

Permitting & Assistance Branch Staff Report

New Solid Waste Facilities Permit for the
Old Durham Wood, Inc.
SWIS No. 04-AA-0030
January 7, 2015

Background Information, Analysis, and Findings:

This report was developed in response to the Butte County Division of Environmental Health 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 Old Durham Wood, Inc., SWIS No. 04-AA-0030, located in Butte County and owned by Michael R. McLaughlin and operated by Old Durham Wood, Inc. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff’s analysis, findings, and recommendations.

The proposed permit was received on December 10, 2014. Action must be taken on this permit no later than February 8, 2015. If no action is taken by February 8, 2015, the Department will be deemed to have concurred with the issuance of the proposed new SWFP.

Proposed Project:

The following are the key design parameters of the proposed project:

	Proposed Permit
Operator	Old Durham Wood, Inc.
Owner	Michael R. McLaughlin
Facility Type	Composting Facility
Proposed Hours/Days of Operation	Public Hours: 7:00am-5:00pm, Monday through Saturday Commercial and Ancillary Operations: 7:00am-7:00pm, Monday through Saturday
Proposed Maximum Tonnage	500 tons per day
Proposed Traffic Volume	65 vehicles per day
Proposed Area (acres)	30 acres
Design Capacity (cubic yards)	30,000 cubic yards
Proposed Waste Types	Agricultural and Green Material

Background

The proposed new SWFP will allow for the operation of a Composting Facility located at the existing Old Durham Wood green material handling facility. The SWFP will allow the receipt of up to 500 tons of agricultural and green material for composting operations.

Findings:

Staff recommends concurrence in 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 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 December 5, 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 December 10, 2014.	<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 10, 2014, 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 Nondisposal Facility Element as described in the memorandum dated December 17, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	Permitting & Assistance Branch staff determined that the design and operations described in the submitted Report of Compost Site Information, received December 10, 2014, will allow the proposed facility to comply with State Minimum Standards.	<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 10, 2014, 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

27 CCR Sections	Findings	
21650(g)(5) Public Notice and/or Meeting, Comments	A substitute meeting was held on May 22, 2014, in place of an LEA conducted informational meeting. No written comments were received by LEA or Department staff. Oral comments were addressed by LEA 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 new SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

Permitting and Assistance Branch have determined that the design and operations described in the submitted Report of Compost Site Information will allow the proposed facility to comply with State Minimum Standards.

Environmental Analysis:

Under California Environmental Quality Act (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 Butte County Department of Developmental Services, 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 operations that will be authorized by the issuance of the proposed permit include:

- Operating a compostable materials handling facility
- Receive 500 tons maximum of agricultural and green material
- Allow 65 vehicles to enter the facility per day
- Operate the following hours: 7:00 a.m. to 7:00 p.m., Monday – Saturday; Receive material from Public: 7:00 a.m. to 5:00 p.m., Monday – Saturday; Commercial: 7:00 a.m. to 7:00 p.m., Monday – Saturday.

These changes are supported by the following environmental document.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2014042060, was circulated for a 30 day comment period from April 18, 2014 to May 19, 2014. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures included in the

Mitigation, Monitoring and Reporting Program. The MND, together with the Mitigation Monitoring Program, was approved by the Lead Agency on May 23, 2014.

The Butte County Environmental Health Division (LEA), has provided a finding that the proposed new SWFP is consistent with and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND 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 new SWFP. Department staff has reviewed and considered the CEQA record and recommends the MND is 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 new SWFP and all of its components and supporting documentation, this staff report, the MND 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 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.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. A public meeting for the local conditional use permit was held by Butte County Planning Commission on May 22, 2014, at 9:00 a.m. in Butte County Board of Supervisors Room, County Administration Center, 25 County Center Drive, in the city of Oroville. A member of the public, who owns the parcel adjacent to the facility, supported the project. No written comments were received by the LEA or Department staff.

The meeting met the criteria for an informational meeting and is being used as a substitute meeting in place of an EA conducted meeting. On November 24, 2014, the LEA posted a Public Notice of a New Solid Waste Facilities Permit application pursuant to Title 27 CCR, Section 21660.4

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on December 16, 2014.