

**Permitting & Assistance Branch Staff Report**  
Revised Solid Waste Facilities Permit for  
Feather River Organics  
SWIS No. 58-AA-0015  
December 22, 2015

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

This report was developed in response to the Yuba 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 Feather River Organics, SWIS No. 58-AA-0015, located in City of Marysville and owned by Recology, Inc. and operated by Recology Yuba-Sutter. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on November 24, 2015. Action must be taken on this permit no later than January 23, 2016. If no action is taken by January 23, 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 (2012)	Proposed Permit
Permitted Area (in acres)	15.8	23.3

Other Changes include:

1. Updated Report of Composting Site Information, Odor Impact Management Plan, and Fire Prevention Plan
2. Upgraded stormwater collection system
3. Updated traffic and circulation maps

**Key Issues**

The proposed permit will allow for the following:

1. To increase the permitted acreage from 15.8 to 23.3 acres to include an upgraded stormwater collection system.

**Background**

Feather River Organics operates under a full SWFP, which allows the operator to compost green and food material. The permit revision proposes to expand the current SWFP boundary footprint from 15.8 acres to 23.3 acres to include upgraded storm water collection equipment.

**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 December 15, 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 August 1, 2013. The LEA provided a copy to the Department on August 2, 2013. 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 November 24, 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 November 24, 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 <i>Nondisposal Facility Element</i> , as described in the memorandum dated December 2, 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 December 14, 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 August 24, 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

27 CCR Sections	Findings	
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on August 17, 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:**

WEEB and Permitting in the Inspections and Enforcement Agency Compliance Unit and Assistance Branch staff conducted a pre-permit inspection on December 14, 2015, and found that the facility is in compliance with applicable state minimum standards and permit conditions.

Below are the details of the compost site's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2015 – No Violations
- 2014 – (December) - One violation of 27 CCR Section 17867 (a) (12) – Leachate Control
- 2013 – 2010 - No violations were noted.

The violation was corrected to the satisfaction of the LEA.

**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 City of Marysville prepared a Notice of Exemption on July 29, 2015, in order to approve the addition of replacement compost runoff collection tanks at the existing facility.

The LEA has determined that, pursuant to 14 CCR, Section 15301, this permit application would fall under Categorical Exemption, Class 1 – Existing Facilities. This Categorical Exemption allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's initial approval of the project. The LEA subsequently filed its own Notice of Exemption on December 15, 2015.

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 was adequate for the Department's concurrence of this revised SWFP. Staff's finding is based on the premise that there is "negligible or no expansion of use beyond that existing at the time of the lead agency's determination."

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 17, 2015, at Recology Yuba Sutter, 3001 North Levee Road, Marysville, CA 95901. There were no members of the public in attendance. 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 December 15, 2015.