

Permitting & Assistance Branch Staff Report
 Revised Solid Waste Facilities Permit for the
 McKittrick Waste Treatment Site
 SWIS No. 15-AA-0105
 July 29, 2015

Background Information, Analysis, and Findings:

This report was developed in response to the Kern County 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 McKittrick Waste Treatment Site, SWIS No. 15-AA-0105 located in Kern County, owned and operated by Liquid Waste Management, 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 May 20, 2015. A new proposed permit was received on July 6 and July 15, 2015. Action must be taken on this permit no later than September 13, 2015. If no action is taken by September 13, 2015, 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 (2000)	Proposed Permit
Property Acreage	50	90
Disposal Acreage	27.1	51
Maximum Tonnage per Day	1180	3000 Solid 500 Liquid
Elevation	1390'	1426'
Closure Year	2029	2059
Design Capacity (cubic yards)	2,091,800	5,474,900

Other Changes include:

1. Updates finding to reflect updated Siting Element date.
2. Updates language to reflect CalRecycle vs CIWMB.
3. Updates conditioning document references.
4. Eliminated drums as a prohibited waste (Prohibitions Section)
5. Updated language to make conditions enforceable and consistent.

Key Issues

The proposed permit will allow for the following:

1. Expansion of the permitted boundary from 50 to 90 acres;
2. Expansion of the disposal footprint from 27.1 to 51 acres;
3. Increase of daily incoming tonnage from 1,180 tons per day to 3,500 tons per day
4. Increase gross volumetric capacity from 2,091,800 to 5,474,900 cubic yards;
5. Increase the maximum elevation from 1,390' mean sea level (msl) to 1,426' msl;
6. Extend the estimated closure year from 2029 to 2059.

Background

McKittrick Waste Treatment Site (MWTS) is an existing Class II waste facility that disposes oil production waste operating under a permit issued on May 12, 2000.

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 March 20, 2015, and received May 20, 2015.	<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 18, 2015. The LEA provided a copy to the Department on May 20, 2015. 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 15, 2015.	<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 May 20, 2015, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Countywide Siting Element, as described in the memorandum dated May 27, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685(b)(5) Preliminary or Final Closure Plan Consistency with State Minimum Standards	Engineering Support Branch staff in the Closure and Facility Engineering Unit have found the Preliminary Closure/Postclosure Maintenance Plan consistent with State Minimum Standards as described in their memorandum dated July 15, 2015	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6) Known or Reasonably Foreseeable Corrective Action Cost Estimate	Engineering Support Branch staff in the Closure and Facility Engineering Unit have found the written estimate to cover the cost of known or reasonable foreseeable corrective action is approved as described in their memorandum dated July 15, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(A) Financial Assurances	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances for closure, postclosure and corrective action in compliance as described in their memorandum dated July 29, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(B) Operating Liability Insurance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in their memorandum dated July 29, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	Permitting and Assistance Branch Staff found that the facility was in compliance with all operating and design requirements during an inspection conducted on July 2, 2015 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 May 20, 2015, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis 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 April 23, 2015. No written 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:

The LEA and Permits and Assistance Branch staff conducted a pre-permit inspection on July 2, 2015. LEA and Permits and Assistance Branch staff found that the facility is in compliance with applicable state minimum standards and permit conditions.

McKittrick WTS has not been cited for a violation in the last five years.

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 Kern County Planning Department 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: Expansion of the permitted boundary from 51 to 90 acres; expansion of the disposal footprint from 27.1 to 51 acres; increase of daily incoming tonnage from 1,180 tons per day to 3,500 tons per day; Increase gross volumetric capacity from 2,091,800 to 5,474,900 cubic yards; increase the maximum elevation from 1,390' mean sea level (msl) to 1,426' msl and extend the estimated closure year from 2029 to 2059. These changes are supported by the following environmental document.

An Environmental Impact Report (EIR), State Clearinghouse No. 2012121062, was circulated for a 45 day comment period from July 9, 2013, to August 22, 2013. The EIR identified significant and unavoidable cumulative impacts to air quality and greenhouse gasses. The Final EIR, together with the Statement of Overriding Considerations, was certified by the Lead Agency on December 10, 2013.

The Lead Agency determined that the project benefits outweigh the adverse environmental impacts. The benefits from the project will include:

1. Implementation of the project would provide additional needed landfill capacity.
2. Implementation of the project would increase the permitted daily tonnage and daily capacity limit for liquid waste, which would serve the future disposal needs of Kern County.
3. The proposed project is an essential facility that would continue to serve critical industrial, oil and gas production needs, which are substantial components of the County's economy.
4. Expansion of the landfill at the existing site would avoid the need to construct a new facility at a new location, which would likely result in similar and/or greater impacts than the proposed project.
5. Implementation of the project would promote an efficient use of land space by increasing the landfill height and reconfiguring the landfill footprint. The proposed

- expansion will also incorporate the most technologically advanced engineering and design to assist in reducing all potential impacts from the MWTS.
6. The proposed project would accommodate special event projects in Kern County to prevent longer hauling distances.
 7. The proposed project would provide approximately 3 million cubic yards of additional Class II waste disposal capacity, which would become critical during locally declared states of emergency.
 8. The proposed project would provide a guaranteed ongoing stable revenue stream to the County of Kern.
 9. The proposed project would continue to provide an established source of revenue and employment for numerous local trucking companies, local contractors, local consultants, and local suppliers and vendors.
 10. The proposed project would provide continued employment with quality, long-term positions for existing facility personnel.
 11. The proposed project would result in more efficient waste processing operations, which would maintain competitive disposal costs for current and future customers.
 12. The proposed project would not impact sensitive receptors or aesthetics of the surrounding area as the lands adjacent to the proposed project are largely undeveloped. In addition, pursuant to Policy 10 in Section 1.4 Public Facilities and Services within the Land Use, Open Space, and Conservation Element of the Kern County General Plan, the proposed project shall be protected from encroachment of incompatible land uses and intensive urban development.
 13. The proposed project would maintain compliance with safety regulations by utilizing effective and proven waste acceptance procedures, and environmental control measures, currently part of daily operations. In addition pursuant to Goal 6 in Section 1.4 Public Facilities and Services within the Land Use, Open Space, and Conservation Element of the Kern County General Plan, the proposed project would provide a healthful and sanitary means of treating and disposing of non-hazardous Class II special waste.
 14. Pursuant to Goal 1 in the Section 1.4 Public Facilities and Services within the Land Use, Open Space, and Conservation Element of the Kern County General Plan would accommodate future growth and development while maintaining a safe environment.

Because all of the project's impacts cannot be avoided or substantially reduced, before concurring on the issuance of the proposed permit, the Department must adopt a Statement of Overriding Considerations that indicates its reasons for overriding the adverse environmental effects caused by the proposed project. It is Department staff's recommendation that the Department adopt as its own the Statement of Overriding Considerations as adopted by LEA to the extent the unavoidable significant environmental effects of the Project identified in the Statement of Overriding Considerations relate to environmental effects caused by the Department's exercise of its Statutory Authority.

Department staff further recommends the Final Environmental Impact Report, with all other CEQA documents adopted by the LEA, and with the inclusion of the Statement of Overriding Considerations, 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 Kern County Environmental Health Division 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 Final Environmental Impact Report 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.

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 Final Environmental Impact Report 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.

Department staff further recommends the Categorical Exemption 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 authority, or which are required to be carried out or approved by the Department.

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 April 23, 2015, at McKittrick Elementary School, in the City of McKittrick. One member of the public in attendance inquired into what would cause a permit to be denied, and the LEA explained the permitting process. No written comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on June 16, 2015, and July 21, 2015.