

Permitting & Assistance Branch Staff Report
 Modified Solid Waste Facilities Permit for
 Mariposa County Sanitary Landfill, Mariposa County
 SWIS No. 22-AA-0001
 April 9, 2015

Background Information, Analysis, and Findings:

This report was developed in response to the Mariposa County Environmental Health Services, Local Enforcement Agency'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 Mariposa County Sanitary Landfill, SWIS No. 22-AA-0001, located near the city of Mariposa, Mariposa County. The property is owned and operated by Mariposa County Department of Public Works. A copy of the proposed permit is attached. The report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

A proposed permit was initially received on January 14, 2015. New proposed permits were received on February 18, 2015, and April 9, 2015. Action must be taken on this permit no later than June 8, 2015. If no action is taken by June 8, 2015, the Department will be deemed to have concurred with the issuance of the proposed modified SWFP.

Proposed Changes

The following changes to the permit are being proposed:

	Current Permit (2000)	Proposed Permit
Permitted Hours of Operation:	Permitted Hours of Operation 0700 to 1700 (seven days per week)	Receipt of Refuse/Waste: Receipt of waste is 0700 to 1700 seven days per week. For public hours please refer to the JTD which identifies specific hours of operation, hours and holidays when the site is closed.
Estimated Closure Year	2063	2071
Permitted Area (in acres):	Maximum Permitted Acreage: 58.69 acres (Does not include small acreage to west of site proposed to be purchased as a buffer zone); Disposal Area, module 1 & 2 (existing refuse footprint): 26 acres; Maximum Permitted Disposal Area 40.3 acres	33.1 acres total 26 acres disposal

Other changes include:

1. Updates permit format from outdated template;
2. Updates conditioning document from a Report of Disposal Site Information (RDSI) to a Joint Technical Document (JTD).

Key Issues

The proposed permit will allow for the following:

1. Lists a new estimated closure year of 2071;
2. Change in days open to the public from Thursday through Monday to Tuesday through Saturday, effective February 1, 2015, as described in the JTD.
3. Reduce the permitted acreage at the facility from 58.69 to 33.1 acres.
4. Reduce the disposal footprint from 40.3 to 26 acres.

Background:

The proposed permit will allow for the continued operation of the landfill activities at the facility. The facility currently operates under a full Solid Waste Facilities Permit issued in 2000. There is also a separately permitted composting facility at the location.

Findings:

Staff recommends concurrence in the issuance of the proposed modified 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 letter dated January 12, 2015.	<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 December 10, 2014. The LEA provided a copy to the Department on December 10, 2014. The changes identified in the review are reflected in this permit modification.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed modified Solid Waste Facilities Permit on April 9, 2015.	<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 by CalRecycle on January 14, 2015, provided a finding that the facility is consistent	<input checked="" type="checkbox"/> Acceptable

27 CCR Sections	Findings	
	with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) Staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the County Siting Element and is consistent with the Countywide Integrated Waste Management Plan, as described in the memorandum dated January 21, 2015.	<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 Facility Engineering Unit found the Preliminary Closure/Postclosure Maintenance Plan is consistent with State Minimum Standards as described in their e-mail dated November 5, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6) Known or Reasonably Foreseeable Corrective Action Cost Estimate	The Engineering Support Branch staff in the Closure and Facility Engineering Unit found the written estimate to cover the cost of known or reasonably foreseeable corrective action activities is technically adequate as described in their memorandum dated December 24, 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 30, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
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 30, 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 B, found that the facility was in compliance with all operating and design requirements during an inspection conducted on February 24, 2015. 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 letter dated February 24, 2015, that the proposed permit is consistent with and supported by the existing CEQA documentation. See CEQA information 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 LEA or Department staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
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 a pre-permit inspection on February 24, 2015, and found the facility is 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 (September) – One violation of 27 CCR , Section 20690 – Alternative Daily Cover and Section 20680 – Daily Cover; (July) – violations of 27 CCR, Section 20690 – Alternative Daily Cover and Section 20810 – Vector and Bird Control; (June) – One violation of 27 CCR , Section 20690 – Alternative Daily Cover
- 2013 (December) – One violation of 27 CCR , Section 21640 – Permit Review; (November) – violations of 27 CCR , Section 21640 – Permit Review, Section 20630 – Confined Unloading and Section 20680 – Daily Cover; (October) – One violation of 27 CCR , Section 21640 – Permit Review
- 2012 (July) – One violation of 27 CCR , Section 20680 – Daily Cover; (February) – violations of 27 CCR, Section 20800 – Dust Control and 20740 – Equipment
- 2011 (April, May, June, July) – One violation of 27 CCR , Section 21600 – RDSI; (March) – violations of 27 CCR , Section 20680 – Daily Cover and Section 21600 – RDSI; (February) – One violation of 27 CCR , Section 20680 – Daily Cover; (January) – One violation of 27 CCR , Section 20680 – Daily Cover
- 2010 (December) – One violation of 27 CCR , Section 20680 – Daily Cover; (October) – One violation of 27 CCR , Section 20740 – Equipment; August) – One violation of 27 CCR , Section 20690 – Alternative Daily Cover; (July) – violations of 27 CCR , Section 20680 – Daily Cover and Section 20690 – Alternative Daily Cover; (June) – violations of 27 CCR , Section 20680 – Daily Cover, Section 20690 – Alternative Daily Cover and T 27, Section 20830 – Litter Control; (May) – One violation of 27 CCR , Section 20690 – Alternative Daily Cover; (March) – violations of 27 CCR , Section 20680 – Daily Cover, Section 20690 – Alternative Daily Cover, 27 CCR T 27, Section 20830 – Litter Control, 27 CCR , Section 208310 – Vector and Bird Control; (February) – violations of 27 CCR , Section 20680 – Daily Cover and Section 20690 – Alternative Daily Cover; (January) – violations of 27 CCR , Section 20680 – Daily Cover and Section 20690 – Alternative Daily Cover

All violations were 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 make a determination as to whether this modified SWFP is categorically or statutorily exempt or additional CEQA analysis is necessary.

The changes that will be authorized by the issuance of the proposed permit include:

1. Changes the estimated closure date from 2063 to 2071.
2. Reduction in property boundary from 58.69 acres to 33.1 acres.
3. Reduction in disposal footprint from 40.3 to 26 acres.

No other changes in design or operation are being considered as part of the permit modification.

The Mariposa County Health Department, acting as Local Enforcement Agency, has provided a finding that the proposed modified SWFP is consistent with and supported by existing CEQA documentation.

A Negative Declaration was filed with the State Clearinghouse on October 27, 1999. SCH #99091057. That document addressed a slight change in operating hours, the importation of cover materials, more accurate accounting of daily tonnages at the site.

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 Notice of Exemption, 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, hearings, and associated meetings were 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 Meeting on January 27, 2015, February 17, 2015 and March 17, 2015 .