

Permitting & Assistance Branch Staff Report
Solid Waste Facilities Permit Revision for Bertolotti Transfer Station & Recycling Center
SWIS No. 50-AA-0013
October 17, 2011

Background Information, Analysis, and Findings:

This report was developed in response to the operator's request for the California Department of Resources Recycling and Recovery (Department) issuance of a proposed Solid Waste Facilities Permit (SWFP) revision for Bertolotti Transfer Station and Recycling Center, Solid Waste Information System (SWIS) No. 50-AA-0013, located in Modesto, California. The Department serves as the Enforcement Agency (EA) in for Stanislaus County. A copy of the proposed permit is attached. This report contains Permits and Assistance Branch staff's analysis, findings, and recommendations.

The application for SWFP Modification was received on September 19, 2011. Department staff completed a review of the permit application package and found the application package to be complete and correct on September 20, 2011. Action must be taken on this permit no later than November 19, 2011. If no action is taken by that date, the Department will be deemed to have issued the proposed revised permit.

Proposed Changes

The following changes to the permit are being proposed:

	Current Permit (1/10/1992)	Proposed Revised Full Permit
Site Acreage	5.51 acres	6.63
Tons per day (tpd)	750 tpd	950 tpd
Permitted activities		Addition of floor sorting Addition of chip and grind operations
Site design		Addition of 8,000 square feet to existing transfer building
The following documents describe and/or restrict the operation at the facility.	Report of Station Information May 1991 Mitigated Negative Declaration (SCH# 1990021079) December 1990	Transfer Processing Report 8/2011 Negative Declaration (SCH # 2011082025) 8/2011 Stanislaus County Non Disposal Facility Element 12/1994

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 the 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 Division.

CCR Title 27 Sections	Findings	
21685(b)(1) EA Certified Complete and Correct Report of Facility Information	Department staff acting as the EA for Stanislaus County accepted the application package as complete & correct on September 20, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) EA Five Year Permit Review	The EA completed a Five Year Permit Review on May 26, 2009.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facilities Permit	The EA submitted a proposed Revised Solid Waste Facilities Permit on October 10, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Countywide Siting Element as described in the memorandum dated, September 29, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted an inspection on September 21, 2011 and found that the facility was in compliance with all operating and design requirements. See compliance history below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	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
21650(g)(5) Public Notice and/or Meeting, Comments	A public informational meeting was held by the EA on October 13, 2011. One written comment letter was received by Department staff. One member of the public attended the meeting. No other comments were received. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is the lead 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 September 21, 2011 and one violation of PRC 44014(b) – Operator Complies with Terms and Conditions was noted.

The facility is governed by a permit dated January 10, 1992 and Report of Facility Information (RFI) dated May 1991. The operator has made several changes to the facility without obtaining authorization from the EA. Activities currently occurring at the facility that are inconsistent with

the permit and RFI include the storage and processing of mixed waste and grinding operations that are outside of the permitted facility boundary.

The facility was placed on a Compliance Schedule, dated July 13, 2010 to address these unpermitted activities. Once the proposed permit is issued, the facility will have fulfilled the agreements in the Compliance Schedule.

Below are the details of the transfer station's compliance history based on the EA's monthly inspection reports during the last five years.

In 2011, the EA documented nine violations of PRC 44014(b) – Operator Complies with Terms and Conditions.

In 2010, the EA documented nine violations of PRC 44014(b) – Operator Complies with Terms and Conditions; eight violations of PRC 44004 – Significant Change; four violations of 14 CCR, Section 17403.9 – TPR Requirements; five violations of 14 CCR, Section 17418.3 – Traffic Control; two violations of 14 CCR, Section 17407.2 – Cleaning; two violations of 14 CCR, Section 17416.1 – Housekeeping; one violation of 14 CCR, Section 17410.1 – Solid Waste Removal; two violations of 14 CCR, Section 17408.1 – Litter Control.

In 2009, the EA documented one violation of PRC 44014(b) - Operator Complies with Terms and Conditions; two violations of PRC 44004 – Significant Change; two violations of 14 CCR, Section 17403.9 – TPR Requirements; one violation of 14 CCR, Section 18221.6 – TPR Reporting Requirements; four violations of 14 CCR, Section 17418.3 – Traffic Control; two violations of 14 CCR, Section 17407.2 – Cleaning; three violations of 14 CCR, Section 17416.1 – Housekeeping; two violations of 14 CCR, Section 17408.1 – Litter Control; three violations of 14 CCR, Section 17407.5 – Hazardous Liquids and Special Wastes; one violation of 14 CCR, Section 17409.3 - Scavenging and Salvage; and one violation of 27 CCR, Section 21640 - Full Permit Review.

In 2008, the EA documented three violations of PRC 44014(b) - Operator Complies with Terms and Conditions; one violation of PRC 44004 – Significant Change; one violation of 14 CCR, Section 17403.9 – TPR Requirements; three violations of 14 CCR 18221.6 – TPR Reporting Requirements; one violation of 14 CCR, Section 17418.3 – Traffic Control; two violations of 14 CCR, Section 17408.1 – Litter Control; two violations of 14 CCR, Section 17407.5 – Hazardous Liquids and Special Wastes; two violations of 14 CCR, Section 17410.4 – Vector, Bird and Animal Control; one violation of 14 CCR, Section 17416.3 – Equipment; one violation of 14 CCR, Section 17409.4 – Signs; one violation of 14 CCR, Section 17410.3 – Training; and three violations of 27 CCR, Section 21640 - Full Permit Review.

In 2007, the EA documented one violation of 14 CCR, Section 17410.4 – Vector, Bird and Animal Control.

Environmental Analysis:

The Department is the Lead Agency for this proposed project, revision of an existing Solid Waste Facilities Permit, as well as the Enforcement Agency for Stanislaus County. Under CEQA, the Lead Agency must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed revised Solid Waste Facilities Permit before the Department acting as Enforcement Agency prepares and issues the revised permit.

The proposed SWFP revision under consideration includes the following changes: increase in acreage from 5.51 to 6.63 acres; an increase from 750 tpd to 950 tpd, addition of floor sorting and chipping and grinding operations; and the addition of 8,000 square feet to the existing transfer building.

The Department, acting as Lead Agency prepared and circulated a Negative Declaration (ND) State Clearinghouse No. 2011082025 for a thirty day review period beginning on August 9, 2011 and ending on September 7, 2011. The ND discussed the SWFP revisions included in the project description as well as additional design and operation that is beyond the scope of this SWFP revision, but may be implemented in the future. No comments were received from any public agency or the general public. The proposed project consists of an increase in the total amount of waste received on a daily basis at the transfer facility from 750 tons per day to 1250 tons per day with an initial increase to 950 tons per day with this permit action.

Staff recommends that the Department, acting as the Lead Agency, adopt the Negative Declaration since the environmental document was properly circulated state-wide through the State Clearinghouse and since no comments, written or verbal have been received from other public agencies or the general public and 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 or project related impacts.

Department staff further recommends the Negative Declaration is adequate for the Branch Chief's environmental evaluation of the proposed project and for the preparation and issuance of the revised Solid Waste Facilities Permit and 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, the proposed revised Solid Waste Facilities Permit and all of its components and supporting documentation, this staff report, the Negative Declaration adopted by the Department, and other documents and materials utilized by the Department in reaching its decision to adopt the Negative Declaration and prepare and issue, the 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:

A review of the public process indicates that environmental justice issues were not identified by the surrounding community (Census tract 31). Census information indicates that the surrounding population is approximately 72.9% White, 2.5% Black or African American, 1.4% American Indian and Alaskan Native, 0.7% Asian, 0.1% Native Hawaiian and Other Pacific Islander, 17.8% some other race, and 4.6% two or more races, and 38.6% of the population identify themselves as Hispanic or Latino. Median household income was \$31,490, and 14.9% of the families were below the poverty level.

Staff has not identified any local issues related to this item. The CEQA record indicates no offsite cumulative environmental impacts. The project document availability, hearings, and associated meetings were extensively noticed consistent with the CEQA and Solid Waste Permit requirements. A review of the public process indicates that environmental justice issues were not identified by the surrounding community 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:

A public informational meeting was held for the permit revision by the EA on October 13, 2011. The notice was posted on the Department website, the facility scale house, and mailed to all neighbors within 300 feet. The EA met the requirements of Title 27, California Code of Regulations, Sections 21660.3, in preparing and distributing the Public Notice. One public comment letter was received from the Crows Landing Road Properties Group inquiring about odor, traffic, water retention, and impacts to neighbors; Bridget Janopaul, a representative from the group attended the public meeting and all concerns were addressed. No other comments were received.

Department Staff Actions:

The Department provided an opportunity for public comment during the Monthly Public Meeting on October 18, 2011.