

Permitting & Assistance Branch Staff Report

Revised Solid Waste Facilities Permit for the

East Stockton Recycling & Transfer Station

SWIS No. 39-AA-0018

May 8, 2012

Background Information, Analysis, and Findings:

This report was developed in response to a Revised Solid Waste Facility Permit (SWFP) application received from the operator of East Stockton Recycling & Transfer Station located at 2435 East Weber Avenue, Stockton, California. The facility is owned by J & H Williams East, LLC, and operated by Stockton Recycling Inc. The Department serves as the Enforcement Agency (EA) for the City of Stockton. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The application for the SWFP Revision was received on January 25, 2012. Department staff completed a review of the permit application package and found it to be complete and correct on February 16, 2012. Action must be taken on this permit no later than June 25, 2012.

Proposed Changes

The following changes to the first page of the permit are being proposed:

	Current Permit (2000)	Proposed Permit
Permitted Hours of Operation	Receipt & Processing: 7:30 a.m. – 5:00 p.m., Monday – Friday; 8:00 a.m. – 12:00 p.m., Saturdays	Facility Operations: 24 hours/day; Receipt of Materials: Monday – Friday 5:00 a.m. to 10:00 p.m., Saturday – Sunday 6:00 a.m. to 5:00 p.m.
Permitted Maximum Tonnage	512 tons per day (tpd)	1,000 tpd
Permitted Traffic Volume	78 vehicles/day	410 vehicles/day
Design Capacity (yd ³)	(none specified)	17,288

Other changes include:

1. The submittal of a revised Transfer Processing Report (TPR) dated January 2012.
2. A revision to the SWFP "Documents" section to include the most recently prepared environmental document, Conditional Use Permit, and TPR.
3. A revision to the SWFP "Self-Monitoring" section to provide clarity of the requirement of Notification to the EA for special occurrences and complaints.

Key Issues

The proposed permit will allow for the following:

1. A change in the permitted maximum tonnage from 512 tons per day to 1,000 tons per day.
2. A change in the permitted hours of operation from Monday – Friday 7:30 a.m. – 5:00 p.m., Saturdays 8:00 a.m. - 12:00 p.m. to ancillary operations that will be allowed 24 hours per day, seven days a week; receipt of materials will be allowed: Monday – Friday 5:00 a.m. to 10:00 p.m., Saturday – Sunday 6:00 a.m. to 5:00 p.m.,
3. An increase in permitted traffic volume from 78 vehicles per day to 410 vehicles per day.
4. Identification of the design capacity to be 17, 288 cubic yards.

Findings:

Staff recommends concurrence in 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 concurrence. 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 Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) EA Certified Complete and Correct Report of Facility Information	Department staff acting as the EA for City of Stockton accepted the application package as complete & correct on February 16, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) EA Five Year Permit Review	A Permit Review Report was prepared by the EA on October 6, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	EA staff submitted a proposed Revised Solid Waste Facilities Permit on May 4, 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 Non-Disposal Facility Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated April 24, 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 found that the facility was in compliance with all operating and design requirements during an inspection conducted on April 18, 2012. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) EA CEQA Finding	The proposed permit is consistent with and supported by the existing CEQA documentation. See CEQA information below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the EA on March 20, 2012. Oral comments from four 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 a Responsible Agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit and Permitting and Assistance Branch staff conducted a pre-permit inspection on April 18, 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:

- January 2008 through April 2012 – No violations were noted.
- 2007 – (June) one violation of 14 CCR Section 18221.6 – Transfer/Processing Reporting Requirements, and (December) one violation of 14 CCR Section 17406.2 – General Design.

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 utilize the environmental document prepared by the City of Stockton, Department of Community Planning, 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 proposed SWFP revision under consideration includes the following changes: an increase in tonnage from 512 tpd to 1,000 tpd; an increase in hours of operation from Monday – Friday 7:30 a.m. – 5:00 p.m., Saturdays 8:00 a.m. – 12:00 p.m. to ancillary operations that will be allowed 24 hours per day, seven days a week; receipt of materials will be allowed: Monday – Friday 5:00 a.m. to 10:00 p.m., Saturday – Sunday 6:00 a.m. to 5:00 p.m.; allow an increase in permitted traffic volume from 78 vehicles per day to 410 vehicles per day; the addition of a 33,000 square foot material recovery building; and the addition of new equipment. These changes are supported by the following environmental document.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2011102023, was circulated for a 30 day comment period from October 15, 2011 to November 15, 2011. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures

included in the Mitigation, Monitoring and Reporting Program. The MND, together with the Mitigation Monitoring Program, was approved by the Lead Agency on December 8, 2011. A Notice of Determination was filed with the State Clearinghouse on February 14, 2012.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND as prepared by the Lead Agency 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 revised SWFP. Department staff has reviewed and considered the CEQA Findings adopted by the Lead Agency. Department staff further recommends the MND, 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 EA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the MND 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 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 project document availability and associated meeting were extensively noticed consistent with the SWFP requirements. The EA held a public informational meeting on March 20, 2012 at Martin Luther King Elementary located at 2640 Lafayette Street, Stockton, California.

Four members of the public were in attendance and provided comments and questions regarding hours, traffic, odor, and vectors. The operator will work to mitigate these concerns through design measures including the addition of adjacent buffer property and sound walls; no queuing of vehicles on adjacent street, with the exception of spring clean-up days; waste handling to occur within the material recovery building with improved exhaust and misting systems; and the use of additional vector control devices. WEEB staff will also continue to work with the operator to address and follow-up on all concerns.