

Waste Compliance and Mitigation Program Staff Report

New Solid Waste Facilities Permit for the
Potrero Hills Compostable Materials Handling Facility
SWIS No. 48-AA-0084
February 8, 2012

Background Information, Analysis, and Findings:

This report was developed in response to the Solano County Local Enforcement Agency (LEA) request for Department of Resources Recovery and Recycling (Department or CalRecycle) concurrence on the issuance of a proposed new solid waste facilities permit for the Potrero Hills Compostable Materials Handling Facility, SWIS No. 48-AA-0084, located in Solano County, owned and operated by Potrero Hills Landfill, Inc. A copy of the proposed permit is attached. The report contains Waste Permitting, Compliance, and Mitigation Division (WPCMD) staff's analysis, findings, and recommendations.

The proposed permit was initially received on December 9, 2011. A new proposed permit was received on January 13, 2012. Action must be taken on this permit no later than March 14, 2012. If no action is taken by March 14, 2012, the Department will be deemed to have concurred with the issuance of the proposed new permit.

The site is currently operating within the boundaries of the Potrero Hills Landfill under an EA Notification. This action will permit the composting facility separately.

Proposed Project

Following are the parameters of the proposed project:

	Proposed Permit
Activities	New compostable materials handling facility permit
Permitted Area	22 Acres
Permitted Hours/Days of Operations	The facility will be open to the public and commercial haulers from 6:00 am to 4:00 pm, Monday - Sunday. Commercial haulers may deliver materials after hours whenever the scale house is manned. Composting operations is limited to the times the landfill is open.
Permitted Tons per Operating Day	200 tons per day averaged over 7 consecutive days with a peak of 320 tons per day.
Permitted Traffic Volume	Combined traffic for landfill and compost facility – 500 Vehicles per day inbound averaged over 7 day week (7 day week means any consecutive 7 day period), not to exceed 1,000 vehicles per day inbound peak traffic
Waste Types	Green waste, wood waste, manure, agricultural waste, biosolids and food material. As indicated in Permit Condition 25, the composting of biosolids and food material, would only be considered by the LEA after the submittal of a processing plan in the form of an amendment to the Report of Facility Information, which would include an updated Odor Impact Minimization Plan.
Permitted Capacity	216,300 cubic yards including feedstock, compost, additives and amendments

Findings:

All submittals and findings required by Title 27, Section 21685 have been provided and made. Staff have determined that California Environmental Quality Act requirements have been met to support concurrence. The findings are summarized in the table below. 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 Waste Permitting, Compliance, and Mitigation 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 December 15, 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 January 13, 2012.	<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 9, 2011, provided a finding that the proposed SWFP and the RFI are consistent with the County Integrated Waste Management Plan. The WPCMD staff in the Jurisdiction Compliance and Audit Section found the proposed permit to be conformant with the Non-disposal Facility Element (NDFE), and Potrero Hills Compostable Materials Handling Facility is sufficiently identified in the NDFE as described in their memo dated December 1, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7) Operations Consistent with State Minimum Standards	Waste Evaluation & Enforcement Branch (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 6, 2011. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) LEA CEQA finding	The LEA provided a finding in their permit submittal package received on December 6, 2011, that the proposed permit is consistent with and supported by the existing CEQA documentation.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and or Meeting, Comments	The LEA held a public informational meeting on November 2, 2011, regarding the proposed new permit. Oral and written comments 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 & Assistance Branch staff have determined that the CEQA record can be used to support the Deputy Director's action on the proposed new permit. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

Currently, the applicant/proposed operator is operating a green waste composting operation under an EA Notification. The facility was inspected by WEEB staff in the Inspections and Enforcement Agency Compliance Unit on December 6, 2011. No violations were noted.

In the last five years (2007 through 2011), the green waste composting operation has operated without any violations.

Environmental Analysis:

State law required compliance with the California Environmental Quality Act through the preparation, circulation and adoption/certification of an environmental document and mitigation reporting or monitoring programs or by determining that the proposal is categorically or statutorily exempt.

The Solano County Department of Environmental Management, acting as lead agency, prepared and circulated the following environmental documentation for the Potrero Hills Landfill, SWIS No. 48-AA-0075:

- Draft and Final Potrero Hills Landfill Expansion Project Environmental Impact Report (EIR), State Clearinghouse (SCH) No. 2003032112, discusses and analyzes a proposal to expand the existing facility and the disposal capacity, as well as, expand the operations (including composting) that will take place at the Potrero Hills Landfill (PHLF) Facility. The Final EIR was certified by the Solano County Board of Supervisors on September 13, 2005. The County revised the 2005 FEIR as part of the Recirculated DEIR and circulated the document for public comments. On June 10, 2008, the County re-certified the Recirculated EIR for the project. On October 14, 2008, the Solano County Superior Court ordered the County to set aside the certification of the re-certified EIR and undertake further analysis of the "no project" alternative. In accordance with Public Resources Code Section 21092.1 and State CEQA Guidelines Section 15088.5, Solano County recirculated portions of the Recirculated EIR. The Recirculated EIR was certified by the Solano County Board of Supervisors on June 19, 2009. A Notice of Determination was filed with the State Clearinghouse on October 26, 2010.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the environmental document 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 permit.

Department staff further recommends the EIR is adequate for the Deputy Director'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 Environmental Impact Report certified by the Board of Supervisors, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised Solid Waste Facilities Permit. The custodian of the Department's administrative record is Dona

Local Issues:

The project document availability, hearings, and associated meetings were extensively noticed consistent with the SWFP requirements. A review from the public process indicates that environmental justice issues were not identified by the surrounding community. Census information indicates that the surrounding population is approximately 44.4 % white, 19.3 % black or African American, 0.7 % American Indian/Alaska Native, 17.7% Asian, 1.1 % Native Hawaiian and other, 8.5% “some other race” and 8.3 % "two or more races". 17.8% of the total population described themselves as Hispanic or Latino. 6.5% of the families in the Census Tract were 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 proposed permit was discussed at a LEA conducted Public Informational Meeting held on November 2, 2011, at 1:30 pm at the Solano County Event Center, 601 Texas St., Fairfield, CA, 94533. Approximately 23 people attended the meeting. In addition to comments provided verbally at the Informational Meeting, written comments were also received by the LEA at the Informational Meeting, by mail, and by e-mail. The following is a summary of the comments:

- **Public Health:** Commenters stated concerns regarding the health impacts on the Suisun City residences.
- **State Minimum Standards:** There were general comments made about the complying with the state minimum standards (odor, litter, vector, dust, etc).
- **California Environmental Quality Act:** Commenters requested additional environmental review of the project.
- **Out of County Waste:** There were several comments regarding Measure E, which limits the importation of solid waste into the County. Commenters requesting that Measure E be enforced to stop the increase of out of county waste.
- **Approvals:** There was a comment that the facility was operating without a permit and not in siting element or general plan.

During the meeting, the LEA documented comments received during the public meeting for future reference. The LEA did not respond directly to the Commenters. However, in response to the public comments, the LEA sent a letter to solid waste facilities operators informing them of Measure E and the potential impacts it could have on their operation depending on the results of the pending litigation.

Department Staff Actions:

Staff responded to questions from the LEA regarding the permit process. The Department provided an opportunity for public comment during the Monthly Public Meetings.

During Staff review of the proposed permit, the issue of composting of food waste, biosolids was extensively discussed with the LEA. This permit will only immediately allow for the composting of green and vegetal material, wood wastes, manures and stable waste, and agricultural material. These feedstocks are each defined in the Report of Composting Site Information. The permit, as described in LEA Condition 25, would allow for future composting of biosolids and food material, but only after a submittal of a processing plan in a form of an amendment to the Report of Facility Information, which would include an updated Odor Impact Minimization Plan. During discussions with the LEA it was determined that Condition 25 should be reworded. This resulted in the submission of the second proposed permit.