

**Permitting & Assistance Branch Staff Report**

Revised Solid Waste Facilities Permit for  
L and D Landfill

SWIS No. 34-AA-0020

August 27, 2012

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

This report was developed in response to the Sacramento County Environmental Management Department's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for L&D Landfill, SWIS No. 34-AA-0020, located in Sacramento County and owned by the Fruitridge Land Co. and operated by the L&D Landfill, LP. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was originally received on July 25, 2012. A new proposed permit was received on August 23 and August 27, 2012. Action must be taken on this permit no later than October 26, 2012. If no action is taken by October 26, 2012, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

**Proposed Changes**

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

	Current Permit (2005)	Proposed Permit
Permitted Area (acres)	Total:251 Disposal: 157 Transfer/Processing: 45	Total: 177 Disposal: 157 Transfer/Processing: 63
Max. Elevation (Ft. MSL)	85'	97'
Estimated Closure Date	2013	2023

**Key Issues**

The proposed permit will allow for the following:

1. The total permitted area is decreasing from 251 acres to 177 acres. The purpose of this change is to eliminate the recycling and dirt storage areas to the north of the landfill which were never used.
2. The Transfer/Processing area is expanding from 45 acres to 63 acres to reflect current activities.
3. The maximum elevation of the landfill is increasing from 85 feet MSL to 97 feet MSL. This change will increase the total volumetric waste capacity of the landfill and extend the estimated closure date by 10 years from 2013 to 2023.

**Background:**

L and D Landfill is located 8635 Fruitridge Road in Sacramento. In 1976, L and D Landfill Limited Partnership started operating a landfill at this site. L and D Landfill primarily receives

construction and demolition (C&D) debris and other non-hazardous waste and is prohibited from accepting putrescible household wastes.

**Findings:**

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the 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) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated July 25, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on September 3, 2010. The LEA provided a copy to the Department on September 7, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on August 27, 2012.	<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 July 25, 2012, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Countywide Siting Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated August 6, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(5) Preliminary or Final Closure/ Postclosure Maintenance Plans Consistency with State Minimum Standards	Engineering Support Branch staff in the Closure and Facility Engineering Unit found the Preliminary Closure/Postclosure Maintenance Plan is consistent with State Minimum Standards as described in their memorandum dated June 20, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(7)(A) Financial Assurances Documentation Compliance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances documentation in compliance as described in the memorandum dated July 19, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(7)(B) Operating Liability Compliance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in the memorandum dated July 19, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
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 August 23, 2012. 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 July 25, 2012, that 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
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on July 11, 2012. No written comments were received by LEA or Department staff. Oral comments were addressed by LEA staff. See Public Comments section below for details.	<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 conducted a pre-permit inspection on August 23, 2012 and found the facility in compliance with applicable state minimum standards and permit conditions.

Below are the details of the landfill's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2011-2012 (January through August) – no violations noted.
- 2010 (January through August) - Eight violations of PRC 44014(b) Operator Compliance with Terms and Conditions of Permit due to acceptance and disposal of prohibited waste.
- 2009 (April) - One violation of Title 27 CCR section 20690 Alternative Daily Cover.
- 2008 – No violations noted.

All 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 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 Sacramento County Department of Environmental Review and Assessment (DERA), acting on behalf of the Sacramento County Environmental Management Department (LEA) 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 and its impacts.

The proposed project is a revision to the existing Solid Waste Facilities Permit. The permit revision consists of extending the facility closure date 10 years from 2013 to 2023; a vertical expansion from 85 feet above sea level to 97 feet above sea level; and a reduction of the permitted boundary from 251 acres to 177 acres by removing the northern portion of land that was to be used for recycling and soil storage areas. These changes are supported by the following environmental document.

A Negative Declaration (ND)(SCH# 2012062047) was adopted by the Sacramento County LEA on July 19, 2012. The project analysis concluded that there will be no significant impacts to the environment resulting from the project. The LEA has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental document. Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the ND 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 ND, 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 SWFP and all of its components and supporting documentation, this staff report, the ND 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 new 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, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on July 11, 2012, at the office of the Sacramento County Environmental Management Department. Seven members of the public were in attendance. No oral comments were offered on the proposed revised Solid Waste Facility Permit and no written comments were received by the LEA or Department staff. The Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on August 21, 2012.