

## Permitting & Assistance Branch Staff Report

Revised Solid Waste Facilities Permit for the

El Corazon Compost Facility

SWIS No. 37-AA-0907

August 21, 2012

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

This report was developed in response to the County of San Diego Solid Waste Local Enforcement Agency'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 the El Corazon Compost Facility, SWIS No. 37-AA-0907, located in Oceanside and owned by the City of Oceanside and operated by Agri Service, Inc. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was received on July 23, 2012. Action must be taken on this permit no later than September 21, 2012. If no action is taken by September 21, 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 (2006)	Proposed Permit
Permitted Operations	Green Materials Composting Facility	Green and Food Materials Composting Facility
Permitted Hours of Operation	Receipt of Green Materials: 7:30 AM – 5:00 PM Monday – Saturday  Heavy Equipment Operation: 10:00 AM – 4:00 PM Monday - Saturday	Ancillary Operations: 6:00 AM - 6:00 PM Sunday - Saturday  Receipt of Compostable Materials: 7:30 AM - 5:00 PM Monday – Friday and 8:00 AM - 4:00 PM Saturday
Permitted Maximum Tonnage	200 tons per day	Feedstock: 500 tons per day Additives: 75 tons per day
Permitted Area	14 acres	16 acres
Design Capacity	20,000 cubic yards active compost	50,000 cubic yards site storage 80,000 tons annual capacity

Other Changes include:

1. Relocation of the facility to a new area within the existing parcel;
2. Edits to the Assessor Parcel Numbers from 162-82-11 to 162-082-10 & 43;
3. Incorporation of the existing Chip and Grind Operation (37-AA-0959) into the compost facility permit;
4. Installation of permanent support facilities;
5. Update the SWFP format;
6. Update the LEA findings in the SWFP; and
7. Update the Report of Composting Site Information (RCSI) and the Odor Impact Minimization Plan (OIMP).

8. Revisions to the SWFP “LEA Conditions” and “Specific Conditions” section include several permit conditions that have been reworded and/or combined, thereby, reducing the total number of conditions.

**Key Issues**

The proposed permit will allow for the following:

1. The addition of agricultural materials from fruit and vegetable packers, and food materials as feedstock. The 75 tons per day of “additive” noted on the permit include liquid wastes from restaurants, and food and beverage processors (“additive” conforms to the definition in Section 17852(a)(2)). Other materials such as gypsum, sulfur and fertilizer would be used as amendments to the finished compost.
2. Permitted hours of operation would change to include expanded ancillary hours from 6:00 am to 6:00 pm Sunday through Saturday. Ancillary activities are defined as non-public. Public hours remain 7:30 a.m. to 5:00 p.m. from Monday through Friday, and are restricted to 8:00 a.m. through 4:00 p.m. on Saturday.
3. The design capacity would include all site storage, not just active compost with an annual cap of 80,000 tons.
4. The change in facility size from 14 to 16 acres incorporates the chip and grind operation (37-AA-0959), that currently operates under an EA Notification accepting a peak of 200 tons per day, into the proposed permit boundary and accounts for the 2 additional acres.

**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) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated July 9, 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 July 21, 2011. The LEA provided a copy to the Department on July 27, 2011. The changes identified in the review are reflected in this permit revision.	<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 July 23, 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 23, 2012, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation &	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
	Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the City of Oceanside Nondisposal Facility Element, 1999 Amendment, and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated August 14, 2012.	
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 July 19, 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 23, 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 substitute Public Informational Meeting pursuant to Title 27 CCR Section 21660.4 was attended by the LEA on December 12, 2011. No written comments were received by LEA or Department staff. Oral comments were addressed by LEA staff and the operator during the public meeting. 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 July 19, 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 LEA's monthly inspection reports during the last five years:

- January 2009 – July 2012: No violations were noted.
- 2008: One violation of 17868.3(a) - Pathogen Levels Exceeded.
- July through December 2007: No violations were noted.

The violation was corrected to the satisfaction of the LEA.

### **Environmental Analysis:**

Under California Environmental Quality Act (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 City of Oceanside Development Services Planning Division, 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 changes that will be authorized by the issuance of the proposed permit include: relocation of the facility to another site within the same parcel, increase in the facility boundary, expanded nonpublic operating hours, increase in maximum capacity, the inclusion of food waste, liquid waste and agricultural waste as feedstock, construction of support facilities and odor control devices. These changes are supported by the following environmental document.

A Negative Declaration (ND), State Clearinghouse No. 22011081055, was circulated for a 30 day comment period from August 16, 2011 to September 14, 2011. The project analysis concluded there are no significant impacts. The ND was approved by the Lead Agency on December 12, 2011.

The County of San Diego Solid Waste Local Enforcement Agency (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 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, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA attended a substitute public informational meeting in accordance with 27 CCR 21660.4 on December 12, 2011, during the scheduled Planning Commission meeting inside Council Chambers at 300 N. Coast Highway in the City of

Oceanside. El Corazon was on the agenda for the public hearing of the Negative Declaration and Conditional Use Permit. Five members of the public were in attendance and voiced support for the project. Questions from the public included how food waste will be hauled and received and the spacing of leased property. City staff added that they would have an education program on waste separation before incorporating any curbside food waste. 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.