

**Permitting & Assistance Branch Staff Report**  
 Revised Solid Waste Facilities Permit for the  
 Palomar Transfer Station, Inc.  
 SWIS No. 37-AH-0001  
 November 30, 2015

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

This report was developed in response to the County of San Diego Department of Environmental Health, 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 Palomar Transfer Station, SWIS No. 37-AH-0001, located in the City of Carlsbad and owned by County of San Diego Department of Airports and operated by Palomar Transfer Station, 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 October 6, 2015. A new proposed permit was received on October 22, 2015 and November 18, 2015. Action must be taken on this permit no later than January 17, 2016. If no action is taken by January 17, 2016, 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
Name of Facility	Palomar Transfer Station	Palomar Transfer Station, Inc.
Design Capacity	740 Tons	1,066 Tons
Permitted Traffic Volume	1,937 PCE vehicles/day	Deleted

Other Changes include:

1. Expansion of building to include an additional bay (approximately 4,000 sq. ft.)
2. Update the capacity for the amount of material storage on the tipping floor from 740 tons to 1,066 tons based on increased building capacity.
3. Update LEA findings.
4. Updates to the Transfer/Processing Report (TPR).

**Key Issues:**

The proposed permit will allow for the addition of a transfer bay that will increase the tipping floor design capacity from 740 tons to 1,066 tons. There will be no increase in the permitted daily tonnage or days/hours of operation.

**Background:**

Palomar Transfer Station, Inc. has been operating as a large volume transfer station in the City of Carlsbad since 1997. The transfer station receives residential, commercial, and construction/demolition wastes primarily from northwestern San Diego County. The transfer station currently occupies a portion of an 11 acre parcel of land, the remainder of which is subleased to Waste Management, Inc. for storage and maintenance of refuse bins and collection vehicles. Waste Management operates a recycling buyback and drop off facility for recyclable and universal waste materials in the west area of the site.

**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 October 6, 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 December 18, 2014. The LEA provided a copy to the Department on December 29, 2014.	<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 November 18, 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 October 6, 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 Non-Disposal Facility Element, as described in their memorandum dated October 26, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
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	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
	November 9, 2015. See Compliance History below for details.	
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on October 6, 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 August 27, 2015. No members of the public were in attendance. No written comments were received by the 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 November 9, 2015, 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 LEA's monthly inspection reports during the last five years:

- 2015 – January through November - No violations were noted.
- 2014 – 2010 – No violations were noted.

**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 make a determination as to whether this revised SWFP is categorically or statutorily exempt or additional CEQA analysis is necessary.

The proposed changes are to allow for the building expansion to increase the transfer station design from 19,740 square feet to 23, 430 square feet which will result in an increase to the tipping floor storage capacity from 740 tons to 1,066 tons. The expansion will not result in an increase to the maximum permitted daily tonnage, acreage or increase the hours of operation.

The County of San Diego Department of Environmental Health, Solid Waste Local Enforcement Agency, acting as the Lead Agency, determined that pursuant to 14 CCR Section 15301 a Categorical Exemption – Existing Facilities is adequate to fulfill CEQA requirements for this proposed SWFP revision. A Notice of Exemption (NOE) will be filed with the County of San Diego County Clerk and the State of California Office of Planning Research [State Clearinghouse] upon issuance of the revised SWFP by the LEA. The LEA has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental documentation.

Department staff conducted a preliminary review to determine whether a Categorical Exemption is adequate for the Department's concurrence on this revised SWFP. Department staff made the finding/determination that a Categorical Exemption, 14 CCR Section 15301 – Existing Facilities is adequate for the Department's concurrence of this revised SWFP. Staff's finding is based on the fact that there is "negligible or no expansion of use beyond that existing at the time of the lead agency's determination" because only the design capacity is increasing and there is no associated expansion in the permitted daily tonnage or hours of operation as a result of the project.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, prepare a Notice of Exemption, based on the Categorical Exemption for existing facilities, to be filed with the State Clearinghouse after the Department's concurrence of the revised SWFP in that the proposed permit is to be issued to an existing facility that will not expand or significantly change its operations beyond that existing. Further, there are no grounds under CEQA for the Department to prepare an environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP.

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.

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 Notice of Exemption, 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 August 27, 2015, at City of Carlsbad Center, in the City of Carlsbad. One person with the San Diego Airports Division was in attendance. No oral or written comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meetings on October 20, 2015 and November 17, 2015. No comments have been received by Department staff.