

**Permitting & Assistance Branch Staff Report**  
 Modified Solid Waste Facilities Permit for the  
 San Onofre Landfill  
 SWIS No. 37-AA-0902  
 October 14, 2016

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

This report was developed in response to the County of San Diego Department 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 modified Solid Waste Facilities Permit (SWFP) for the San Onofre Landfill, SWIS No. 37-AA-0902, located in San Diego County and operated and owned by the United States Marine Corps. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on September 1, 2016. A new proposed permit was received on September 13, 2016. Action must be taken on this permit no later than November 12, 2016. If no action is taken by November 12, 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 SWFP (2011)	Proposed SWFP
Remaining Capacity	1,244,986 cubic yards	1,064,500 cubic yards
Maximum Permitted Traffic Volume	50 Vehicles/Day	Removed from the SWFP
Estimated Closure Date	May 2052	May 2045
Max Depth (MSL)	60 feet	Removed from the SWFP

Other changes include:

1. Updates to the following sections of the SWFP: "Findings," documents that describe and/or restrict the operation of the facility, and "EA Conditions," including rewording and deletions for the purpose of updating and/or clarifying operational requirements.
2. Incorporate the updated Joint Technical Document (JTD).

## **Key Issues**

The proposed permit will allow for the following:

1. Update the remaining site capacity from 1,244,986 cubic yards to 1,064,500 cubic yards; and
2. Update the estimated closure date from May 2052 to May 2045.

## **Background**

San Onofre Landfill is an existing solid waste landfill located within the Marine Corps Base Camp Pendleton in an unincorporated area of San Diego County. The 64.4 acre facility contains 28.6 acres of permitted disposal area. The site commenced operation in 1974, and receives residential and commercial solid waste. The facility does not accept wastes from the public or from off base.

## **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 September 1, 2016.	<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 4, 2016. The LEA provided a copy to the Department on January 27, 2016.	<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 September 13, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(4)(A) Consistency with Public Resources Code (PRC) 50001	Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Countywide Siting Element, as described in their memorandum dated October 4, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(5) Preliminary of Final Closure Plan	Engineering Support Branch staff in the Closure and Technical Support Section have found the Preliminary Closure and Postclosure Maintenance	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
Consistency with State Minimum Standards	Plans (Plans) consistent with State Minimum Standards as described in their email dated October 14, 2016.	
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 is technically adequate as described in their memorandum dated February 26, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(A) Financial Assurances	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 September 21, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(B) Operating Liability Insurance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in their memorandum dated September 21, 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 30, 2016. 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 September 1, 2016, 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 Notice was posted by the LEA on July 5, 2016. 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
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 30, 2016 and found that the facility is in compliance with applicable state minimum standards.

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

- August 2016 – July 2011 - 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 SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA/NEPA and must utilize the environmental document prepared by the United States Marine Corps, 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 changes that will be authorized by the issuance of the proposed permit include: updating the remaining capacity, reduction in the estimated closure date and the incorporation of the updated JTD. There will be no changes to the operating days/hours, permitted area, or daily tonnage.

The changes that will be authorized by the issuance of the proposed permit are supported by the following environmental document. An Environmental Assessment (SCH 2008064007) dated July 2002 (signed August 19, 2002) and a Continuing Environmental Review Statement (CERS), dated March 23, 2010 documenting the impacts of administratively redefining the facility boundaries of San Onofre and Las Pulgas landfills on Camp Pendleton. This administrative action occurred in response to Title 27 CCR, Section 20925, which required the installation of methane gas monitoring wells within the landfill facility boundaries but outside of the waste footprints. The environmental documents sufficiently describe the continued operation of the facility. The proposed permit modification will remove the maximum daily vehicle count from the permit and allow traffic to be restricted to the maximum daily tonnage allowed at the facility. No change to the land use or to activities within the facility boundaries is proposed and the disposal area footprints will not be expanded.

The San Diego County Department of Environmental Health (LEA) has made a finding that the proposed modified SWFP is consistent with and supported by the cited environmental documentation.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the Environmental Assessment Finding(s) of No Significant Impact as prepared by the Lead Agency in that there are no grounds under CEQA/NEPA for the Department

to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed modified SWFP. Department staff has reviewed and considered the CEQA/NEPA record and recommends Environmental Assessment Finding(s) of No Significant Impact, are adequate for the Branch Chief's approval of the proposed 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 modified SWFP and all of its components and supporting documentation, this staff report, the FONSI, 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 Ryan Egli, 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 on July 5, 2016, in the County of San Diego. No comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on September 19, 2016. No comments have been received by Department staff.