

Permitting & Assistance Branch Staff Report  
Solid Waste Facilities Permit Revision for the  
Salton City Solid Waste Site  
SWIS No. 13-AA-0011  
November 6, 2013

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

This report was developed in response to the Imperial County Public Health Department, Division of Environmental Health, Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery's (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for the Salton City Solid Waste Site, SWIS No. 13-AA-0011, located in Imperial County, owned by Imperial County and operated by Burrtec Waste Industries, Inc. A copy of the proposed permit is attached. This report contains the Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was received on September 27, 2013. Action must be taken on this proposed permit no later than November 26, 2013. If no action is taken by November 26, 2013, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

**Proposed Changes:**

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

	Current Permit (2010 SWFP)	Proposed Permit
Permitted Operations	Solid Waste Disposal Site	Solid Waste Disposal Site; CDI Debris Processing Facility; Chipping and Grinding Operation
Permitted Hours of Operation	5 AM to 6 PM, Tuesday to Saturday, Less Holidays	Up to 24 hours per day, 7 days per week
Public/Commercial Hours	7 AM to 4 PM, Tuesday to Saturday, Less Holidays	7:00 AM to 5:00 PM, Monday to Saturday
Chipping and Grinding Operation; CDI Processing Facility Hours	N/A	7:00 AM to 5:00 PM, Monday to Saturday
Permitted Maximum Tons Per Day	50 TPD	6,000 TPD
Permitted Traffic Volume (vehicles per day)	150 VPD	498 VPD
Permitted Disposal Area (in acres)	7.8 acres	284 acres
Remaining Capacity (cubic yards - CY)	346,700 CY	65.1 million CY
Maximum Elevation (feet mean sea level (MSL))	15.5 ft. MSL	218 ft. MSL

Maximum Depth (feet below ground surface (BGS))	15 ft. BGS	30 ft. BGS
Estimated Closure Date	December 2017	2038

Other changes include:

1. Submittal of a revised Joint Technical Document (JTD), dated May 2013, to reflect the proposed changes and current operations;
2. Submittal of a revised Preliminary Closure and Post-Closure Maintenance Plan;
3. Submittal of updated Financial Assurances (including Corrective Action Cost Estimates, Closure Cost Estimates and Pledge of Revenue);
4. Revisions to the following sections of the SWFP: “Findings,” “Prohibitions,” the Documents list, “Self-Monitoring,” and “LEA Conditions” including rewording, additions and deletions for the purpose of updating and/or clarifying terms and conditions;
5. Installation of a composite liner system (in 6 phases);
6. Relocation of all waste buried in the current 7.8 acre disposal area into the lined disposal area;
7. Installation of a leachate collection recovery system and landfill gas recovery system;
8. Expansion of recycling activities to include a Construction and Demolition/Inert Debris Processing Facility and a Chipping and Grinding Operation for green material and wood debris; and
9. Additional upgrades and additions to support facilities such as access roads, parking spaces, drainage features, storage areas, barricades, signs, heavy equipment, and personnel.

**Key Issues:**

The proposed permit will allow for the following:

1. An expansion of the permitted disposal area from 7.8 acres to 284 acres;
2. Increase the maximum daily tonnage from 50 tons per day to 6,000 tons per day, estimated to be phased in over a period of 10 years, starting with 3,000 tons per day in the initial phase of operations;
3. Increase the maximum number of permitted vehicles per day from 150 to 498; and
4. Expand operating hours to 24 hours a day, seven days a week for site maintenance and waste deliveries from long-haul commercial vehicles.

**Findings:**

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27, 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 in the facility files 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 17, 2013.	<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 September 17, 2013. The LEA provided a copy to the Department on September 27, 2013. The changes identified in the review are reflected in the permit revision.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facilities Permit	Staff received a proposed permit on September 27, 2013.	<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 September 27, 2013, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit submitted a Request for Action (RFA) to the Deputy Director of the Waste Permitting, Compliance, and Mitigation Division for a determination that the proposed SWFP is conformant with and the facility is identified in the Countywide Siting Element (CSE). The Deputy Director determined that the proposed SWFP is conformant with and the facility is identified in the CSE, as described in the approved RFA, dated October 25, 2013.	<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 Facility Engineering Unit found the Preliminary Closure/Postclosure Maintenance Plan is consistent with State Minimum Standards as described in their memorandum dated September 30, 2013.	<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 Facility Engineering Unit found the written estimate to cover the cost of known or reasonably foreseeable corrective action activities is approvable as described in their memorandum dated May 3, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(A) Financial Assurances Documentation Compliance	Permitting & Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances documentation in compliance as described in their memorandum dated October 28, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(B) Operating Liability Compliance	Permitting & Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in their memorandum dated October 28, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspection and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on October 15, 2013. 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 27, 2013, 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 held by the LEA on August 28, 2013. Oral and written comments were received by the LEA. See Public Comments 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 revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

**Compliance History:**

WEEB staff in the Inspection and Enforcement Agency Compliance Unit conducted a pre-permit inspection on October 15, 2013, and found that 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:

- 2013 (January through September) – No violations were noted.
- 2012 – No violations were noted.
- 2011 – Two violations of 27 CCR Section 20870 – Hazardous Wastes were noted.
- 2010 – One violation of PRC 44014(b) – Operator Complies with Terms and Conditions of Permit was noted.
- 2009 – One violation of 27 CCR Section 20515 – MSWLF Unit Records and one violation of 27 CCR Section 21600 – Report of Disposal Site Information were noted.
- 2008 (September through December) – Three violations of 27 CCR Section 20515 – MSWLF Unit Records, two violations of 27 CCR Section 20800 – Dust Control, and one violation of 27 CCR Section 20700 – Intermediate Cover were noted.

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 on it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the Imperial County Planning and Development Services 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 changes that will be authorized by the issuance of the proposed permit include a total disposal footprint area of approximately 284 acres, increase the maximum height to 250 feet above natural ground surface (218 above mean sea level), accommodate 65 million cubic yards of waste and extend the life of the landfill by 30 years (to 2038). These changes are supported by the following environmental document:

A Draft Environmental Impact Report (EIR), State Clearinghouse No. 2010071072, was circulated for a 45-day review period from July 28, 2011 through September 12, 2011. The Draft EIR identified significant and unavoidable impacts to: aesthetics; light and glare, and greenhouse gas emissions. The Final EIR, together with the Statement of Overriding Considerations, was certified by the Imperial County Planning Commission on October 12, 2011. The Planning Commission's determination was subsequently appealed to the Imperial County Board of Supervisors. An Addendum to the Final EIR, dated September 2012, was subsequently prepared for minor revisions to the air quality and traffic mitigation measures. On October 9, 2012, the Imperial County Board of Supervisors certified the Final EIR and Addendum to the Final EIR. The Notice of Determination was filed with the Imperial County Clerk/Recorder's Office on October 10, 2012.

The Lead Agency determined that the project will have significant and unavoidable impacts related to aesthetics, light/glare, and greenhouse gas emissions and adopted a statement of overriding considerations, finding that the project benefits outweigh those significant effects. According to the Lead Agency, the benefits from the project will include:

- **Economic Benefits:** The project will provide economic benefits to Imperial County in two ways: job creation and revenue contribution through host fees collected at the Salton City Solid Waste Site.
- **Local and Regional Waste Disposal:** The project will compete on the open market to provide an economically efficient and environmentally responsible means to manage municipal solid waste, recyclable green waste, recyclable construction and demolition debris, and electronic waste generated within the region (including West Shore area, Imperial County, San Diego County, Riverside County, Los Angeles County, and San Bernardino County). Although there are some alternatives for refuse disposal in Imperial County, the existing landfills in many other regional counties are approaching their capacity.

Statement of Overriding Considerations:

Because all of the project's impacts cannot be avoided or substantially reduced, before concurring on the issuance of the proposed permit, the Department must adopt a Statement of Overriding Considerations that indicates its reasons for overriding the adverse environmental effects caused by the proposed project. It is Department staff's recommendation that the Department adopt as its own the Statement of Overriding Considerations as adopted by the Lead Agency to the extent that the unavoidable significant environmental effects of the project identified in the Statement of Overriding Considerations relate to environmental effects caused by the Department's exercise of its Statutory Authority.

Department staff has considered the Final EIR and Addendum certified by the Lead Agency as well as the Lead Agency's mitigation monitoring and reporting program (MMRP) and find them adequate for the Branch Chief's approval of the proposed project for those 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. Specifically, the Department finds that those identified significant effects on the environment related to traffic, air, and dust control, to the extent they are within CalRecycle's jurisdiction over state minimum standards, have been reduced to a level below significance through mitigation measures in the Lead Agency's adopted MMRP. Other potential effects controlled by state minimum standards related to vectors, litter, odor, and noise were analyzed in the EIR and found to be less than significant.

The Imperial County LEA has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental documents.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the environmental documents as prepared by the Lead Agency 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 revised permit.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the Final Environmental Impact Report and Addendum 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 revised 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 held a public informational meeting on August 28, 2013, at the Salton Community Services District in Salton City. There were approximately 25 members of the public in attendance. Comments were received by telephone, submitted in writing, and provided in person at the public information meeting. A few commenters expressed general opposition to the proposed project. The owner of the house closest to the landfill expressed support. Other comments included the following topics, which have been paraphrased and summarized by subject:

**Traffic:** Many commenters expressed concern about traffic and traffic safety.

**Response:** The comments related to specific traffic mitigation measures incorporated in the EIR which were developed under consultation with CalTrans. While the proposed SWFP must be consistent with the EIR, the SWFP is limited in its ability to address off-site traffic. Traffic concerns and mitigation measures were addressed as part of the review and approval of the EIR by the County Board of Supervisors. Mitigation measures will be implemented as required by CalTrans and funding to repair bridges is funded by gas taxes.

**EIR:** Commenters questioned the development and accessibility of the EIR.

**Response:** The EIR was developed by Imperial County Planning and Development Services Department acting as Lead Agency with the use of several consultants. The EIR/CEQA review process was a public process involving many opportunities for review.

**Nuisances:** Commenters expressed concern on potential odors, litter, noise, and vector issues.

**Response:** These issues were analyzed and addressed in the approved EIR. Operators are required to develop vector control programs as part of the requirements and implemented control measures have significantly reduced vector problems. Berms will be constructed in 20 foot increments to reduce noise and light.

The LEA and operator responded to additional questions and comments related to illegal dumping, siting, disposal fees, waste origin, fire control, and 24 hour operations at the time of the meeting. The LEA also responded to written comments in response to the posted public notice.

No written comments have been received by Department staff.

The Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on October 15, 2013.