

Permitting & Assistance Branch Staff Report

Modified Solid Waste Facilities Permit for
Redwood Landfill, Marin County
SWIS No. 21-AA-0001
October 6, 2014

Background Information, Analysis, and Findings: This report was developed in response to the Marin 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 Redwood Landfill, SWIS No. 21-AA-0001, located in Novato, Marin County. The property is owned and operated by Redwood Landfill, Inc. A copy of the proposed permit is attached. The report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

A proposed permit was received on September 22, 2014. Action must be taken on this permit no later than November 21, 2014. If no action is taken by November 21, 2014, 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 (2008)	Proposed Permit
Permitted Operations	Solid Waste Disposal Site; Composting Materials Handling Facility	Solid Waste Disposal Site
Permitted Area (in acres)	420	348.8
Estimated Closure Year	2024	2036

Other changes include:

1. Updates to the Joint Technical Document, including the removal of details of the composting operation.
2. Changes to LEA conditions and findings, including deletion of conditions relating to composting activities and moving condition regarding energy plant to the findings section.

Key Issues

The proposed permit will allow for the following:

1. Removes references to composting operations, which is now permitted separately as Waste Management Earth Care of Marin (21-AA-0068). Both facilities are operated by Redwood Landfill, Inc.
2. Reduces the acreage on the LF permit, which is now incorporated into the composting facility permit.
3. Lists a new estimated closure year of 2036.

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 2008, which also governed composting activities at the facility. A separate permit for the composting operations under Waste Management Earth Care of Marin was issued on December 13, 2013.

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 September 18, 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 April 16, 2014. The LEA provided a copy to the Department on April 16, 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 September 22, 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 by CalRecycle on September 22, 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 County Siting Element and is consistent with the Countywide Integrated Waste Management Plan, as described in the memorandum dated September 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 Facility Engineering Unit found the Preliminary Closure/Postclosure Maintenance Plan is consistent with State Minimum Standards as described in their memorandum dated September 29, 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 August 23, 2014..	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
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 August 29, 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 August 29, 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 September 5, 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 letter dated September 18, 2014, 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
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 September 5, 2014, 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 (January) – One violation of PRC 44014(b) - Operator Complies with Terms & Conditions.
- 2009-2013 - No violations were 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

concur 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. Deletes references to the Compostable Materials Handling Facility.
2. Reduces the acreage on the LF permit.
3. Changes the estimated closure date to 2036.

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

The Marin County Environmental Health Division, acting as Local Enforcement Agency, has provided a finding that the proposed modified SWFP is consistent with and supported by existing CEQA 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 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."

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.