

Permitting & Assistance Branch Staff Report
 Revised Solid Waste Facilities Permit for
 H. M. Holloway Inc.
 SWIS No. 15-AA-0308
 September 21, 2016

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 H.M. Holloway, SWIS No. 15-AA-0308, located in Kern County and owned and operated by Holloway Environmental LLC. 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 July 21, 2016. A new proposed permit was received on September 13, 2016. Action must be taken on this permit no later than November 12, 2016. If no action is taken by November 12, 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 (2009)	Proposed Permit
Name of Facility	H.M. Holloway	H.M. Holloway Inc.
Operator	Vard Terry 2019 Westwind Dr. B Bakersfield, CA 93301	Holloway Environmental LLC. 2019 Westwind Dr. B Bakersfield, CA 93301
Acreage Total	301.36	331
Estimated Closure	2019	2030

Other Changes include:

1. Updated supporting documents/dates and permit conditions to bring them up to current standards.

Key Issues

The proposed permit will allow for the following:

1. Increase in facility acreage, solely for the installation and monitoring of two landfill gas monitoring wells.
2. Increase in estimated closure year.
3. Reconfigure the permitted disposal footprint within the permitted 172.34 acres.

Background

H.M. Holloway Inc., is an existing industrial waste disposal facility. Allowed waste types are limited to dewatered Class A and B bio-solids, fly ash, treated auto shredder waste, lime cake, and spent sandblast media.

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 July 21, 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 June 4, 2014. The LEA provided a copy to the Department on June 26, 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 September 13, 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 July 21, 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 July 21, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(5) Preliminary Closure Plan Consistency with State Minimum Standards	Engineering Support Branch staff in the Closure and Technical Support Section have found the Preliminary Closure/Postclosure Maintenance Plan consistent with State Minimum Standards and technically adequate as described in their memorandum dated September 9, 2016.	<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 Technical Support Section have found the written estimate to cover the cost of known or reasonable foreseeable corrective action is	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
	technically adequate as described in their memorandum dated July 23, 2015.	
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 September 13, 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 September 13, 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, with the exception of Gas Monitoring and Control (27 CCR Section 20921), during an inspection conducted on September 15, 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 July 21, 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 June 9, 2016. 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 staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on September 15, 2016, and noted one violation of state minimum standards: 27 CCR Section 20921 - Gas Monitoring and Control.

The facility was found to be in compliance with other applicable state minimum standards and permit conditions.

In accordance with Section 27 CCR Section 20921, the concentration of methane gas migrating from the disposal site must not exceed 5% by volume in air at the disposal site

permitted facility boundary or an alternative boundary. Based on the operator's and LEA's gas monitoring results, gas monitoring probe GMW-1 has exceeded 5% methane by volume in air since March 2014. The operator submitted a letter "Reporting & Control of Excessive Gas Concentrations" to the LEA on May 28, 2014.

The LEA received a report, "Subsequent Request Gas Monitoring Report Period June 9 thru August 4, 2014" on August 4, 2014. The results obtained throughout the time period indicate that levels of methane are continually exceeding 5% by volume of air.

On September 18, 2014, CalRecycle sent the operator a "Notice of Intent to Include the H.M. Holloway Landfill, Facility No.15-AA-0308, on the Inventory of Solid Waste Facilities which Violate State Minimum Standards" for the ongoing violation of 27 CCR Section 20921.

The operator submitted a Subsurface Investigation Report dated October 24, 2014 to the LEA. The LEA reviewed the investigation report and requested that CalRecycle review the operator's recommendations to proceed with the installation of a passive gas system to achieve compliance at landfill gas (LFG) probe GWM-1 on November 5, 2014.

CalRecycle provided comments to the LEA on November 13, 2014, and on December 5, 2014, approved the landfill gas corrective action plan.

On December 22, 2014, H.M. Holloway was included on the Inventory of Solid Waste Facilities which Violate State Minimum Standards.

On January 5, 2015, The LEA issued a Notice & Order to the operator requiring the operator to submit a compliance schedule to the LEA by February 5, 2015.

On January 9, 2015, ES Engineering, Inc. provided a compliance schedule for the proposed passive gas vent system installation at the H.M. Holloway Landfill in response to the Notice & Order.

Installation of 13 gas well vents began on April 27, 2015, and was completed on May 1, 2015. On May 27, 2015, the operator submitted a Gas Vent Well Completion Report to the LEA.

On September 1, 2015, the operator requested a time extension of one year to control the migration of LFG at the permitted property boundary. The operator was granted an extension from January 5, 2016 to January 5, 2017 and issued an Amended Notice and Order Compliance Schedule dated October 7, 2015.

The operator submitted a Work Plan for the Modification of the Gas Perimeter Monitoring System on November 23, 2015. The LEA determined that the Work Plan for the Modification of the Gas Perimeter Monitoring System complies with the Perimeter Monitoring Network Requirements set forth under 27 CCR Section 20925 and is complete and correct, on December 7, 2015. CalRecycle approved the Work Plan on November 17, 2015.

The operator notified the LEA on January 4, 2016 concerning the scheduling of the drilling of the two new LFG monitoring wells on January 13, 2016.

On February 2, 2016, ES Environmental Engineering Services submitted a Description of Proposed LFG Collection and Active LFG Control System. On February 23, 2016, the LEA approved the proposal for the modification of the passive landfill gas vent system to an active collection system. CalRecycle approved the proposals on February 25, 2016.

On March 7, 2016, the LEA approved the new landfill gas perimeter monitoring well installation at H.M. Holloway Landfill.

On March 24, 2016, a second Amended Notice and Order Compliance Schedule was issued. The amended Notice and Order allowed a time extension of April 1, 2016 to May 1, 2016 to submit a Solid Waste Facility Permit Revision Application.

On April 28, 2016, the operator submitted a Solid Waste Facility Permit Application for a permit revision.

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

- 2016 - Five violations of 27 CCR Section 20291 - Gas Monitoring and Control (January – June).
- 2015 - 12 violations of 27 CCR Section 20291 - Gas Monitoring and Control.
- 2014 - Seven violations of 27 CCR Section 20291 - Gas Monitoring and Control (March, April, August – December).
- 2013 - One violation of 27 CCR Section 20933 - Monitoring Frequency (August).
- 2012 - No violations were noted.

The gas monitoring and control violations will be addressed by the issuance of the revised permit.

For the purpose of CalRecycle's determination to concur in or to object to a proposed permit for a facility that has landfill decomposition gases exceeding the compliance levels in 27 CCR Section 20921, the facility shall be considered to be consistent with State Minimum Standards specified in 27 CCR Section 20921 if all of the following requirements have been satisfied with respect to the facility per 27 CCR Section 21865(d):

1. The operator has delivered all notices to the EA and owner as required pursuant to Sections 20919, 20919.5 and 20937. *Status: The Kern County LEA has received the applicable notices.*
2. The EA shall have forwarded to CalRecycle all notifications received. *Status: CalRecycle has received the applicable notices.*
3. Landfill gas monitoring has been and is being conducted at least monthly. *Status: The LEA and/or the operator has conducted monthly monitoring since May 2014, when elevated concentrations of methane were detected in one of the LFG monitoring wells.*

4. The EA has determined that landfill decomposition gas generated by the facility does not constitute an imminent and substantial threat to public health and safety or the environment. *Status: The LEA confirmed their determination that there is no imminent and substantial threat to public health and safety or the environment in an email dated September 1, 2016.*

5. The EA determined that to come into compliance it will take the operator longer than 90 days due to the time it takes to plan and implement appropriate corrective measures. *Status: The LEA made the finding in the Notice and Order Compliance Schedule and Amended Notice and Order Compliance Schedule issued to the operator, which has a compliance date of January 5, 2017.*

6. The facility is operating under an enforcement order issued to the operator that meets all the requirements. *Status: The LEA issued a Notice and Order Compliance Schedule to the operator on January 5, 2015 which was amended on October 7, 2015 and on March 24, 2016. The compliance dates in the Notice and Order Compliance Schedule have been extended until January 5, 2017.*

7. The EA has reviewed and approved and CalRecycle has reviewed all investigation reports or results, proposed work plans, or proposed gas mitigation measures. *Status: CalRecycle and the LEA, received, reviewed and approved the updated LFG monitoring and control plans submitted by the operator.*

8. The operator is in compliance with the approved gas mitigation measures or work plans approved by the EA and specified in the enforcement order. *Status: The operator is in compliance with the remediation plan and there has been no need to enforce the notice and order requirements through the implementation of penalties.*

9. For facilities that propose a facility property boundary expansion, footprint is expanding, or any other increase in facility capacity as part of the permit application, investigations or analyses respecting landfill decomposition gases at the facility must have been conducted by the operator prior to the submittal of the permit application to the EA. *Status: Several reports/analyses have been prepared (described above) which indicate that the proposed property boundary expansion will not increase the magnitude or complexity of noncompliance with the landfill gas standards. In addition, analysis of potential environmental impacts were conducted as part of the CEQA process, including air quality and water quality impacts.*

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 Kern County Environmental Health Division has provided a finding that the proposed revised SWFP is consistent with and supported by the following environmental documents. The existing Environmental Impact Report (EIR), State

Clearinghouse No. 2002111102, which was certified by the Lead Agency on April 1, 2008 and an Addendum to the 2007 EIR that was prepared by the Lead Agency in September 2013 and considered by the County Board of Supervisors on March 15, 2016.

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" for the change in the estimated closure date and increase in the permitted facility boundary. The increase in the permitted facility boundary is solely for the purpose of installing and monitoring two landfill gas monitoring probes, which is consistent with example "f" in Section 15301, "Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities, or mechanical equipment, or topographical features including navigational devices." Furthermore, the change to the estimated closure year will not involve any expansion in daily tonnage, traffic or any change to previously identified environmental effects from the facility.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, prepare a Notice of Exemption (NOE), 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. Staff will recommend to the LEA that they also prepare a similar Categorical Exemption upon issuance of the 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 Final EIR adopted by the Lead Agency and Addendum, the NOE, 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 June 9, 2016 in Lost Hills. 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 Meetings on August 16, 2016 and September 20, 2016. No comments have been received by Department staff.