

**Permitting & Assistance Branch Staff Report**  
 Modified Solid Waste Facilities Permit for the  
 Borrego Landfill  
 SWIS No. 37-AA-0006  
 March 10, 2016

**Background Information, Analysis, and Findings:**

This report was developed in response to the County of San Diego Department of Environmental Health, Solid Waste 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 the Borrego Landfill, SWIS No. 37-AA-0006, located in the City of Borrego Springs and owned by Borrego Landfill Incorporated, C/O Republic Services, Inc., and operated by Borrego Landfill Incorporated. 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 January 28, 2016. Action must be taken on this permit no later than March 28, 2016. If no action is taken by March 28, 2016, the Department will be deemed to have concurred with the issuance of the proposed modified SWFP.

**Proposed Changes:**

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

	Current Permit (2010)	Proposed Permit
Name and Address of Owner	Borrego Landfill, Incorporated C/O Allied Waste Industries, Inc. 18500 N. Allied Way Phoenix, AZ 85054	Borrego Landfill, Incorporated C/O Republic Services, Inc. 18500 N. Allied Way Phoenix, AZ 85054
Permitted Disposal Area	29 acres	19 acres
Design Capacity	727,000 Cubic Yards	476,098 Cubic Yards
Estimated Closure Date	2030	2046

Other Changes include:

1. Updates to the following sections of the SWFP: "Findings," documents that describe and restrict the operation, and "LEA conditions" which include rewording, additions and/or deletions for the purpose of updating and/or clarifying; and
2. Submittal of an updated Joint Technical Document (JTD), dated September 2015.

## **Key Issues**

The proposed modified permit will decrease the permitted disposal area and design capacity; change the estimated closure date from 2030 to 2046. Based on the low disposal rate and recent aerial survey the estimated site life will change to 2046; however, this is primarily dependent on the rate of tonnage intake. There will be no changes to the days/hours of operation or permitted tonnage.

## **Background:**

Borrego Landfill was operated from 1960-1973 as a burn site and from 1973 to 1997 as a municipal solid waste landfill by the County of San Diego. In 1997, San Diego Landfill Systems (SDLS) purchased the site. Borrego Landfill, Incorporated is a subsidiary of SDLS, which is a subsidiary of Republic Services, Inc. The total permitted acreage for the site will remain as 45.92 acres.

## **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 permit submittal letter dated December 14, 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 July 27, 2015. The LEA provided a copy to the Department on August 5, 2015.	<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 January 28, 2016.	<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 14, 2015, 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 Siting Element, as described in their memorandum dated February 2, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685(b)(5) Preliminary or Final Closure Plan Consistency with State Minimum Standards	Engineering Support Branch staff in the Closure and Technical Support Section have found the Preliminary Closure and Postclosure Maintenance Plans (Plans) consistent with the State Minimum Standards as described in their email dated March 10, 2016.	<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 have found the written estimate to cover the cost of known or reasonable foreseeable corrective action technically adequate as described in their memorandum dated September 3, 2015.	<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 and corrective action in compliance as described in their memorandum dated January 15, 2016.	<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 January 15, 2016.	<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 August 12, 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 permit submittal package received on December 14, 2015, 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
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was not required to be held since this a proposed permit modification, not a new or revised permit. A Public Notice was completed and posted by the LEA on November 5, 2015. 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

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 August 12, 2015, and found that the facility is in compliance with applicable state minimum standards and permit conditions. The LEA, accompanied by Permitting and Assistance Branch staff, conducted an inspection on February 25, 2016. The LEA found the facility to be in compliance with applicable state minimum standards and permit conditions.

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

- 2016 (January & February) – No violations noted.
- 2015 – 2010 – No violations were noted.

**Environmental Analysis:**

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed modified 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 proposed changes are to decrease the permitted disposal area and design capacity, and change the estimated closure date from 2030 to 2046. The permitted disposal area will decrease from 29 acres to 19 acres which will reduce the design capacity from 727,000 cubic yards to 476,098 cubic yards.

The County of San Diego Department of Environmental Health, Solid Waste Local Enforcement Agency, acting as the Lead Agency, determined that pursuant to Title 14, California Code of Regulations (14 CCR), Section 15301 a Categorical Exemption – Existing Facilities is adequate to fulfill CEQA requirements for this proposed SWFP modification. A Notice of Exemption (NOE) will be filed with the County of San Diego County Clerk and the State of California Office of Planning and Research [State Clearinghouse] upon issuance of the modified SWFP by the LEA. The LEA has provided a finding that the proposed modified SWFP is consistent with and supported by the cited environmental documentation.

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 have determined that a Categorical Exemption, 14 CCR Section 15301 - Existing Facilities, is adequate for the Department's concurrence on this modified SWFP. Staff's finding is based on the premise that the proposed permit is to be issued to an existing facility that will not expand its operations from those authorized under the current SWFP that the LEA issued in 2010.

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 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:**

A public notice was posted by the LEA on November 5, 2015. No verbal or written comments have been received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on February 16, 2016. No comments have been received by Department staff.