

Permitting & Assistance Branch Staff Report

Modified Solid Waste Facilities Permit for

Mecca II Sanitary Landfill

SWIS No. 33-AA-0071

December 30, 2014

Background Information, Analysis, and Findings:

This report was developed in response to the Riverside County Department of Environmental Health's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed modified Solid Waste Facilities Permit (SWFP) for Mecca II Sanitary Landfill located in Mecca, owned and operated by County of Riverside Waste Management Department. 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 November 7, 2014. Action must be taken on this permit no later than January 6, 2015. If no action is taken by January 6, 2015, the Department will be deemed to have concurred with the issuance of the proposed modified SWFP.

Proposed Project:

The following changes to the first page of the permit are being proposed:

	Current SWFP (2001)	Proposed SWFP
Estimated Closure Date	2005	2098
Design Capacity (cubic yards)	372,480	452,182 (refuse)

Other changes include:

1. Updates to the following sections of the SWFP: "Prohibitions" and "LEA Conditions" including the rewording, additions and/or deletions for the purpose of updating and/or clarifying;
2. Update the Preliminary Closure and Postclosure Maintenance Plan Cost Estimates; and
3. Updates to the Joint Technical Document (JTD), dated August 2014.

Key Issues:

The proposed permit will update the design capacity to reflect technological advancements in the calculations of capacity, and increase remaining site life from 2005 to 2098 to reflect calculations of remaining airspace.

Background:

The Mecca II Sanitary Landfill is an existing facility operating under a revised SWFP issued on December 26, 2001, for the landfill operation. The facility will continue to be permitted to receive 400 tons per day.

Findings:

Staff recommends concurrence in the issuance of the proposed modified SWFP. All of the 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 October 28, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on January 30, 2013. The LEA provided a copy to the Department on February 8, 2013.	<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 November 7, 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 November 7, 2014, 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 is identified in the Countywide Siting Element, as described in their memorandum dated November 24 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(5) Preliminary or Final Closure/ Postclosure Maintenance Plans Consistency with State Minimum Standards	Engineering Support Branch staff in the Closure and Technical Support Section found the Preliminary Closure/Postclosure Maintenance Plan is consistent with State Minimum Standards as described in their email dated December 30, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6) Known or Reasonably Foreseeable Corrective Action Cost Estimate	Engineering Support Branch staff in the Closure and Technical Support Section found the written estimate to cover the cost of known or reasonably foreseeable corrective action activities is consistent with State Minimum Standards as described in their memorandum dated December 30, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(A) Financial Assurances Documentation Compliance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances documentation for closure, postclosure maintenance, and corrective action in compliance as described in their memorandum dated October 1, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685(b)(7)(B) Operating Liability Compliance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in their memorandum dated October 1, 2014.	<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 23, 2014. 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 November 7, 2014, that the proposed permit is consistent with and supported by the existing CEQA documentation. See Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	No written comments were received by the LEA or Department 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 modified SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted an inspection on May 23, 2014, and found the facility to be in compliance with applicable state minimum standards and permit conditions. The LEA and Permitting and Assistance Branch staff conducted a pre-permit inspection on November 4, 2014. The LEA and Permitting and Assistance staff found the facility to be in compliance with applicable state minimum standards and permit conditions.

Below are the details of the landfill's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2014 (January – November) – One violation of 27 CCR Section 21550 – Sanitary Facilities
- 2013 – 2009 - No violations noted.

The violation was corrected to the satisfaction of the LEA.

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 is a Responsible Agency under CEQA and must utilize the environmental document prepared by Riverside County Waste Management

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 mitigation measures imposed on it.

The permit is being modified to update the following: estimated closure date, design capacity, Preliminary Closure and Post-Closure Maintenance Plan Cost Estimates and the Joint Technical Document. There will be no increase in the permitted daily tonnage received, acreage, or changes in the days/hours of operation. These changes are supported by the following environmental documents.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 98101072, was circulated by Riverside County Waste Management Department, acting as the Lead Agency, for a 30 day comment period from October 23, 1998 to November 23, 1998. The MND analyzed for an increase in the maximum daily tonnage to 400 tons per day (TPD); change the operating days and hours; change the traffic volume, and change the estimated closure date. 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 and Reporting Program, was approved by the Lead Agency on December 15, 1998. On August 22, 2001, a Notice of Exemption was filed with the County Clerk to reduce the number of days of operation from three to two day and to restrict the receipt of solid waste to small loads of a net of one ton or less. On August 28, 2014, a Categorical Exemption, Class I - Existing Facilities pursuant to 14 CCR Section 15301, was filed by the Lead Agency with the Riverside County Clerk to update the site capacity and estimated closure date.

The LEA has provided a finding that the proposed modified SWFP is consistent with and supported by the existing environmental documents.

Department staff conducted a preliminary review to determine whether a Categorical Exemption is adequate for the Department's concurrence on this modified SWFP. Department staff made the finding/determination that a Categorical Exemption, 14 CCR Section 15301 – Existing Facilities was adequate for the Department's concurrence of this modified SWFP. Staff's finding is based on the premise that there is “negligible or no expansion of use beyond that existing at the time of the lead agency's determination” because this permit modification simply updates the estimated closure date and design capacity of the facility while the permitted maximum daily tonnage, maximum daily traffic volume, and daily operations will remain unchanged.

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, to be filed with the State Clearinghouse after the Department's concurrence of the modified SWFP in that the proposed permit is to be issued to an existing facility that will not expand or significantly change its operations beyond that existing. 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 modified SWFP.

Department staff further recommends the Categorical Exemption 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 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 modified 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 modified 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 was noticed consistent with the SWFP requirements. The LEA posted a Public Notice for the modified SWFP in accordance with Title 27, Section 21660.3. No written comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meetings on November 18, 2014 and December 16, 2014. No comments were received during the monthly meetings.