

Waste Compliance and Mitigation Program Staff Report

Revised Solid Waste Facilities Permit for Borrego Landfill

SWIS No. 37-AA-0006

July 8, 2010

Background Information, Analysis, and Findings:

This report was developed in response to the San Diego County Local Enforcement Agency (LEA) request for Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit for the Borrego Landfill facility, SWIS No. 37-AA-0006, located in San Diego County, owned and operated by Borrego Landfill, Incorporated (Allied Waste Services, Inc.). 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 May 19, 2010. A different version of the permit was received on June 1, 2010. Action must be taken on this permit no later than Friday, July 30, 2010. If no action is taken by July 30, 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 (August 23, 2004)	Proposed Permit
Section 4: Address of Owner	15880 N. Greenway-Hayden Loop, Suite 100 Scottsdale, AZ 85260	18500 N. Allied Way Phoenix, AZ 85054
Estimated Closure Date	2021	2030
Section 12: (Legal) Description of Facility	Assessor Parcel Number 201-010-10 and as described in Section 2.4 of the Joint Technical Document, dated February 2004, and as shown on Figure 3 of the same Joint Technical Document.	Assessor Parcel Number 201-010-15 and as described in Section 2.4 and shown on Figure 3 of the Joint Technical Document, dated September 2009.
Section 13: Findings	a) This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB) Public Resources Code, Section 44010.) b) The facility is identified in the Siting Element of the Countywide Integrated Waste	a) This permit is consistent with standards adopted by the Department of Resource Recycling and Recovery (CalRecycle) [formally known as California Integrated Waste Management Board]. (Public Resources Code, Section 44010.) b) Pursuant to Public Resources

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	<p>Management Plan (approved by the CIWMB on June 25, 1997). (Public Resource Code Section 50001(a).)</p> <p>c) The local fire protection district, the Borrego Springs Fire Protection District (located at 2324 Stirrup Road, Borrego Springs, CA 92004) has determined that the facility is in conformance with applicable fire standards. (letter dated July 14, 1992.) (Public Resource Code, Section 44151.)</p> <p>d) The design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the LEA, based on a review of the February 2004 Joint Technical Document and an inspection conducted on May 14, 2004.</p> <p>e) In accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15096(f), the LEA has reviewed and considered the information regarding the environmental effects of this facility. The LEA found the project to be categorically exempt from CEQA based upon CEQA Guidelines Sections 15301, 15305, and 15321. The LEA filed a Notice of Exemption (NOE) with the County Recorder's Office on July 7, 2004. The NOE is available for review at the San Diego County Department of Environmental Health.</p>	<p>Code §50001 (a)(1), this facility is a solid waste disposal facility identified and described on pages SE 28 – SE 29 in the county-wide siting element, which has been approved pursuant to Public Resources Code § 41721. The 2005 5 Year Revision Final Countywide Integrated Waste Management Plan (CIWMP) was approved by the California Integrated Waste Management Board on September 20-21, 2005).</p> <p>c) The Borrego Springs Fire Protection District (located at 2324 Stirrup Road, Borrego Springs, CA 92004) has determined that the facility is in conformance with applicable fire standards (letter dated March 11, 2010). (Public Resources Code, § 44151.)</p> <p>d) The design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the LEA, based on a review of the September 2009 Joint Technical Document and an inspection conducted on March 18, 2010.</p> <p>e) In accordance with the California Environmental Quality Act (CEQA) Guidelines, the LEA has reviewed and considered the information, including the environmental effects of issuing this Solid Waste Facility Permit for the existing landfill. The LEA finds this permit action exempt under section 15268 of the CEQA Guidelines. The LEA filed a Notice of Exemption with the County Clerk on May 10, 2010.</p>

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		A Notice of Determination will be filed with the State Clearinghouse.
Section 14: Prohibitions	<p>Scavenging (Title 27, Section 20710)</p> <p>Salvaging of drugs, cosmetics, foods, beverages, hazardous chemicals, poisons, medical wastes, syringes, needles, pesticides, and other materials capable of impairing public health unless approved by the LEA and the County Health and Human Services Agency (Title 27, Section 20720)</p> <p>Disposal of medical waste unless treated and deemed solid waste pursuant to Part 14 of Division 104 of Health & Safety Code. (Title 27, Section 20880).</p> <p>Disposal of hazardous waste as defined in Title 27, Section 20164.</p> <p>Disposal of unaltered tires (Title 14, Section 17355).</p> <p>On-site feeding of solid waste to animals that will be used for human consumption (Title 27, Section 20770).</p> <p>Open burning except as allowed by Title 27, Section 20780.</p>	<p>The permittee is prohibited from accepting any liquid waste that is less than 50% solid by weight, designated waste, or hazardous waste unless such waste is specifically listed below, and unless the acceptance of such waste is authorized by all applicable permits:</p> <p>Decontaminated bio-hazardous wastes, contaminated soils, dead animals, altered waste tires, agricultural wastes, industrial waste and construction/demolition and inert debris (as specified in conditions contained in the most current Waste Discharge Requirements).</p>
Section 16: Self Monitoring		<p>TONNAGE RECORDS: The operator shall maintain, and keep current, all records used to determine daily tonnage. (quarterly)</p>

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		<p>TRAFFIC RECORDS: The operator shall maintain, and keep current, a record of all vehicles hauling waste. (quarterly)</p> <p>REMAINING CAPACITY: The operator shall prepare and submit report including all supporting and technical documentation indicating remaining site capacity. (annually)</p> <p>LANDFILL GAS: The operator shall submit report identifying landfill gas monitoring results (subsurface perimeter migration).(quarterly)</p>
<p>Section 17: LEA Conditions</p>	<p>STANDARD REQUIREMENTS:</p> <p>A. The operator shall comply with the State Minimum Standards for solid waste handling and disposal.</p> <p>B. The operator shall maintain on-site at all times up-to-date copies of: 1) this permit 2) The Joint Technical Document; 3) Chapters 1, 2, and 3 of Subdivision 1, Division 2, Title 27; and 4) all records required by the regulations in Title 27, Sections 20510, 20515, and 20517.</p> <p>C. Without prior written or verbal approval from the LEA to allow otherwise, the facility may only be operated as described in the most current version of the Joint Technical Document.</p> <p>D. No significant change in</p>	<p>a) Without prior written or verbal approval from the LEA to allow otherwise, waste may be accepted only during the hours described in the most current Joint Technical Document (JTD).</p> <p>b) Without prior written or verbal approval from the LEA to allow otherwise, the facility may only be operated as described in the most current version of the JTD.</p> <p>c) All quarterly self-monitoring reports for the specific periods shall be submitted to the LEA on the following due dates: January through March, due May 1; April through June, due August 1; July through September, due November 1; and October through December, due February 1.</p> <p>d) The operator shall prepare and submit annually (due August 1) a topographic survey and report indicating remaining site capacity.</p>

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	<p>design or operation of this facility shall be taken without prior application to and approval by the LEA. (Public Resources Code Section 44004).</p> <p>E. The operator shall notify the LEA of any plans to encumber, sell, transfer, or convey the ownership or operations to a new owner or operator, at least 45 days prior to the anticipated transfer, by written certification and including information deemed sufficient by the CIWMB and the LEA. (Public Resources Code Section 44005).</p> <p>F. Additional Information related to compliance with this permit or the design and/or operation of this facility shall be furnished to the LEA upon request.</p> <p>G. The LEA reserves the right to modify or suspend waste receiving and/or disposal operations at this facility when deemed necessary due to an emergency, potential health hazard or public nuisance.</p> <p>H. This Solid Waste Facilities Permit is subject to review by the LEA and may be suspended, revoked or modified at any time for sufficient cause and under due process.</p> <p>SPECIFIC REQUIREMENTS:</p> <p>1. This daily tonnage includes</p>	<p>e) Daily tonnage includes municipal solid waste, construction, demolition and inert debris and all other waste disposed of by burial at the site. Recyclable materials, green waste or any other waste separated or otherwise diverted is not included in the daily tonnage.</p> <p>f) The operator shall maintain, and keep current, a daily record (in tons) of diverted materials including green waste, construction, demolition and inert debris, separated or commingled recyclables entering the facility. These records shall include (in tons) the beneficially reused materials on site, alternate daily cover or the final disposition of recycled materials.</p> <p>g) The operator shall maintain a daily log of special/unusual occurrences. Each log entry shall be accompanied by a summary of any actions taken by the operator to mitigate the occurrence. Should the landfill temporarily cease operations due to a special/unusual occurrence notify the LEA within 24 hours and follow up with a written notification in within 72 hours.</p> <p>h) The operator shall maintain, and keep current, a record of all complaints regarding this facility and operators actions taken to resolve these complaints.</p> <p>i) The operator shall maintain a record of the results of the random load check program, including the quantities and types of hazardous wastes, medical wastes or otherwise prohibited</p>

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	<p>municipal solid waste, construction and building debris (inert material) and all other waste disposed of by burial at this site. Recyclable materials, green waste or any other waste separated or otherwise diverted is not included in the daily tonnage.</p> <p>2. Occasional activities related to maintenance, monitoring and other incidental requirements may be conducted outside of the published operating hours.</p> <p>3. The owner/operator must provide an adequate supply of potable water, emergency communications, and sanitary facilities for site employees.</p> <p>4. No refuse fill shall be placed closer than 100 feet to any property line.</p> <p>5. Maximum elevation of the site shall not exceed 555 feet above mean sea level.</p> <p>6. The owner/operator must maintain adequate intermediate soil cover of at least 12 inches over areas that will not receive additional fill for at least 180 days.</p> <p>7. The owner/operator shall not revise the "K-factors" without prior written approval from the LEA.</p> <p>8. No landfill related activities shall occur outside of the current permitted site boundary.</p>	<p>wastes found in the waste stream and the final disposition of these wastes. These records shall be maintained on site for review by the LEA at all times.</p> <p>j) The LEA shall conduct random, unannounced inspections that may occur before the start of or after the end of waste disposal activities.</p> <p>k) The operator shall maintain a copy of this Solid Waste Facility Permit (SWFP), JTD and have access to State Minimum Standards for Solid Waste Disposal Sites at the site at all times.</p> <p>l) No significant change in design or operation of this facility shall be taken without prior application to and approval by the LEA.</p> <p>m) Additional information related to compliance with this permit or information concerning the design and operation of this facility shall be furnished to LEA upon request.</p> <p>n) The SWFP is subject to review by the LEA and may be suspended, revoked or modified at any time for sufficient cause and under due process.</p> <p>o) The LEA reserves the right to modify or suspend waste receiving and/or disposal operations at this facility when deemed necessary due to an emergency, potential health hazard or public nuisance.</p>

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	<p>9. Landfilling shall not proceed in the Phase 2 area without the installation of a liner and leachate collection and removal system that conforms to Title 27 requirements, and is approved and inspected by the Regional Water Quality Control Board and LEA.</p> <p>10. Employees must comply with the site's Injury and Illness Prevention Program (IIPP) at all times.</p> <p>11. The owner/operator shall comply with and implement the dust control measures outlined in the JTD.</p> <p>12. The owner/operator shall maintain, and keep current records of the types and weights of waste received per day. These records shall include the final disposition of transferred waste and recycled materials (County Code of Regulatory Ordinances, Section 65.107).</p> <p>13. The operator shall maintain, and keep current, a record of the daily traffic volume, as well as a record of the number and types of vehicles hauling waste/materials to the facility.</p> <p>14. Copies of the records required by 12) and 13) above shall be submitted to the LEA on a quarterly basis as follows: records for January, February, March - due May 1; records for April, May, June - due August 1; records for</p>	<p>p) Occasional activities related to maintenance, monitoring and other incidental requirements may be conducted outside of the permitted operating hours.</p> <p>q) No refuse fill shall be placed closer than 100 feet to any property line.</p>

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	<p>July, August, September - due October 1; and records for October, November, December - due February 1.</p> <p>This permit supersedes the permit issued on December 4, 1992 and revised October 31, 1997.</p>	

Findings:

Staff recommends concurrence with the issuance of the proposed revised solid waste facilities permit. All of the required submittals and findings required by CCR 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 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 Deputy Director with this Staff Report and are permanently maintained in the facility files maintained by the WCMP.

CCR 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 28, 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 for the facility on April 12, 2009.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	The LEA submitted a proposed revised solid waste facilities permit on May 19, 2010. A different version of the permit was received on June 1, 2010.	<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 May 19, 2010, provided a finding that the facility is consistent with PRC 50001. WCMP staff in the Jurisdiction Compliance and Audit Section found the facility is identified in the Non-Disposal Facility Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated June 2, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(5) Preliminary 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 described in a memo dated May 25, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

CCR 27 Sections	Findings	
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 July 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 July 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 not in compliance with all operating and design requirements during an inspection conducted on June 17, 2010. Staff observed a violation of State Minimum Standards for 27 CCR 20680 – Daily Cover during the June 17, 2010 inspection. LEA staff re-inspected the facility on July 1, 2010 and found the violation had been corrected and the facility was in compliance with all operating and design requirements. 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 May 19, 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 held on April 15, 2010, near the facility, in the community of Borrego Springs at the County of San Diego Library. Oral questions and comments were received by the LEA and WCMP staff during the meeting and are summarized below.	<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 existing 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:

WCMP staff in the Compliance, Evaluation, and Enforcement Division (CEED), conducted a pre-permit inspection at the subject facility on June 17, 2010. CEED staff found one violation of State Minimum Standards, 27 CCR 20680 – Daily Cover. The LEA re-inspected the facility on July 1, 2010 and found the operator had corrected the violation.

The LEA has noted a total of sixteen violations for State Minimum Standards or Permit Requirements during the last five years.

In 2005, the LEA observed four violations of PRC 44014(b) - Operator Complies with Terms and Conditions of Permit (all for accepting waste in excess of the maximum daily tonnage); two violations of 21600 - Report of Disposal Site Information (both because staffing levels did not conform to descriptions in the governing JTD); and one violation of 20870 - Hazardous Wastes.

In December 2005, the Operator received a Notice of Intent to List for the two consecutive violations of 21600 - Report of Disposal Site Information.

In 2006, the LEA observed two ongoing violations of 21600 - Report of Disposal Site Information for the nonconforming staffing levels and the violation was corrected before the scheduled compliance date on March 23, 2006.

Also in 2006, the LEA observed three violations of PRC 44014(b) - Operator Complies with Terms and Conditions of Permit (one for exceeding maximum tonnage and two for providing inadequate map with the quarterly monitoring report); one violation of 20710 - Scavenging/Salvaging/Storage; and one violation of 20640 - Spreading/Compacting. Each violation was corrected in a timely manner.

No violations were observed by the LEA in 2007 and 2008.

In October 2009, the LEA observed one violation of 20690 - Alternative Daily Cover and one violation of 20680 - Daily Cover. Each violation had been corrected by the next scheduled inspection.

Environmental Analysis:

Under the California Environmental Quality Act (CEQA), the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed Solid Waste Facilities Permit before the Department concurs in it.

The Borrego Landfill currently operates under a Solid Waste Facilities Permit that was issued by the San Diego County Local Enforcement Agency on August 23, 2004. The proposed Revised Solid Waste Facilities Permit presently under consideration is for the continued operation of the existing landfill that has been permitted continuously since February 1978. The landfill is located on a 45.92 acre parcel; it is limited to 50 tons per day of municipal solid waste and inert material.

The County of San Diego Local Enforcement Agency proposes to issue a revised solid waste facility permit to replace the current permit that it issued on August 23, 2004, with only minor changes to the facility's estimated closure year. Changes are administrative only, except for the extension of the estimated facility closure date from 2021 to 2030. The LEA has determined that, pursuant to 14 CCR, Section 15301, this permit application would fall under Categorical Exemption, Class 1 – Existing Facilities. This Categorical Exemption allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's initial approval of the project.

Furthermore, the LEA has provided a finding that the facility is an existing landfill, and the applicant did not propose any significant change in operation from that approved under the current permit that the LEA issued in 2004; therefore the facility meets the conditions of CCR 14 Section 15301 as Categorically Exempt - Existing Facilities.

Department staff prepared a Preliminary Review to determine whether a Categorical Exemption is adequate for the Department's concurrence on this Revised Solid Waste Facilities Permit. Department staff made the finding/determination that a Categorical Exemption, 14 CCR Section 15301 – Existing Facilities was adequate for the Department's concurrence in this proposed

Revised Solid Waste Facilities Permit. Staff's finding is based on the fact that there is "negligible or no expansion of use beyond that existing at the time of the lead agency's determination" to issue the permit in 2004.

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 (Section 15301), to be filed with the State Clearinghouse after the Department's concurrence in the Revised Solid Waste Facilities Permit proposed by the LEA, in that the proposed permit is to be issued to an existing facility that will not expand or significantly change its operations from those authorized under the current permit that the LEA issued in 2004. 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 Solid Waste Facilities Permit.

Department staff further recommends the Categorical Exemption is adequate for the Director'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 Solid Waste Facilities Permit and all of its components and supporting documentation, this staff report, the Categorical Exemption and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed Solid Waste Facilities Permit. 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.

Local Issues:

The project document availability, hearings, and associated meetings were adequately noticed consistent with Solid Waste Facilities Permit requirements. A review of the public process indicates that environmental justice issues were not identified by the surrounding community (Borrego Springs). Census information from the vicinity of the facility indicates that the surrounding population is approximately 82.8% White, 1.0% African American, 0.5% Native American, 0.2% Asian, 0.0% Pacific Islander, 13.1% reported as some other race and 2.4% reported as two or more races. 32.4% of the total population described themselves as Hispanic or Latino. 9.2% of the families are 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:

The LEA conducted a public informational meeting on April 15, 2010. The informational meeting was held near the facility, in the community of Borrego Springs at the County of San Diego Library. Two members of the public were in attendance. The LEA received verbal comments and questions in regard to the permit and permit process. Concerns were noted regarding liner requirements, closure date, tonnage, hours, recyclable materials, and access to documents. The LEA and operator answered questions related to this permit action. Where specific information was not immediately available, commenters were referred to the CalRecycle website or to another resource. The LEA and Operator provided business cards to the commenters to facilitate further communication.

The meeting notice was mailed to all property owners within 1 mile of the facility, published in the Borrego Sun (local newspaper), posted at the facility, and on the LEA and CalRecycle websites.

The Department staff provided an opportunity for public comment during the WCMP Workshop on June 14, 2010 and July 12, 2010. No additional comments were received.

Department Staff Actions:

PLEAS staff has worked with the LEA throughout the permit process by providing comments on permitting documents and attending public meetings.