

Waste Compliance and Mitigation Program Staff Report
New Solid Waste Facilities Permit for the Pico Rivera Materials Recovery Facility
SWIS No. 19-AA-1105
July 27, 2010

Background Information, Analysis, and Findings:

This report was developed in response to the Los Angeles County Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed new Solid Waste Facilities Permit (SWFP) for the Pico Rivera Materials Recovery Facility, SWIS No. 19-AA-1105, located in Los Angeles County and owned by Danny Samarin and operated by Waste Management Recycle America, LLC. A copy of the proposed permit is attached. The report contains Waste Compliance and Mitigation Program (WCMP) staff's analysis, findings, and recommendations.

The proposed permit was initially received on June 17, 2010. A revised version of the proposed permit was received on June 21, 2010, and on July 19, 2010. Action must be taken on this permit no later than September 17, 2010. If no action is taken by September 17, 2010, the Department will be deemed to have concurred with the issuance of the proposed new permit.

Note: The current temporary SWFP expired on June 30, 2010.

Proposed Changes

The following changes to the permit are being proposed:

	Current Permit (2008 Temporary SWFP)	Proposed Permit
Hours of Operation	Not specified in the permit.	Receipt/Handling/Processing Monday - Saturday 5:30AM-10:00PM Transfer of materials Monday - Friday 5:30AM-10:00PM Saturday 5:30AM-5:00PM Maintenance Activities 24 hours/day 7 days per week, as needed.
Tons per Operating Day	Not specified in the permit.	Total: 327 tons/day* Non-hazardous - Separated or Commingled Curbside Recyclables 327 Tons/Day* * See item 5.c. of this permit.
Key Design Parameters	Not specified in the permit.	Permitted Area (Acres): Total 3.5a Design Capacity 327 Tons/Day
12. Legal Description of Facility	Not specified in the permit.	A portion of Lot F and G in the Coffman Partition of the Rancho Paso De Bartolo, per map recorded in Box 78 as recorded in the County of Los Angeles.
13. Findings	Not specified in the permit.	a. This permit is consistent with the Los Angeles County Countywide Integrated Waste Management Plan, which was approved by the Department of Resources Recycling and Recovery (CalRecycle), formerly the California Integrated Waste Management Board (CIWMB), on June 23, 1999. The location of the facility is identified in the City of Carson Nondisposal Facility Element, pursuant to Public Resources Code (PRC), Section 50001 (a)(2). Note: Facility is working on being ID'd in the City of Carson's NDFE.

		<p>b. This permit is consistent with standards adopted by CalRecycle, pursuant to PRC, Section 44010.</p> <p>c. The design and operation of the facility is consistent with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the Local Enforcement Agency (LEA), pursuant to PRC, Section 44009.</p> <p>d. The local fire protection agency, the County of Los Angeles County Fire Department, has determined that the facility is in conformance with applicable standards, pursuant to PRC, Section 44151.</p> <p>e. A Initial Studies/Mitigated Negative Declaration (IS/MND) dated July 26, 2005 was approved by the City of Pico Rivera Planning Commission on July 14, 2007. The MND describes and supports the design and operation, which will be authorized by the issuance of this permit.</p> <p>f. Based on the Transfer/Processing Report dated March 2010, the LEA is satisfied that this facility will provide measures to adequately control noise levels, gas/odor nuisances, and vectors such that there will be no significant impacts as a result of the facilities continued operation.</p> <p>g. The LEA has determined that pursuant to 14 CCR 15301 that the facility and its application fall under Categorical Exemption, Class 1 - Existing Facility. This Categorical Exemption allows for the operation, repair, maintenance, permitting, leasing, or minor alteration of existing private facilities involving negligible or no expansion beyond that previously existing at the time of the lead agency's determination.</p>
<p>14. Prohibitions</p>	<p>Not specified in the permit.</p>	<p>The permittee is prohibited from accepting the following wastes:</p> <ul style="list-style-type: none"> • Hazardous, radioactive, medical (as defined in Chapter 6.1, Division 20 of the Health and Safety Code), liquid, designated, or other wastes requiring special treatment or handling, except as identified in the Transfer/Processing Report and approved amendments thereto and as approved by the LEA and other federal, state, and local agencies. • Sewage sludge.
<p>15. Documents</p>	<p>Not specified in the permit.</p>	<p>Transfer/Processing Report (TPR) date March, 2010</p> <p>Mitigated Negative Declaration date July 7, 2007</p> <p>Conditional Use Permit Resolution No. 638 Resolution No. 1148 date February 14, 2007</p> <p>National Pollution Discharge Elimination System</p>

		<p>(WDID No. 419I019382) date October 13, 2005.</p> <p>Los Angeles County CUPA Permit No. AR0045245 date February 10, 2010.</p>
<p>16. Self Monitoring</p>	<p>Not specified in the permit.</p>	<p>Results of all self monitoring programs as described in the Transfer/Processing Report will be reported as follows:</p> <p>Programs- The types and quantities of non-hazardous wastes, including separated or commingled curbside recyclables, received <u>each day</u>. The operator shall maintain these records on the facility's premises for a minimum of three years. These records shall be made available to any LEA personnel on request.</p> <p>The types and quantities of hazardous wastes, medical wastes, or otherwise prohibited wastes found in the waste stream and the disposition of these wastes.</p> <p>All incidents of unlawful disposal of prohibited materials and the operator's actions taken. Indicate those incidents which occurred as a result of the random load checking program. Incidents, as used here, means that the hauler or producer of the prohibited materials is known.</p> <p>Reports of all special/unusual occurrences and the operator's actions taken to correct these occurrences.</p> <p>The number of vehicles using the facility per day and per week. The transfer and collection vehicles must be totaled separately.</p> <p>Copies of all written complaints regarding this facility and the operator's actions taken to resolve these complaints. (Notification to the LEA <u>within one day</u> following the complaint is still required.)</p> <p>Record of receipt of a Notice of Violation from any regulatory agency. In addition, the operator shall notify the LEA <u>at once</u> following receipt of a Notice of Violation or upon receipt of notification of complaints regarding the facility, which have been received by other agencies.</p> <p>The quantities of waste transferred each day to each of the disposal sites indicated on Transfer Station Monthly Waste Disposal Monitoring Form (Attachment A) and Solid Waste Disposal Fee Form (Attachment C)</p> <p style="text-align: center;">Reporting frequency</p> <p>Monthly. (Due 15 days following the end of each reporting period)</p> <p>Completed copies of the following Monitoring and Reporting Form are required by, and may be amended by, the Los Angeles County Solid Waste Management Committee/Integrated Waste</p>

		<p>Management Task Force: Solid Waste Characterization Data (Attachment B)</p> <p>Reporting frequency Quarterly (Due 15th of January, April, July, and October)</p>
<p>17. LEA Conditions</p>	<p>This permit has been issued by the enforcement agency in accordance with Article 3.1.1, Chapter 5, Division 7, Title 14, of the California Code of Regulations. This permit incorporates by reference, as terms and conditions of the permit, all minimum standards applicable to it, as set forth in Division 7, Title 14, of the California Code of Regulations.</p> <p>This facility for which this permit has been issued may only be operated in accordance with the description provided in the attached application package, date May 9, 2008, which is hereby incorporated by reference. This permit shall expire on the effective date of a solid waste facilities permit when it is issued to the operator of the facility or by June 30, 2010, whichever comes first.</p>	<p>A. Standard Requirements:</p> <ol style="list-style-type: none"> 1. This facility shall comply with all applicable State Minimum Standards for Solid Waste Handling and Disposal in Division 7 of Title 14 of the California Code of Regulations. 2. This facility shall comply with all mitigation measures specified in any certified environmental documents that are within the authority of the LEA and are contained in a mitigation monitoring and reporting program pursuant to Public Resources Code (PRC), Section 21081.6. 3. Additional information concerning the design and operation of this facility shall be furnished on request of LEA personnel. 4. A copy of this permit and current TPR, as amended, shall be maintained at the facility so as to be available at all times to facility personnel and the LEA. 5. Notification to the LEA on the same day for any written complaints received or any complaint called into the facility and any record of receipt of a violation from any regulatory agency. 6. This permit is subject to review by the LEA and may be suspended, revoked or revised at any time for sufficient cause. 7. The LEA reserves the right to suspend or modify waste receiving operations when deemed necessary due to an emergency, a potential health hazard, or the creation of a public nuisance. 8. The operator shall notify the LEA, in writing, of any proposed changes in the routine facility operation or changes in facility design during the planning stages. In no case shall the operator undertake any changes unless the operator first submits to the LEA a notice of said changes <u>at least 180 days</u> before said changes are undertaken. Any significant change as determined by the LEA would require a revision of this permit. 9. The operator and/or owner shall notify the LEA of any plans to encumber, sell, transfer, or convey the operation or ownership to a new operator or owner, <u>at least 45 days</u> prior to the anticipated transfer, by written certification, including information deemed sufficient by the CalRecycle and the LEA. If the facility will not be operated in

		<p>compliance with the terms and conditions of this permit, the new owner shall be required to file an application for a revision of this permit.</p> <p>10. The operator shall maintain a log special/unusual occurrences. The log shall include, but is not limited to fires, explosions, discharges of hazardous wastes, significant accidents and injuries, and property damage. Each log entry shall be accompanied by a summary of any actions taken by the operator to mitigate the occurrence. The operator shall maintain this log at the facility so as to be available at all times to site personnel and to LEA personnel. Any entries made in this log must be reported to the LEA <u>at once</u>. Call the duty officer, County of Los Angeles, Department of Public Health, Solid Waste Management Program at (626) 430-5540.</p> <p>B. Particular Requirements:</p> <ol style="list-style-type: none"> 1. The operator shall install and maintain a sign at the entrance indicating that no hazardous or liquid wastes are accepted and that all incoming loads must be fully tarped. 2. No polluted surface waters shall leave this site, except as permitted by a National Pollutant Discharge Elimination System permit issued in accordance with the Federal Clean Water Act and the California Water Code. 3. Operational controls shall be established to preclude the receipt and disposal of volatile organic chemicals or other types of prohibited wastes: <ol style="list-style-type: none"> a. The operator shall install and maintain an operational, calibrated radiation detector at the scales to detect radioactive materials, at all times, during the hours of receipt of solid waste. b. Incidents of receipt of suspected radioactive materials, or warnings from the radiation detector, shall be reported immediately to the County of Los Angeles, Department of Public Health, Radiation Management Program at (213) 351-2718 and the LEA. c. The operator shall comply with the approved Hazardous Waste Screening Program as described in the current Transfer/Processing Report. Any changes in this program must be approved by the LEA prior to implementation. <ol style="list-style-type: none"> (1) At least once per operating day a random load check shall be conducted. The operator shall inspect all waste vehicles loads if there is any reason to believe the loads may contain prohibited wastes. In all other cases, the operator shall select waste vehicles for inspection on a random basis. (2) The LEA may increase the required number of incoming waste load inspections if it has
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		<p>reason to believe that the number currently required is inadequate to ensure compliance with the regulations and protection of the public health and safety and the environment.</p> <p>(3) At all times when facility operations are underway, an attendant or attendants shall be present to supervise the loading and unloading of the solid waste and other materials. All working disposal areas shall be under continual visual inspection by facility personnel, such as spotters, equipment operators, and supervisors. Facility personnel performing duties required by the Waste Load Checking Program shall be trained. The training must include, but is not limited to, how to recognize hazardous waste and other prohibited waste, the proper method of containment, and the reporting requirements of this program. Station personnel are to be retrained on an annual basis and updated as needed. New employees are to be trained prior to work assignments.</p> <p>(4) Incidents of unlawful disposal of prohibited materials shall be reported to the LEA monthly as described in the monitoring section of this permit. In addition, the following agencies shall be notified <u>at once</u> of any incidents of illegal hazardous materials disposal:</p> <ul style="list-style-type: none"> (a) Duty Officer, Los Angeles County Fire Department, Health Hazardous Materials Division at (323) 890-4317. (b) Environmental Crimes Division, Los Angeles County District Attorney at (213) 974-6824. (c) California Highway Patrol at (213) 736-2971. (d) Any hazardous materials thus found shall be set aside in a secure area to await proper disposition following notification of the producer (if known) and the appropriate governmental agencies. <p>4. The maximum storage period for recyclables shall as described in the approved TPR. All stored materials must be contained and stored as described in the approved TPR. The LEA reserves the right to reduce the duration of storage if storage presents a health hazard or becomes a public nuisance.</p> <p>5. The LEA reserves the right to require the operator to provide more stringent dust and odor control measures, if the proposed dust and odor control measures proves inadequate or ineffective.</p> <p>6. The tipping floor and sorting area shall be cleaned periodically throughout the day every day.</p> <p>7. The operator shall comply with the operating procedure for the removal of all waste is shipped out of the facility as described in the approved TPR. The</p>
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		<p>LEA reserves the right to require the operator to provide more stringent procedures for waste removal if the duration for waste removal presents a health hazard or becomes a public nuisance.</p> <p>8. The operator shall conduct all waste processing and separation activities within enclosed buildings.</p> <p>*Specifications: (continued from page 1)</p> <p>a. In addition to the maximum permitted tons of 327 tons per day (tpd), the facility shall be limited to the following without a revision to this permit.</p> <ol style="list-style-type: none"> 1. 1,632 tons per week (tpw) 2. 5,800 tons per month (tpm)
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Findings:

Staff recommends concurrence with the issuance of the proposed new 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 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 Deputy Director with this Staff Report and are permanently maintained in the facility files maintained by the WCMP.

CCR Title 27 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 June 16, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	The LEA is not required to complete a Five Year Permit Review at this time because the facility has only been operating under a Temporary Solid Waste Facilities Permit since August 11, 2008.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	The LEA initially submitted a proposed solid waste facilities permit on June 16, 2010. A different version of the proposed permit was submitted on June 21, 2010, and on July 19, 2010.	<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 June 17, 2010, provided a finding that the facility is consistent with PRC 50001. WCMP staff in the Jurisdiction Compliance and Audit Section is anticipated to find the facility identified in the Non-Disposal Facility Element and with the Countywide Integrated Waste Management Plan on July 27, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7) Operations Consistent with State Minimum Standards	WCMP staff in the Compliance, Evaluations, and Enforcement Division (CEED) found that the facility was in compliance with all operating and design requirements during an inspection conducted on February 24, 2010. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

CCR Title 27 Sections	Findings	
21685(b)(8) LEA CEQA finding	The LEA provided a finding in their permit submittal package received on June 17, 2010, that the proposed permit is consistent with and supported by the existing CEQA documentation. See details below.	<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 14, 2010. Oral and written comments were received by the LEA staff. See details below. The Department staff provided an opportunity for public comment during the WCMP workshop on June 14, 2010. No comments were received.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA determination to support responsible agency's findings	WCMP staff found that the proposed permit is consistent with CEQA and supports the Department's concurrence in the new permit.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

The facility is required to obtain a SWFP because the volume of residual materials exceeds ten percent of the material coming into the facility. Currently, the facility operates under a temporary permit issued on August 11, 2008, pursuant to AB 1473. The temporary SWFP expired on June 30, 2010. If the LEA finds the facility operating in a manner that requires a permit, they must immediately issue a cease and desist order requiring all activities for which a solid waste facilities permit is required cease until a valid permit is obtained.

The facility was inspected by WCMP staff in CEED on February 24, 2010. No violations were observed. The LEA has not noted any violations of State Minimum Standards or permit requirements during the last two 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 as a Responsible Agency under CEQA must make a determination as to whether this proposed permit is categorically or statutorily exempt or additional CEQA analysis is necessary in the form of a Negative Declaration or Environmental Impact Report.

The Pico Rivera Materials Recovery Facility operated under a Temporary SWFP that expired on June 30, 2010. The proposed Full SWFP presently under consideration is for the operation of an existing recycling facility that has been located at the site since 1986. The Materials Recovery Facility is located on a 3.5 acre parcel; limited to 327 tons per day, not to exceed 1,632 tons per week or 5,800 tons per month of Non-hazardous –Separated or Commingled Recyclables.

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.

On July 26, 2005, the City of Pico Rivera, Planning Commission, acting as Lead Agency, prepared an Initial Study/Mitigated Negative Declaration for the Pico Rivera Materials Recovery Facility. The document was circulated locally and described the approval of a Conditional Use

Permit to expand the operation of a 39,000 square foot clean materials recovery facility with an existing 12,913 square foot maintenance building on 3.4 acres and an improvement in traffic conditions. The Planning Commission of the City of Pico Rivera approved and adopted the Initial Study/Mitigated Negative Declaration for this project on July 14, 2007.

The County of Los Angeles, Department of Public Health, Solid Waste Management Program (LEA) proposes to issue a new Full SWFP to replace the temporary permit that it issued on August 11, 2008, without any changes to the facility's permit limits or operations. The LEA has determined that, pursuant to 14 CCR, Section 15301, this permit application would fall under a 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.

Furthermore, the LEA has provided a finding that the facility is an existing Transfer/Processing Facility, and the applicant did not propose any significant change in operation from that approved under the temporary permit that the LEA issued in 2008; therefore the facility meets the conditions of CCR 14 Section 15301 as Categorically Exempt - Existing Facilities.

Department staff prepared a Preliminary Review to determine whether a Categorical Exemption is adequate for the Department's concurrence on this Full SWFO. Department staff made the finding/determination that a Categorical Exemption, 14 CCR Section 15301 – Existing Facilities was adequate for the Department's concurrence in this proposed Full 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" to issue the temporary permit in 2008.

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 (Section 15301), to be filed with the State Clearinghouse after the Department's concurrence in the Full SWFP proposed by the LEA, in that the proposed permit is to be issued to an existing facility that will not expand or significantly change its operations from those authorized under the temporary permit that the LEA issued in 2008. 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 SWFP.

Department staff further recommends the Categorical Exemption is adequate for the Director'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 SWFP and all of its components and supporting documentation, this staff report, the Categorical Exemption and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed 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.

Local Issues:

The project document availability, hearings, and associated meetings were extensively noticed consistent with the CEQA and SWFP requirements. A review from the public process indicates that environmental justice issues were not identified by the surrounding community (Census Tract 5007). Census information indicates that the surrounding population is approximately 54.1% White, 0.7% African American, 1.3% Asian, 1.3% American Indian and Alaska Native, 0.1% Native Hawaiian and Other Pacific Islander, 35.9% some other race, and 6.6% two or more races. 88.8% of the total population describe themselves as Hispanic or Latino. 13.0% of the families are below the poverty level. Staff has not identified any environmental justice issues related to this item. Staff finds the project and permit process to be consistent with Government Code Section 65040.12, as there has been fair treatment of people of all races, cultures, and incomes with respect to the proposed action being recommended above.

Public Comments:

The LEA held a public informational meeting on June 14, 2010, at the Rivera Public Library, located 7828 South Serapis Avenue, in the city of Pico Rivera. Nineteen members of the public were in attendance. The LEA received several comments in regards to the permit and permit process. Concerns were noted regarding noise potential, traffic on Paramount Boulevard, Truck trips, types of wastes received, litter control, air quality, inspection frequency, toxic substances, and environmental analysis. The LEA responded to all of the questions and concerns.

Mayor Gregory Salcido attended in support of the project and affirmed to the public that the traffic along Paramount Boulevard was an engineering issue that would be addressed by the city, and was separate from the proposed SWFP.

The Department staff provided an opportunity for public comment during the WCMP workshop on June 14, 2010 and July 12, 2010. No comments were received.

Department Staff Actions:

Staff has worked with the LEA throughout the permit process by providing comments on permitting documents and attending public meetings where the project was discussed.