

## Permitting & Assistance Branch Staff Report

New Solid Waste Facilities Permit for the  
Selma Disposal and Recycling Inc.  
SWIS No. 10-AA-0191  
December 22, 2011

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

This report was developed in response to the Fresno County, Department of Community Health, Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed Solid Waste Facilities Permit (SWFP) for Selma Disposal and Recycling Inc., SWIS No. 10-AA-0191, located in Fresno County. The facility is owned by Larry and Linda Johnson and operated by Selma Disposal and Recycling Inc., which currently operates under an EA Notification (Limited Volume). A copy of the proposed new permit is attached. The report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on April 12, 2011; however, the operator and the LEA waived permit timelines due to inconsistencies between the Transfer Processing Report and the proposed permit. Staff worked with the LEA and the operator to address the issues and a revised version of the proposed permit was received on December 2, 2011. A new permit was received on December 14, 2011. Action must be taken on this permit no later than February 12, 2012. If no action is taken by February 12, 2012, the Department will be deemed to have concurred with the issuance of the proposed revised permit.

### **Proposed Permit**

The following is being proposed:

	Proposed Permit
Operator Name and Address	Selma Disposal & Recycling Inc. 1675 Dockery Avenue Selma, CA 93662
Owner Name	Larry and Linda Johnson
Solid Waste Characteristics	Construction/demolition, inert, "Type A" inert materials, mixed/municipal solid waste, tires, greenwaste, and woodwaste corrugated paperboard, newsprint, mixed grade papers, aluminum, ferrous metals, glass, plastics, other marketable materials, whitegoods, commercial wastes, and waste tires. Electronic waste will be accepted on periodically scheduled community collection events.
Permitted Area	7.8 acres
Permitted Maximum Tonnage	400 tons per day
Hours and Days of Operation	24 hours per day, Monday through Sunday
Permitted Traffic Volume	126 vehicles per day

Hours/Days Open to Public	Open to public only on special event days.
Legal Description of Facility	The property is adjacent to California State Highway 99 and Golden State Boulevard on Dockery Avenue, Selma, California 93662.
Prohibitions	The permittee is prohibited from accepting: 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.
Document	Transfer/Processing Report - March 2010  Land Use, City of Selma (Resolution No. 2010-0009) - June 8, 2010  Mitigated Negative Declaration (SCH#2005071093) - June 8, 2010  Odor Impact Minimization Plan – March 22, 2010  Acoustical Analysis – February 8, 2010
LEA Standard Requirements	<p>a. The operator shall maintain both the Solid Waste Facility Permit (SWFP) and the Transfer Processing Report (TPR) at the facility at all times, and make these documents available to facility personnel and all responsible agencies during business hours.</p> <p>b. This permit is subject to review by the EA and may be suspended, revoked, or revised at any time for sufficient cause or when deemed necessary due to an emergency, potential health hazard or the creation of a public nuisance.</p> <p>c. Additional information concerning the design and operation of the facility shall be furnished upon request and within the time frame specified by the EA.</p> <p>d. The operator shall maintain at the facility, accurate daily records of the incoming and outgoing tonnages and the number of vehicle trips, a record of at least daily load checks, and shall have these records accessible to the LEA and other regulatory personnel.</p> <p>e. The operator shall maintain a log of special occurrences at the facility. The log shall include, at a minimum: fires, explosions, any incidents including hazardous or prohibited wastes, any significant accidents and/or injuries, any conditions or incidents that forces the facility to close. Each log entry shall include an account or summary of the taken by the operator to mitigate the special occurrence. The log shall be available to site personnel and the LEA at all times. The LEA shall be</p>

	<p>notified immediately if any of these events occur.</p> <p>f. Records of employee training for health and safety, in the operations and maintenance of the site shall be maintained on site and available for inspection by the LEA and other regulatory agencies.</p> <p>g. The Injury, Illness, and Prevention Program (IIPP) shall be available for review by local and state inspectors during normal business hours.</p> <p>h. The maximum permitted daily tonnage for this facility is 400 tons per day and shall not receive more than this amount without a revision of this permit, with the exception of an emergency waiver/declaration by State or local authorities.</p> <p>i. Composting is prohibited at the facility. Processed and unprocessed green material shall be removed from the facility within 48 hours of receipt.</p> <p>j. Municipal Solid Waste (MSW) shall be removed from the facility within 48 hours of receipt. MSW must be deposited and stored inside transfer trailers or refuse vehicles.</p> <p>k. All recyclable materials shall be stored in a neat and orderly manner such as not to generate litter, harbor vectors or create a nuisance. Recyclable materials shall not remain onsite for more than 90 days.</p> <p>l. The facility shall be cleaned of accumulated litter at least daily. Litter shall be collected more frequently as necessary to prevent litter from migrating off site.</p> <p>m. If the operator wishes to change the design or operation of the solid waste facility in a manner that is not authorized by the existing permit, the operator shall file an application for revision of the existing solid waste facilities permit with the enforcement agency. The application shall be filed at least 180 days in advance to the date when the proposed modification is to take place.</p>
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**Findings:**

Staff recommends concurrence in the issuance of the proposed 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 Acting Director with this Staff Report and are permanently maintained in the facility files maintained by the Permits and Certification Division.

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 November 28, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	The LEA submitted a proposed Solid Waste Facilities Permit on December 14, 2011.	<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 December 2, 2011, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility identified in the Non-Disposal Facility Element and with the Countywide Integrated Waste Management Plan on June 3, 2010.	<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 10, 2011. 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 December 2, 2011, which 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	There was a public notice issued March 16, 2011 and a public informational meeting was held by the LEA on April 4, 2011. Two oral comments and one written comment were received by the LEA. See details below.	<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, a proposed new Solid Waste Facilities Permit. Permitting and Assistance staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed new permit. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

### **Compliance History:**

The following are state minimum standards violations for the last five years:

2006 Violations	One violation of section 17407.2	Cleaning at required frequency
	One violation of section 17414	Record keeping requirements
2007 Violations	Four violations of section 17414 (a)	Record keeping, weight and volume records

2008 Violations	None	
2009 Violations	One violation of section 17407.2	Cleaning at required frequency
	One violation of section 17408.5	Nuisance control
	One violation of section 17414 (a)	Weight and volume records
2010 Violations	One violation of section 17408.5	Nuisance control
2011 Violations	None to date	

On March 11, 2011, Kevin Tsuda, Inspector for the Environmental Health Division, Department of Community Health inspected Selma Disposal & Recycling and found no violations or areas of concerns. The inspection report noted that the previous violation of §17408.5 had been corrected.

A pre-permit inspection was conducted by WEEB staff of the Inspections & Enforcement Agency Compliance Unit on May 10, 2011. No violations were observed.

**Environmental Analysis:**

The California Environmental Quality Act (CEQA) requires that the Department consider and avoid, or substantially lessen where feasible, any potentially significant environmental impacts of the proposed project being considered for issuance of a SWFP before the Department concurs in it. The Department, acting as a Responsible Agency under CEQA, must utilize the environmental document (ED) prepared by the City of Selma, 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.

Selma Disposal & Recycling Inc. (SDRTS) currently operates under a Notification as a Limited Volume Transfer Station, which was filed by the Local Enforcement Agency (LEA) on October 8, 2004. The proposed project, analyzed in a Mitigated Negative Declaration (MND), State Clearinghouse (SCH)

No. 2005071093, states that the SDRTS will continue to accept, process, and transfer municipal solid waste (MSW) from the City of Selma collected by the franchise service provider, Selma Disposal and Recycling, Inc. The project in the MND is proposing to be permitted for a maximum of 400 tons per day of all permitted material types and will be expanding from 4.88 to 7.8 acres.

The City of Selma prepared the following environmental documents for Selma Disposal & Recycling.

- A Request for Early Consultation was circulated on July 19, 2005, with a response letter from CalRecycle staff dated July 20, 2005.
- Initial Study/Mitigated Negative Declaration (MND), State Clearinghouse No. 2005071093, which was circulated for a 30 day public comment period from June 22, 2009 through July 22, 2009. CalRecycle staff provided comments on the MND in a letter dated July 22, 2009. The MND was adopted by the City of Selma Planning Commission on June 8, 2010.
- The Notice of Determination for the MND and project approval was filed with the County Clerk on June 16, 2010.

The County of Fresno, Environmental Health Division, Department of Public Health (LEA) has provided a finding in Section 13.d. of the SWFP stating that “[t]he Mitigated Negative Declaration describes and supports the design and operation, which will be authorized by the issuance of this permit.”

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the environmental document as prepared by the City of Selma 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 proposed SWFP No. 10-AA-0191. Department staff has reviewed and considered the CEQA Findings adopted by the City of Selma, Planning Commission. Department staff recommends the Mitigated Negative Declaration together with the CEQA finding, 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/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 new Solid Waste Facilities Permit and all of its components and supporting documentation, this staff report, the Mitigated Negative Declaration adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed new Solid Waste Facilities Permit. 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 70.02). Census information indicates that the surrounding population is approximately 59.2% White, 5.0% African American, 7.1% Asian, 1.5% American Indian and Alaska Native, 0.1% Native Hawaiian and Other Pacific Islander, 23.3% some other race, and 3.8% two or more races. 39.6% of the total population describe themselves as Hispanic or Latino. 22.9% of the families are below the poverty level. Staff has not identified any local 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 April 4, 2011 at the Selma Disposal Recycling and Transfer Station, located at 1675 Dockery Ave, in the City of Selma. Four members of the public were in attendance and the LEA, the operator, and the City of Selma responded to oral comments from the public with regard to traffic, and the Operational Statement. Relating to traffic, the commenter was informed that while they appreciated the comment, the comment was outside the scope of the meeting and encouraged her to get involved during the CEQA process. Regarding the Operational Statement, the commenter was advised that the LEA would condition the SWFP to be consistent with the requirements set by the City of Selma.

One written comment was received by the LEA regarding perceived inconsistencies between the Operational Statement submitted with the application and the Operational Statement previously approved by the City of Selma for the Conditional Use Permit. The commenter, who also commented at the public informational meeting, encouraged the LEA to be sure the conditions set forth by the City of Selma would be followed. During the public meeting, the LEA advised the commenter that they would address his concerns by taking the Operational Statement back to the City for approval.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on December 13, 2011.

**Department Staff Actions:**

Staff has worked with the LEA throughout the permit process by providing comments on permitting documents.