Permitted Capacity	30,386,332 cubic yards	33,569,993 cubic yards
Estimated Closure Date	2016	2024
13. Findings	<p>a. This permit is consistent with the Riverside County Integrated Waste management Plan, which was approved by the CIWMB and amended on September 23, 1998 and August 4, 2004. The location of the facility is identified in the Countywide Siting element, pursuant to Public Resource Code (PRC), Section 50001(a).</p> <p>b. This permit is consistent with the standards adopted by the CIWMB, pursuant to PRC 4 4010.</p> <p>c. The design and operation of the facility is consistent with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the enforcement agency on July 19, 2005, pursuant to PRC 44009.</p> <p>d. The Riverside County Fire</p>	<p>a. This permit is consistent with the Riverside County Integrated Waste management Plan, which was approved by the CalRecycle and amended on September 23, 1998 and August 4, 2004. The location of the facility is identified in the Countywide Siting element, pursuant to Public Resource Code (PRC), Section 50001(a).</p> <p>b. This permit is consistent with the standards adopted by the CalRecycle, pursuant to PRC 4 4010.</p> <p>c. The design and operation of the facility is consistent with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the enforcement agency.</p> <p>d. The Riverside County Fire Department has determined that the</p>

	<p>Department has determined that the facility is in conformance with applicable fire standards as required by Public Resource Code, Section 44151.</p> <p>e. An Environmental Assessment (MND), #39813 was filed with the State Clearinghouse (SCH#2005041040), certified by the Riverside County Board of Supervisors on June 14, 2005. An Addendum to the MND, dated June 2, 2005 was adopted by the Riverside County Board of Supervisors on June 14, 2005. The MND describes and supports the design and operations which will be authorized by the issuance of this permit. A Notice of Determination was filed with the State Clearinghouse on May 24, 2005.</p> <p>f. The Riverside County Board of Supervisors has made a written determination that the facility is consistent with, and designated in, the applicable general plan: Public Resource Code, Section 5000.5(a): 5/24/05 and 6/14/05.</p> <p>g. The Riverside County Board of Supervisors has made a written finding that the surrounding land use is compatible with the facility operations, as required in Public Resource Code, Section 5000.5(b): 5/24/05 and 6/14/05.</p>	<p>facility is in conformance with applicable fire standards as required by Public Resource Code, Section 44151.</p> <p>e. A Mitigated Negative Declaration (MND) for Environmental Assessment (EA) #39813 (SCH#2005041040) was adopted by the Riverside County Board of Supervisors on May 24, 2005. An Addendum to the MND, dated June 2, 2005 was adopted by the Riverside County Board of Supervisors on June 14, 2005. A Notice of Determination (NOD) was filed with the State Clearinghouse on May 24, 2005.</p> <p>f. A MND for EA "Badlands 2010-01" (SCH#2010101090) was adopted by the Riverside County Board of Supervisors on January 25, 2011. The MND describes and supports the design and operations which will be authorized by the issuance of this permit. A NOD was filed with the State Clearinghouse on January 27, 2011.</p>
<p>14. Prohibitions</p>	<p>The permittee is prohibited from excepting the following wastes: Hazardous, radioactive, medical (as defined in Chapter 6.1, Division 20 of the Health and Safety Code), liquid, designated, or other waste requiring special treatment or handling, except as identified in the Report of Facility Information and approved amendments thereto and as approved by the enforcement agency and other federal, state, and local agencies.</p> <p>The permittee is additionally prohibited from the following activities:</p> <p>a. Acceptance of any material after</p>	<p>The permittee is prohibited from excepting the following wastes: Hazardous, radioactive, medical (as defined in Chapter 6.1, Division 20 of the Health and Safety Code), liquid, designated, or other waste requiring special treatment or handling, except as identified in the Report of Facility Information and approved amendments thereto and as approved by the enforcement agency and other federal, state, and local agencies.</p>

	<p>proposed grade is met;</p> <p>b. Conducting any landfill activities in darkness without adequate lighting;</p> <p>c. Burning of waste;</p> <p>d. Scavenging.</p>	
15. Documents	<p>Joint Technical Document Addendum #2 May 2005</p> <p>Waste Discharge Requirements Order No. 94-17 March 1994</p> <p>APCD Permit to Operate Sept. 1989</p> <p>EA (MND) #39813 (SCH#2005041040) May 2005</p> <p>Preliminary Closure/Post Closure Maintenance Plan March 1997</p> <p>Closure Financial Assurance Documentation Nov. 2004</p> <p>Operating Liability Certification October 2005</p> <p>Addendum to MND #39813 June 2005</p>	<p>Joint Technical Document #5 - Report of Disposal Site Information June 2010</p> <p>Waste Discharge Requirements Order No. R8-2010-0051 Dec. 2010 Order No. R8-2006-0086 Dec. 2006 Order No. R8-2006-0053 July 2006 Order No. R8-2002-0085 Oct. 2002 Order No. 98-99 Nov. 1998 Order No. 91-105 July 1991</p> <p>SCAQMD Permit to Operate Sept. 1989</p> <p>Joint Technical Document #6 - Preliminary Closure/Post Closure Maintenance Plan (PCMP) June 2008</p> <p>Closure Financial Assurance Documentation Jan. 2011 Operating Liability Certification-Certificate of Self Insurance Jan. 2011</p> <p>EA (MND) #39813 (SCH#2005041040) May 2005</p> <p>EA (MND)"Badlands 2010-01" (SCH#2010101090) Jan. 2011</p> <p>Addendum to MND #39813 June 2005</p>
17. LEA Conditions		<p><i>Added the following condition to the current permit conditions:</i></p> <p>p. The operator is prohibited from the acceptance of any material after proposed grade is met.</p>

Findings:

All of the submittals and findings required by Title 27, Section 21685 have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements

have been met to support concurrence. The findings are summarized in table below. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained in the facility files maintained by the Department.

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 January 27, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	The LEA completed a Five Year Permit Review on October 4, 2010, and provided a copy to the Department on October 11, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facilities Permit	The LEA submitted a proposed solid waste facilities permit on February 4, 2011.	<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 on February 4, 2011, provided a finding that the facility is consistent with PRC 50001 and Waste Evaluation & Enforcement Branch (WEEB) in the Jurisdiction Product & Compliance Unit found the facility is identified in the Siting Facility Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated March 28, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(5) Preliminary or Final Closure/ Postclosure Maintenance Plans Consistency with State Minimum Standards	The Closure and Facility Engineering Unit staff in the Engineering Support Branch found the Preliminary Closure/Postclosure Maintenance Plan is consistent with State Minimum Standards as described in their memorandum dated March 18, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(A) Financial Assurances Documentation Compliance	The Financial Assurances Unit staff in the Permitting & Assistance Branch found the Financial Assurances Documentation in compliance as described in their memorandum dated February 18, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(B) Operating Liability Compliance	The Financial Assurances Unit staff in the Permitting & Assistance Branch found the Operating Liability in compliance as described in their memorandum dated February 18, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	Inspections and Enforcement Agency Compliance Unit staff in WEEB found that the facility was in compliance with all operating and design requirements during an inspection conducted on February 16, 2011. 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 February 4, 2011, that the proposed permit is consistent with and supported by the existing CEQA documentation. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

CCR Title 27 Sections	Findings	
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on November 18, 2010. Oral and written comments were received by the LEA staff. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department as a responsible agency under CEQA with respect to this project, a proposed revised Solid Waste Facilities Permit. Permits staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised permit. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

The facility was inspected by WEEB staff in the Inspections and Enforcement Agency Compliance Unit on February 16, 2011. No violations were noted.

Below are the details of the landfill's compliance history based on the LEA's monthly inspection reports. The LEA has observed the following violations of State Minimum Standards during the past five years:

- 27 CCR Section 20680 - Daily Cover for exposed waste on May 3, 2006.
- No violations were noted in 2007 - 2009
- Six violations were noted from February 2010 to July 2010 for 27 CCR Section 20921- Gas Monitoring and Control, for the concentration of methane gas exceeding regulatory limits.
- No violations were noted in 2011(through February).

All previous violations were corrected to the satisfaction of the LEA.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed Revised SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the Riverside County Waste Management Department, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The Badlands Sanitary Landfill currently operates under a SWFP, issued by the LEA on November 29, 2005. The proposed Revised SWFP under consideration is to increase site acreage from 246 acres to 278 acres, proposed soil stockpile plan, construction of an additional flare station, change in liner design, construction of permanent sedimentation basin, relocation of the future recycling park, change the estimated closure year from 2016 to 2024, change the total capacity of the site based on design reconfiguration and current methodology, from 30,386,332 cubic yards to 33,569,993 cubic yards. This is an increase in design capacity without an increase in the waste footprint or elevation.

The Riverside County Waste Management Department, acting as Lead Agency, prepared and circulated a Mitigated Negative Declaration, State Clearinghouse No. 2010101090. It was circulated for a 30 day comment period from October 28, 2010 to November 29, 2010. The Mitigated Negative Declaration describes an increase in site acreage from 246 acres to 278 acres, a proposed new soil stockpile plan, construction of an additional flare station, change in liner design, construction of permanent sedimentation basin, relocation of the future recycling park, change in the estimated closure year from 2016 to 2024, change the total capacity from 30,386,332 cubic yards to 33,569,993 cubic yards. The Mitigated Negative Declaration was adopted on January 25, 2011 by the Riverside County Board of Supervisor and recorded with the County Clerk on January 25, 2011. A NOD was filed with the State Clearinghouse on January 27, 2011.

The Badlands Sanitary Landfill is located northeast of the City of Moreno Valley and north of Highway 60, in an unincorporated area of Riverside County. The Landfill property is located within the San Timoteo Badlands. Zoning designations in the vicinity of the site include natural assets, one-family dwelling and controlled development with 20 acres minimum lot size. Land uses existing within a 1,000 feet of the landfill boundary include vacant land, and open space.

The County of Riverside, Community Health Agency - Department of Environmental Health (LEA) has provided a finding that the proposed Revised Solid Waste Facilities Permit is consistent and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the environmental document as prepared by the Riverside County Waste Management Department in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed SWFP. Department staff has reviewed and considered the CEQA Findings adopted by the County of Riverside Board of Supervisors. Department staff recommends the Mitigated Negative Declaration together with the CEQA finding, is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed Revised Solid Waste Facilities Permit and all of its components and supporting documentation, this staff report, the Mitigated Negative Declaration adopted 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 Revised 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 project document availability, hearings, and associated meetings were extensively noticed consistent with the SWFP requirements. A review from the public process indicates that environmental justice issues were not identified by the surrounding community (Census Tract 424.01). Census information indicates that the surrounding population is approximately 71.1 % white, 9.5% black or African American, .5% American Indian/Alaska Native, 4.9% Asian, 0.1% Native Hawaiian & other Pacific Islander, 4.5% "two or more race," and 9.5% "some other race." 24.5% of the total population described themselves as Hispanic or Latino. 4.2% 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:

The LEA held a public informational meeting November 18, 2010 at the Riverside County Waste Management Department, located at 14310 Frederick Street, Moreno Valley, California. A representative from the California State Parks was in attendance. No other member of the public was present. Concerns from California State Parks were regarding potential drainage/dirt debris and stockpile impacts on adjacent parcels. The operator indicated that the stockpiles were not located near the California State Park adjacent parcel. The representative from the California State Parks stated that in that case they did not have any concerns with the project.

The Department provided an opportunity for public comment during the Monthly Public Meeting held on February 15, 2011 and March 15, 2011.

Department Staff Actions:

Staff responded to questions from the LEA regarding the permit process and attended the public meeting where the project was discussed.

