

Waste Compliance and Mitigation Program Staff Report
Solid Waste Facility Permit Modification for the Monofill Facility
SWIS No. 13-AA-0022
August 31, 2010

Background Information, Analysis, and Findings:

This report was developed in response to the Imperial County Local Enforcement Agency (LEA) request for Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed Solid Waste Facility Permit modification for the Monofill Facility, SWIS No. 13-AA-0022, located in Imperial County and owned and operated by Desert Valley Company. The Monofill Facility is a Class II Disposal Facility that accepts non-hazardous waste as identified below (LEA Conditions 17s). 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 received on July 16, 2010. Two different versions of the permit were received, the most recent on August 31, 2010. Action must be taken on this permit no later than October 30, 2010. If no action is taken by October 30, 2010, the Department will be deemed to have concurred with the issuance of the proposed modified permit.

Proposed Changes

The following changes to the permit are being proposed:

	Current Permit (2003 SWFP)	Proposed Permit
Estimated Closure Date	2012	2025
Remaining Capacity	Cell I & II: 182,500 cubic yards Cell III: 1,215,800 cubic yards	1,058,252 cubic yards
Findings 13 e.	A Notice of Determination for the Environmental Impact Report (EIR) date 6/13/90 was filed with the State Clearinghouse (SCH No. 89032206). A Notice of Determination for the Monofill Facility's Mitigated Negative Declaration (SCH No. 2002121136) was made on 8/28/02 and recorded with the County Recorder's Office on 1/29/2003. The LEA finds the proposed permit in compliance with CEQA.	A Notice of Determination for the Environmental Impact Report (EIR) was filed with the State Clearinghouse (SCH No. 1990102236) on June 13, 1990. A Notice of Determination for a Mitigated Negative Declaration (SCH No. 2002121138) was filed with the County Recorder's Office on January 29, 2003. A technical addendum to the Final EIR was filed on September 24, 2009. The LEA finds the proposed permit in compliance with CEQA. <i>CalRecycle staff note: The SCH No. was incorrect on the existing permit. The correction has been made to the proposed permit.</i>

<p style="text-align: center;">Documents 15.</p>	<p>Report of Facility Information: October 1995</p> <p>Amendment to JTD/RFI: December 1995, August 2001, March 2003</p> <p>Conditional Use Permit #02-0003: February 2003</p> <p>Air Pollution Permit to Operate #2120B: January 2003</p> <p>EIR State Clearinghouse #89032206: June 13, 2009</p> <p>Mitigated Neg. Dec. Filed with Recorders Office (SCH No. 2002121138): January 29, 2003</p> <p>Preliminary Closure/Post Closure Maintenance Plan (Cell III): April 10, 2003</p> <p>Closure Financial Responsibility Documents Cell: April 1, 2003</p> <p>Contract Agreements - operator and Contract: N/A</p> <p>Waste Discharge Requirements WDR# 98-024: May 1998</p> <p>Local & County Ordinances: Various</p> <p>Final Closure & Post Closure Maintenance Plan Cell I and II: September 6, 2002</p>	<p>Report of Facility Information: May 2010</p> <p>Conditional Use Permit #02-0003: February 2003</p> <p>Air Pollution Permit to Operate #2120B: January 2003</p> <p>Environmental Impact Report (EIR) SCH No. 1989032206: July 18, 1989</p> <ul style="list-style-type: none"> • Final EIR Technical Addendum: September 24, 2009 <p>Mitigated Negative Declaration SCH No. 2002121138: January 29, 2003</p> <p>Preliminary Closure/Post Closure Maintenance Plan (Cell III): June 2002</p> <ul style="list-style-type: none"> • As Amended: July 2009 <p>Contract Agreements: N/A</p> <p>Waste Discharge Requirements WDR# R7-2003-0075: September 3, 2003</p> <p>County Ordinances: Various</p> <p>Final Closure/Post Closure Maintenance Plan (Cells I and II Closed May 2008): May 2002</p> <ul style="list-style-type: none"> • As Amended: July 2009 <p>Closure Financial Responsibility Documents: February 3, 2010</p>
<p style="text-align: center;">LEA Conditions 17s.</p>	<p>The Monofill Facility shall only accept non-hazardous waste streams. The waste streams shall be limited to the following:</p>	<p>The Monofill Facility shall accept only the following non-hazardous waste streams as described in the Joint Technical Document:</p>

	<p>1.</p> <ul style="list-style-type: none"> • Geothermal drilling muds and cuttings; • Geothermal filter cake; • Soils contaminated with geothermal material; and • Incidental plastic sheeting (truck bed liners)/materials <p>Upon proper waste characterization, agency approval and the submittal of a Joint Technical Document amendment, the following non-hazardous waste may be accepted for disposal:</p> <p>2.</p> <ul style="list-style-type: none"> • Canal water solids - Mineral Recovery Facility; • Back wash solids - Mineral Recovery Facility; • Resin solids - Mineral Recovery Facility; • Miscellaneous sludges - Mineral Recovery Facility; • Geothermal Filter cake sulfur; and • Lime waste residue. <p><i>Note: Once waste streams in condition 17(s)(2) have been properly characterized and approved, the waste streams shall be analyzed in accordance with condition 17y.</i></p>	<ul style="list-style-type: none"> • Geothermal drilling muds and cuttings; • Geothermal filter cake; • Soils contaminated with geothermal material; and • Incidental plastic sheeting (truck bed liners) materials <p>Upon proper waste characterization and approval of a permit revision other non-hazardous designated wastes may be accepted for disposal at this facility.</p>
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Findings:

Staff recommends concurrence with the issuance of the proposed modified permit. All of the required submittals and findings required by Title 27 of the California Code of Regulations (CCR 27) 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 Program 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 July 16, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	The LEA completed a Five Year Permit Review on July 9, 2008 and provided a copy to the Department on July 16, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	The LEA submitted a proposed Solid Waste Facility Permit modification on July 16, 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 July 16, 2010, provided a finding that the facility is consistent with Public Resources Code 50001 and WCMP staff in the Jurisdiction Compliance and Audit Section found the facility is identified in the Countywide Siting Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated July 23, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(5) Preliminary or Final Closure/Postclosure Maintenance Plans consistency with State Minimum Standards	WCMP staff in the Cleanup, Closure, and Financial Assurances Division found the Preliminary Closure/Postclosure Maintenance Plan is consistent with State Minimum Standards as described in their memorandum dated July 26, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(A) Financial Assurances Documentation compliance	WCMP staff in the Cleanup, Closure, and Financial Assurances Division found the Financial Assurances Documentation in compliance as described in their memorandum August 5, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(7)(B) Operating Liability compliance	WCMP staff in the Cleanup, Closure, and Financial Assurances Division found the Operating Liability in compliance as described in their memorandum dated August 5, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WCMP staff in the Compliance, Evaluations, and Enforcement Division found that the facility was in compliance with all operating and design requirements during an inspection conducted on June 2, 2010. 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 16, 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 Notice was distributed by the LEA on June 10, 2010. No written comments were received by the LEA or Department staff.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

CCR Title 27 Sections	Findings	
CEQA determination to support responsible agency's findings	WCMP staff found that the proposed permit is consistent with CEQA and supports the Director's concurrence in the modified permit.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

The facility was inspected by WCMP staff in the Compliance, Evaluation, and Enforcement Division on June 2, 2010. No violations were observed.

The LEA has observed no violations of State Minimum Standards or permit requirements during the last five years.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, the significant environmental impacts of the proposed Solid Waste Facilities Permit before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental documents prepared by the Imperial County Planning Department, 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 Desert Valley Company – Monofill Facility currently operates under a Full Solid Waste Facilities Permit, issued by the LEA on June 26, 2003. The proposed Solid Waste Facilities Permit under consideration is to change the estimated closure date from 2012 to 2025 and to update the remaining capacity figures from a combined 1,398,300 cubic yards (Cells I & II and Cell III) to 1,058,252 cubic yards for the facility.

The Imperial County Planning Department, prepared the following environmental documents for the proposed changes to the existing Desert Valley Company – Monofill Facility: a Draft Environmental Impact Report, State Clearinghouse No. 1989032206, which was circulated for a 45 day review period from July 18, 1989 through August 1, 1989; a Supplemental/Subsequent Environmental Impact Report, State Clearinghouse No. 1989032206, was circulated from March 29, 1990 through May 14, 1990; and a Notice of Determination for the Final Environmental Impact Report was filed with the State Clearinghouse under a different State Clearinghouse No. (1990102236) on June 13, 1990. The environmental documents discussed a proposed Conditional Use Permit, zone change, a general plan amendment for the storage and disposal of geothermal solids. The document also included the analysis of “naturally occurring radioactive material” in the geothermal solids.

A Mitigated Negative Declaration, State Clearinghouse No. 2002121138, was circulated for a 30-day review period from December 30, 2002 to January 28, 2003. The Mitigated Negative Declaration describes changes in the zoning from S-2 Open Space/Preservation to M-2 Medium Industrial, increased permitted tonnage from 500 peak tons per day to 750 peak tons per day, increase peak vehicles from 25 vehicles to 38 vehicles, including material from the applicant's Mineral Recovery Facility, adding new non-hazardous wastes to the list of approved waste streams, relocation of the office complex and construction of Cell III. The rezoning and construction of Cell III will increase the total permitted acreage from 160 acres to 181.5 acres and the disposal footprint from 18.7 acres to 28.9 acres. There were mitigation measures for Cultural Resources and Transportation/Traffic. The Mitigated Negative Declaration was adopted on

August 28, 2002 and recorded with the County Recorder's Office on January 29, 2003.

A Technical Amendment (Addendum) to the Final Environmental Impact Report for the Desert Valley Company, SCH No. 1989032206 was filed with the County Recorder's Office on September 24, 2009. The Addendum analyzes for the addition of a revised primary truck route and two alternative truck routes to the one offered in the Environmental Impact Report, to haul filter cake from the source at CalEnergy to the Desert Valley facility.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the Environmental Impact Report, the Mitigated Negative Declaration and the Addendum as filed with the County Clerk, 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 Solid Waste Facilities Permit. Department staff has reviewed and considered the CEQA Findings adopted by the Imperial County Board of Supervisors. The CEQA Findings demonstrate that, with respect to each of the project's significant environmental effects, the Imperial County Board of Supervisors required changes to the project to avoid or substantially lessen the significant environmental effect. The conditions the Imperial County Board of Supervisors imposed on the project will accomplish the desired avoidance or substantial lessening of the significant effects. Department staff recommends that the Department adopt the Imperial County Board of Supervisors CEQA Findings as its own.

Department staff further recommends the Environmental Impact Report, the Mitigated Negative Declaration and the Addendum as filed with the County Clerk, together with the CEQA Findings, 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 Solid Waste Facilities Permit and all of its components and supporting documentation, this staff report, the Environmental Impact Report and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed 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 Solid Waste Facility Permit requirements. A review of the public process indicates that environmental justice issues were not identified by the surrounding community (Census Tract 123.01). Census information indicates that the surrounding population is approximately 26.9% White, 28.2% African American, 0.5% American Indian and Alaska Native, 0.2% Asian, 0.1% Native Hawaiian/Pacific Islander, and 44.1% some other race. 43.9% of the total population describe themselves as Hispanic or Latino. 5.5% 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 did not receive any comments from the posted public notice. No oral or written public comments have been received by the Department or LEA staff.

Department Staff Actions:

Staff responded to questions from the LEA regarding the permit process. On August 9, 2010, a public workshop was held to provide an update on the permitting process.