

Permitting & Assistance Branch Staff Report  
Solid Waste Facilities Permit Revision for Recology Grover Environmental Products  
SWIS No. 50-AA-0015  
March 7, 2012

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

This report was developed in response to a Revised Solid Waste Facility Permit (SWFP) application from the operator of Recology Grover Environmental Products, Inc., located at 6131 Hammett Road in Modesto, California. The Department serves as the Enforcement Agency (EA) for Stanislaus County. A copy of the proposed permit is attached. This report contains Permitting and Assistance Branch staff's analysis, findings, and recommendations.

The application for SWFP Revision was received on November 22, 2011. Department staff completed a review of the permit application package and found it to be complete and correct on December 20, 2011. Action must be taken on this permit no later than April 18, 2012.

**Proposed Changes**

The following changes to the permit are being proposed:

	Current Full Permit (2/8/2001)	Proposed Revised Full Permit
Tons per day (tpd)	125 tpd	125 tpd average/month with a daily peak not to exceed 250 tpd.
Permit Conditions/Self Monitoring 16.c.	Copies of all written complaints regarding this facility and the operator's actions taken to resolve these complaints.	Notification to the enforcement agency via telephone or electronic mail of any verbal or written complaint regarding this facility and the operator's actions taken to resolve the complaint.
The following documents describe and/or restrict the operation at the facility.	Report of Facility Information December 1993	Report of Composting Site Information & OIMP (Appendix B) October 2011

**Findings:**

Staff recommends the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support issuance. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Permitting and Assistance Branch.

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 December 20, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

CCR Title 27 Sections	Findings	
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 March 5, 2012.	<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, March 7, 2012.	<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 February 16, 2012 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 January 23, 2012. Several oral comments from attending neighbors were received by Department staff. No written 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:**

WEEB and Permitting and Assistance Branch staff conducted a pre-permit inspection on February 16, 2012 and found that the facility is in compliance with applicable state minimum standards and permit conditions.

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

In 2008, the LEA noted five violations for PRC 44014 – Operator Complies with Terms and Conditions of Permit for exceeding tonnage limits; one violation of 14 CCR 17863 -Report of Composting Site Information and one violation of 14 CCR 17869(b) – Special Occurrences. The EA determined the violations to be corrected and found that the facility was in compliance with applicable state minimum standards and permit conditions.

### **Environmental Analysis:**

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department issues it. In this case, the Department is a Responsible Agency under CEQA and must make a determination as to whether this revised SWFP is categorically or statutorily exempt or additional CEQA analysis is necessary.

The Department acting as EA proposes to issue a revised SWFP to increase the current 125 tons per day (tpd) to a 125 tpd average/month with a daily peak not to exceed 250 tpd. The Department has determined that, pursuant to 14 CCR, Section 15301, this permit application would fall under Categorical Exemption, Class 1 – Existing Facilities. This Categorical Exemption allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency’s initial approval of the project.

The Stanislaus County Department of Planning and Community Development, acting as the lead agency concluded in a letter, dated December 19, 2011 to the Department that the Negative Declaration approved in October 1993 (SCH No. 93102003) is consistent with and supports the allowance for a daily average of 125 tpd with a peak of 250 tpd.

Department staff prepared a Preliminary Review to determine whether a Categorical Exemption is adequate for the Department’s issuance on this revised SWFP. Department staff made the finding/determination that a Categorical Exemption, 14 CCR, Section 15301 – Existing Facilities is adequate for the Department’s issuance of this revised SWFP. Staff’s finding is based on the premise that there is “negligible or no expansion of use beyond that existing at the time of the lead agency’s determination.”

Staff recommends that the Department, acting as a Responsible Agency under CEQA, prepare a Notice of Exemption, based on the Categorical Exemption for existing facilities, to be filed with the State Clearinghouse after the Department’s issuance of the revised SWFP in that the proposed permit is to be issued to an existing facility that will not expand or significantly change its operations beyond that existing. Further, there are no grounds under CEQA for the Department to prepare an environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP.

Department staff further recommends the Categorical Exemption 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 authority, 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 SWFP and all of its components and supporting documentation, this staff report, the Notice of Exemption, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. 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.

**Public Comments:**

The EA held a public informational meeting on January 23, 2012 at the facility, 6133 Hammett Court, Modesto. The project document availability and associated meetings were extensively noticed consistent with the SWFP requirements.

Four members of the public were in attendance and provided comments and questions regarding dust, traffic, water quality, litter, odor and any future expansion. The EA and operator answered the neighbors' concerns by indicating they would provide improved controls for dust, traffic, litter and odors. WEEB staff will continue to work with the operator to address all concerns. There are no future plans to expand the facility. No written comments were received by the EA or Department staff.

The Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on February 21, 2012.