

Permitting & Assistance Branch Staff Report

Revised Solid Waste Facilities Permit for

Recology Stockton

SWIS No. 39-AA-0045

April 28, 2014

Background Information, Analysis, and Findings:

This report was developed in response to Recology Stockton’s request for the Department of Resources Recycling and Recovery (Department) to issue a proposed revised Solid Waste Facilities Permit (SWFP) for Recology Stockton, Solid Waste Information System (SWIS) No. 39-AA-0045, located in The City of Stockton, and owned by the Port of Stockton, and operated by Recology Stockton. The Department currently 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 proposed permit was received on April 28, 2014. Action must be taken on this permit no later than June 27, 2014. If no action is taken by June 27, 2014, the Department will be deemed to have issued the proposed revised SWFP.

Proposed Changes:

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

	Current Permit (2002)	Proposed Permit
Permitted Hours of Operation	Receipt of Refuse/Waste from Public: 6:00 a.m. to 6:00 p.m., Monday thru Sunday; Facility Operations/Facility Operation Hours: 3:00 a.m. to 10:00 p.m., Monday thru Sunday.	Receipt of Refuse/Waste: 24 hours, Monday thru Sunday; Load out of Refuse/Waste/Materials: 24 hours, Monday thru Sunday; Processing: 3:00 a.m. to 10:00 p.m., Monday thru Sunday

Other Changes include:

1. Removal of Owner/Operator Transfer Date. The facility was sold to Recology Stockton on June 24, 2010. Issuance of the proposed revised permit will make this no longer necessary.
2. Removal of “Finding e.” The Stockton Fire Department has determined that the facility is in conformance with applicable fire standards, pursuant to PRC 44151.” The facility is located within the City of Stockton and the finding is not applicable.
3. Addition of March 2014 Addendum to the 2007 Negative Declaration, State Clearinghouse (SCH) #2007092056 to the CEQA record in Findings and in restricting documents section.
4. Removal of Conditional Use Permit No. UP50-03 from the restricting documents section since it is no longer valid or applicable.
5. Update to Transfer Processing Report from August 2007 to February 2014.
6. Changes in Self-Monitoring: “Results of the hazardous waste load checking program, including the quantities and types of hazardous wastes, medical wastes or otherwise prohibited wastes found in the waste stream and the disposition of these materials.” from “Monthly” to “Maintain availability during EA monthly inspections;” Split “Copies of all

written complaints regarding this facility and the operator’s actions to resolve these complaints,” into two separate programs and reporting frequencies, to “Copies of all complaints regarding this facility, within 24 hours of complaint, and “Copies of the operator’s actions taken to resolve any complaints, within 7 days of complaint.”

Key Issues:

The proposed permit will allow for the following:

1. Change the hours the facility will be permitted to receive refuse/waste from 6:00 a.m. to 6:00 p.m. to 24 hours per day Monday through Sunday for the receipt and load out of refuse/waste.

Background:

Recology Stockton is an existing transfer/processing facility, including a chipping & grinding operation and inert debris Type A operation, which has been permitted since 2007. The operator is requesting this revision to the hours of operation in order to receive material from highway and construction projects that occur during the night-time hours.

Findings:

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

27 CCR Sections	Findings	
21685(b)(1) EA Certified Complete and Correct Report of Facility Information	The Department is the EA for this facility. Permitting and Assistance Branch (PAB) staff accepted the application package as complete and correct on March 11, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) EA Five Year Permit Review	PAB staff prepared a Permit Review Report on November 27, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	PAB staff prepared a proposed Solid Waste Facilities Permit on April 28, 2014	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code (PRC) 50001	Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Nondisposal Facility Element, as described in their memorandum dated April 28, 2014.	<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 April 24, 2014. 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 the Environmental Analysis section 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 PAB staff on April 1, 2014. No written or oral comments were received by PAB staff or operator. 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 the lead agency under CEQA with respect to this project. PAB 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 April 24, 2014, and found that the facility is in compliance with applicable state minimum standards and permit conditions.

Below are the details of the transfer station's compliance history based on the EA's monthly inspection reports during the last five years:

- 2011 – 2014 No violations were noted.
- 2010 (June) - One violation of PRC 44005 – Transfer of Owner or Operator.
- 2009 No violations were noted.

All violations were corrected to the satisfaction of the EA.

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's concurrence or issuance. In this case, the Department is the Lead Agency under CEQA.

The changes that will be authorized by the issuance of the proposed permit include: Receipt of refuse and load out of refuse to 24 hours a day, Monday thru Sunday. These changes are supported by the following environmental documents.

A Negative Declaration (ND), State Clearinghouse (SCH) No. 2007092056, was circulated for a 30 day comment period from September 17, 2007 to October 17, 2007. The project analysis concluded there are no significant impacts. The ND was adopted by the California Integrated Waste Management Board (now the Department) as the Lead Agency on September 17, 2007. A Notice of Determination was filed with the SCH on December 18, 2007.

After considering the evidence in the record, including the environmental review documents previously prepared and adopted, as well as current traffic, noise, and light levels in the industrial Port of Stockton area where the facility is located, it was determined that none of the factors described in CEQA Guidelines section 15162 or PRC section 21166 were present which would trigger the preparation of a subsequent or supplemental Environmental Impact Report (EIR) or ND because the changes to the project are not substantial and do not include any new significant effects on the environment. Therefore, the preparation of an Addendum to the previously adopted ND (SCH No. 2007092056) was deemed appropriate to comply with CEQA for purposes of the permit revision pursuant to CEQA Guidelines section 15164(b).

An addendum was prepared by Department staff, dated March 2014, pursuant to CEQA for the proposed change in hours to receive and load out materials at Recology Stockton. The Addendum incorporates by reference the previously adopted 2007 ND. Section 15164(d) of the CEQA Guidelines requires the decision making body to consider the Addendum with the adopted ND prior to making a decision on the project.

Department staff finds that the proposed revised SWFP is consistent with and supported by the cited environmental documents. Staff recommends that the Department, acting as Lead Agency under CEQA, utilize the ND and Addendum to the ND are 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, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the ND adopted by the Lead Agency, the Addendum to the ND, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the 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. Department staff held a public informational meeting on April 1, 2014, at the Port of Stockton, in the City of Stockton. No members of the public were in attendance. No written comments have been received by Department staff or the operator.