

Permitting & Assistance Branch Staff Report
 Revised Solid Waste Facilities Permit for the
 Teapot Dome Disposal Site
 SWIS No. 54-AA-0004
 July 8, 2016

Background Information, Analysis, and Findings:

This report was developed in response to the Tulare County Health and Human Services Agency, 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 Teapot Dome Disposal Site, SWIS No. 54-AA-0004, located in Visalia, Tulare County, and is owned and operated by the County of Tulare. 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 May 6, 2016. A new proposed permit was received on June 8, 2016. Action must be taken on this permit no later than August 7, 2016. If no action is taken by August 7, 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 (2010)	Proposed Permit
Name and Mailing Address of Operator	Tulare County Resource Management Agency 5961 South Mooney Blvd. Visalia, CA 93277	Tulare County 5955 South Mooney Blvd. Visalia, CA 93277
Name and Mailing Address of Owner	Tulare County Resource Management Agency 5961 South Mooney Blvd. Visalia, CA 93277	Tulare County 5955 South Mooney Blvd. Visalia, CA 93277
Permitted Maximum Tonnage	600 Tons per Day	800 Tons per Day

Other changes include edits to the following sections of the SWFP: "Prohibitions," documents that describe and/or restrict the operation of the facility, "Self-Monitoring," and "Enforcement Agency (EA) Conditions" for the purpose of updating and/or clarifying.

Key Issues

The proposed permit will allow for the following:

1. An increase in the permitted maximum tonnage from 600 tons per day (tpd) to 800 tpd; and
2. Incorporation of the updated Joint Technical Document, dated February 2016.

Background

This is an existing Class III municipal solid waste facility that is owned and operated by the County of Tulare. The Tulare County Solid Waste Department oversees the facility's operations. The facility is known as the Teapot Dome Landfill or Teapot Dome Disposal Site. The landfill has been in continuous operation since 1952. The landfill began taking in more waste when the nearby Woodville Landfill temporarily closed in 2014. The request for an increase in tonnage is to accommodate the tonnage that previously would have gone to Woodville Landfill.

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 May 5, 2016.	<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 April 26, 2016. The LEA provided a copy to the Department on April 26, 2016. 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 June 8, 2016.	<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 5, 2016, 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 their memorandum dated June 17, 2016	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(5) Preliminary or Final Closure Plan	Engineering Support Branch staff in the Closure and Facility Engineering Unit have found the Preliminary Closure/Postclosure Maintenance Plan	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
Consistency with State Minimum Standards	consistent with State Minimum Standards as described in their email dated July 7, 2016.	
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 consistent with State Minimum Standards as described in their email dated July 8, 2016.	<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 May 16, 2016.	<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 May 16, 2016.	<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 May 19, 2016. 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 5, 2016, 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 13, 2016. 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 May 19, 2016, and found that the facility is in compliance with applicable state minimum standards and permit conditions.

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

- 2016 (January) - Two violations of 27 CCR Sections 21640 – Permit Review, and Section 20680 – Daily Cover.
- 2015 (December, November, October, and September) - Four violations of Public Resources Code 44014(b) - Operator Complies with Terms and Conditions; (August and July) - Two violations of 27 CCR Section 20710 - Scavenging/Salvaging/Storage; (July) – One violation of 27 CCR Section 20830 - Litter Control, and one violation of 14 CCR Section 17354 – Tire Storage.
- 2014 (December) – One violation of 27 CCR Section 20820 - Drainage and Erosion Control; and (February) – One violation of 27 CCR Section 20680 - Daily Cover.
- 2013 (December) – One violation of 27 CCR Section 20690 - Alternative Daily Cover; (July and March) – Two violations of 27 CCR Section 20710 - Scavenging/Salvaging/Storage; and (June) – One violation of 20830 - Litter Control.
- 2012 (December, April, and February) – Three violations of 27 CCR Section 20680 - Daily Cover; (October) – One violation of 27 CCR Section 20710 - Scavenging/Salvaging/Storage and one violation of 27 CCR Section 21600 - Report of Disposal Site Information.
- 2011 (January) – One violation of 27 CCR Section 20820 - Drainage and Erosion Control; and one violation of 27 CCR Section 20680 - Daily Cover.

All violations were 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 utilize the environmental document prepared by the Tulare County Resource Management Agency, 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 change that will be authorized by the issuance of the proposed permit is an increase in permitted daily tonnage from 600 tons per day (tpd) to 800 tpd. This change is supported by the following environmental documentation:

An Initial Study/Negative Declaration (IS/ND), SCH No. 99041108, was circulated for a 30 day comment period from April 23, 1999 to May 24, 1999. A Notice of Determination was filed with the Tulare County Clerk on September 20, 1999. The project analysis concluded there would be no significant impacts.

An Addendum to the Teapot Dome Landfill IS/ND, dated January 8, 2016, State Clearinghouse No. SCH No. 99041108, was prepared for the revised SWFP by the Lead Agency. The project analysis concluded there are no significant impacts. The Addendum was approved by the Lead Agency on January 14, 2016. The decision to complete an Addendum to the IS/ND was based on CEQA Guidelines Sections 15162 and 15164.

Under CEQA Guidelines Section 15162, when an environmental impact report (EIR) has been certified or a negative declaration (ND) adopted for a project, no subsequent environmental document shall be prepared for that project unless the Lead Agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project, which will require major revisions of the previous EIR or ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the ND was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or ND;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more

significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

PRC Section 21068 defines “Significant effect on the environment” as a substantial, or potentially substantial, adverse change in the environment. CEQA Guidelines Section 15382 further defines, a “Significant effect on the environment” as meaning a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. A lead or responsible agency may prepare an addendum to a previously adopted ND if minor technical changes or additions are necessary or none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent EIR or subsequent ND have occurred, pursuant to Section 15164(b) of the CEQA Guidelines.

Thus, Section 15164(b) of the CEQA Guidelines provides that an addendum to a ND is the appropriate documentation when the lead agency has determined that none of the conditions described in CEQA Guidelines Section 15162 exist – specifically there are no new significant environmental effects as a result of the changed project.

The 1999 IS/ND was included with the Addendum analysis of the project change to support the determination by the LEA that the 1999 IS/ND and Addendum for the landfill is sufficient for purposes of approval of the revised SWFP, and that no additional subsequent environmental review is required under CEQA.

Since the original IS/ND from 1999 was adopted, an additional resource section (Greenhouse Gas Emissions (GHG)) has been added to the environmental analysis and was considered by the Lead Agency in that the proposed increase in tonnage will be accommodated by utilizing the equipment currently used at the landfill so no additional equipment will be necessary and there will be no increase in the permitted traffic volume so GHG emissions will not increase.

The Tulare County Health and Human Services Agency (LEA) has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental documents.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the ND and Addendum, 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 record and recommends the ND and Addendum are adequate for the Branch Chief's approval 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 ND adopted by the Lead Agency and Addendum, 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 Ryan Egli, 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 April 13, 2016, at the Tulare County Works Office, 1055 W. Henderson Ave. in the City of Porterville. No members of the public were 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 May 17, 2016 and June 21, 2016. No comments have been received by Department staff.