

Permitting & Assistance Branch Staff Report
 Revised Solid Waste Facilities Permit for the
 Perris Transfer Station and Material Recovery Facility
 (SWIS No. 33-AA-0239)
 September 27, 2012

Background Information, Analysis, and Findings:

This report was developed in response to the Riverside County Community Health 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 Perris Transfer Station and Material Recovery Facility, SWIS No. 33-AA-0239, located in the City of Perris in Riverside County and owned/operated by CR&R, Incorporated. 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 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 (2008)	Proposed Permit
Permitted Operations	Transfer/Processing Facility(MRF) C&D/Greenwaste Processing	Transfer/Processing Facility(MRF) C&D/Greenwaste Processing Anaerobic Digestion(AD)/Fuel-Energy Production
Permitted Hours of Operation	Material Receipt: 5:00 a.m. to 7:00 p.m. , Monday through Sunday Material Processing: 5:00 a.m. to 1:00 a.m. Monday through Sunday Transfer Station Loading: 24 hours Material Transfer: 4:00 a.m. to 12:00 a.m. Monday through Sunday Maintenance: 24 hours	Material Receipt: 5:00 a.m. to 7:00 p.m. , Monday through Sunday Material Processing: 4:00 a.m. to 12:00 a.m. Monday through Sunday Transfer Station Loading: 24 hours Monday through Sunday Greenwaste/C&D Facility: 5a.m. - 7 p.m. Monday through Sunday Material Transfer: 4:00 a.m. to 12:00 a.m. Monday through Sunday Maintenance: 24 hours Monday through Sunday AD Facility: 24hours Monday through Sunday
Permitted Maximum Tonnage	Non- Hazardous – General 1, 900 Tons/Day Non-Hazardous – Separated or commingled recyclables 250 Tons/Day Non-Hazardous - C&D 400 Tons/Day Non-Hazardous – Greenwaste 400 Tons/Day	3,000 Tons/Day
Permitted Acres	Total -52.2 acres Transfer/MRF - 1.11 acres	Total – 52.2 acres Transfer/MRF/AD/C&D/GW – 8.03 acres

Other Changes include:

1. Submittal of a revised Report of Facility Information (RFI), dated June 2012, to reflect the proposed permit and proposed changes.
2. Revisions to the following sections of the SWFP: “Legal Description of the Facility,” “Findings,” “Prohibitions,” “Documents,” and “LEA Conditions” including rewording, additions and/or deletions for the purpose of updating and/or clarifying.

Key Issues

The proposed permit will allow for the following:

1. 40,000 square foot expansion of the Material Recovery Facility;
2. 150 ton per day anaerobic digester;
3. Biogas flare, biogas storage tank, biogas clean up system;
4. Biofilter;
5. Renewable Natural Gas (RNG) fueling station;
6. The anaerobic digester to operate 24 hours per day Monday through Sunday; and
7. Increase the permitted operations area from 1.11 to 8.03 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 August 27, 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 May 12, 2012. The LEA provided a copy to the Department on May 25, 2012. 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 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 August 27, 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	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
	identified in the Nondisposal Facility Element and consistent with the Countywide Integrated Waste Management Plan, as described in the memorandum dated August 16, 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 August 1, 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 August 27, 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 18, 2012. No written or oral comments were received by LEA or Department 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 1, 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:

- 2012 (January through August): No violations were noted.
- 2011: No violations were noted.
- 2010: One violation of PRC section 44014(b) – Operator Complies with Terms and Conditions of the Permit and one violation of 14 CCR section 17408.5 – Nuisance Control.
- 2009: No violations were noted.
- 2008: One violation of PRC section 44014(b) – Operator Complies with Terms & Conditions of the Permit was noted.
- 2007: No violations were noted.

All previous violations were 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 Perris, Development Services Department- 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: 40,000 square foot expansion of the MRF, anaerobic digester, biogas flare, biogas storage tank, biogas clean up system, Biofilter and RNG fueling station. Also, allow the anaerobic digester to operate 24 hours per day Monday through Sunday, and increase the permitted operations area from 1.11 to 8.03 acres. These changes are supported by the following environmental document.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2011091080, was circulated for a 30 day comment period from September 28, 2011 to October 27, 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 November 16, 2011.

The Riverside County Community Health Agency – 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 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 LEA, 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, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on July 18, 2012 at

Perris Transfer Station and Material Recovery Facility, in the City of Perris. No members of the public were in attendance. 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 September 18, 2012.