

Waste Compliance and Mitigation Program Staff Report
Solid Waste Facilities Permit Revision for the Olinda Alpha Landfill
SWIS No. 30-AB-0035
May 12, 2010

Background Information, Analysis, and Findings:

This report was developed in response to the Orange County Local Enforcement Agency (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed solid waste facilities permit revision for the Olinda Alpha Landfill, SWIS No. 30-AB-0035, located in Orange County and owned and operated by County of Orange Integrated Waste Management Department. A copy of the proposed permit is attached. The report contains Waste Compliance and Mitigation Program (WCMP) staff's analysis, findings, and recommendations.

The proposed permit was received on April 8, 2010. A changed version of the permit was received on April 27, 2010. Action must be taken on this permit no later than June 26, 2010. If no action is taken by June 26, 2010, the Department will be deemed to have concurred with the issuance of the proposed revised permit.

Proposed Changes

The following changes to the permit are being proposed:

	Current Permit (2005 SWFP)	Proposed Permit
Maximum Elevation	1,300 feet above mean sea level	1,415 feet above mean sea level
Permitted Capacity	123.1 million cubic yards	148.8 million cubic yards
Estimated Closure Date	2013	2021
Lateral Expansion	420 acres	453 acres

Staff recommends concurrence with the issuance of the proposed revised permit. All of the required submittals and findings required by Title 27, Section 21685 have been provided and made. Staff has determined that California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings are summarized in the following table. The documents on which staff's findings are based have been provided to the Deputy Director with this Staff Report and are permanently maintained in the facility files maintained by the WCMP.

Findings:

CCR Title 27 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 April 27, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	The LEA completed a Five Year Permit Review on May 17, 2006 and provided a copy to the Department on May 23, 2006.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	The LEA submitted a proposed solid waste facilities permit on April 27, 2010	<input checked="" type="checkbox"/> Acceptable

CCR Title 27 Sections	Findings	
		<input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on April 8, 2010, provided a finding that the facility is consistent with PRC 50001 and WCMP staff in the Jurisdiction Compliance and Audit Section found the facility is identified in the Countywide Siting Element as described in their memo dated April 27, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(5) Preliminary or Final Closure/ Postclosure Maintenance Plans consistency with State Minimum Standards	WCMP staff in the Cleanup, Closure, and Financial Assurances Division found the Preliminary Closure/Postclosure Maintenance Plans consistent with State Minimum Standards as described in their memo dated February 25, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6)(A) Financial Assurances Documentation compliance	WCMP staff in the Cleanup, Closure, and Financial Assurances Division found the Financial Assurances Documentation in compliance as described in their memo dated February 9, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6)(B) Operating Liability compliance	WCMP staff in the Cleanup, Closure, and Financial Assurances Division found the Operating Liability in compliance as described in their memo dated February 9, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7) Operations Consistent with State Minimum Standards	WCMP staff in the Compliance, Evaluations, and Enforcement Division found that the facility was in compliance with all operating and design requirements during an inspection conducted on April 28, 2010. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) LEA CEQA finding	The LEA provided a finding in their permit submittal package received on April 8, 2010, that the proposed permit is consistent with and supported by the existing CEQA documentation. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and or Meeting, Comments	The required informational meeting was conducted by the LEA on February 22, 2010, at 7:00 p.m. Questions asked at the meeting and the LEA's response are attached to this memo.	<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, a proposed revised solid waste facilities permit. WCMP staff has determined that the CEQA record can be used to support the Director's action on the proposed revised permit. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

The facility was inspected by WCMP staff in the Compliance, Evaluation, and Enforcement Division on April 28, 2010. No violations were noted.

The LEA has noted 5 violations for State Minimum Standards or permit requirements during the last 5 years.

In December 2008 and February, April, May, and June 2009, the LEA cited a violation of Title 27 CCR Section 20921(a)(2) Gas Monitoring Control for gas migration.

On November 15, 2008, a wildfire that started in Corona (Riverside County) and spread to Yorba Linda and Brea (Orange County) was finally extinguished on November 17, 2008. The fire burned through the facility, especially east-facing slopes, lower south-facing slopes, surrounding hills and canyons, which resulted in significant damage to the landfill gas collection (LFG) system. The County of Orange and State declared a local emergency on November 15, 2008.

Approximately 40% of the entire LFG collection system's header pipelines including those delivering LFG to the flare station and the LFG-to-Energy plant were damaged. The LFG extraction and flaring systems and LFG-to-Energy plant were shut down as a result.

Repairs to the landfill gas collection system were completed in mid-June 2009.

Environmental Analysis:

State law requires compliance with the California Environmental Quality Act either through the preparation, circulation and adoption/certification of an environmental document and mitigation reporting or monitoring program, or by determining that the proposal is categorically or statutorily exempt.

A Notice of Preparation (NOP)/Initial Study (IS) was circulated in January 2004, for a new Olinda Alpha Landfill project entitled "Regional Landfill Options for Orange County (RELOOC) Strategic Plan – Olinda Alpha Landfill Implementation." Subsequent to the public review period for the NOP/IS, a Draft Environmental Impact Report (EIR) No. 588 (SCH No. 2004011055) was prepared and distributed for public review in June 2004. The County Board of Supervisors certified Final EIR No. 588 on April 17, 2007.

The Orange County Board of Supervisors certified the Final Environmental Impact Report and found, despite the implementation of all feasible mitigation measures, Land Use, Air Quality, Noise and Vibration, Aesthetics, Biological Resources, and Recreational impacts remain significant and unavoidable.

The Orange County Board of Supervisors adopted the mitigation measures identified in the Final Environmental Impact Report to reduce or avoid the potentially significant and significant impacts of the proposed project, as well as certain less than significant impacts, and adopted a Project Design Features and Mitigation Measures.

The Orange County Board of Supervisors, on April 17, 2007, adopted a Statement of Overriding Considerations (see attachment) for the significant impacts to Land Use, Noise and Vibration, Aesthetics, Biological Resources, Recreation, and Air Quality.

The basis for the Statement of Overriding Considerations is as follows:

Specific economic, legal, social, technological, or other considerations make infeasible effective mitigation measures or the alternatives identified in the Final Program EIR. The Board of

Supervisors has adopted a Statement of Overriding Considerations to address this impact of the Project.

- If the project is approved and implemented, after balancing the specific economic, legal, social, technological and other benefits of the project, the Board of Supervisors has determined that the unavoidable, adverse environmental impacts, to Land Use, Noise and Vibration, Aesthetics, Biological Resources, Recreation, and Air Quality, as addressed in the EIR are considered acceptable in light of the considerations, specifically identified below, which outweigh the unavoidable, adverse environmental impacts of the project as specifically identified or subsequently determined.
- Effective and timely implementation of the RELOOC plan is critical for maintaining local control over solid waste capacity in Orange County for as long as possible and thereby maintain control over the disposal rates and fees that Orange County cities and citizens pay.
- Implementation of the proposed project would ultimately accommodate disposal of an additional 25.7 million cubic yards or 14.2 million tons of MSW at the Olinda Alpha Landfill. This increased capacity will enable the County to be better equipped to continue to meet its current and future demand for landfill capacity.
- If the project is not developed, there would be greater traffic occurring on road systems leading to the alternate landfill locations for diverted Olinda Alpha Landfill MSW after closure in 2013. Due to the greater travel distance to transport MSW from the Olinda Alpha Landfill service area to other landfills, there would be a greater generation of air pollutant emissions. There may be the potential for adverse increased noise impacts if sensitive receptors are located along the travel routes of trucks hauling MSW in Orange County and on the route to Out-of County landfills.
- It is the goal of IWMD, to provide a long term regional solid waste management facility with appropriate environmental safeguards to protect the environmental resources which exist on site and on properties surrounding landfills. The proposed project will minimize adverse environmental impacts associated with solid waste disposal.
- Implementation of the proposed project will enable the IWMD to maintain adequate revenues and local control of waste disposal to provide consistent and reliable public rates and fees.
- Failure to provide for the waste disposal needs of the County in its existing landfills will require transportation of waste that cannot be accommodated to out of County landfills as considerable expense to the County and its residents and with additional environmental impacts.

Before concurring on this 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 Orange County Board of Supervisors to the extent 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.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the environmental document 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 Permit.

Department staff further recommends that the Final Environmental Impact Report with the inclusion of the Statement of Overriding Considerations is adequate for the Director's environmental evaluation of the proposed project for those project activities which are within the Director's expertise and/or powers, or which are required to be carried out or approved by the Director.

Local Issues:

The CEQA record indicates the potential environmental impacts. The environmental impacts are addressed in the Environmental Analysis section of the staff report. The project document availability, hearings, and associated meetings were extensively noticed consistent with the CEQA and Solid Waste Facilities Permit requirements. A review from the public process indicates that environmental justice issues were not identified by the surrounding community. Census information indicates that the surrounding population is approximately 89.5% white, 0.5% black or African American, 0.4 % American Indian or Native Alaskan, 4.3% Asian, 0.1% Native Hawaiian and Other Pacific Islander, 3.1% "some other race", and 2.1% "two or more races." 11.8% of the total population described themselves as Hispanic or Latino. 0.0% of the families in the Census Tract were below the poverty level. Staff has not identified any environmental justice issues related to this item. Staff finds the project and permit process to be consistent with Government Code Section 65040.12, as there has been fair treatment of people of all races, cultures, and incomes with respect to the proposed action being recommended above.

Public Comments:

Public comments were received by the LEA staff. Three members of the public attended the informational meeting on February 22, 2009, and one letter of opposition was received. The LEA received questions regarding vector barriers between Chino Hills State Park and OAL, AB32, permit timelines, track out from trucks, and the fires of November 2008. All comments from the meeting and the letter of opposition are attached.

Department Staff Actions:

Staff responded to a number of questions from the LEA regarding the permit process.