

Waste Compliance and Mitigation Program Staff Report
Solid Waste Facilities Permit Revision for the Woodville Disposal Site in Tulare County
SWIS No. 54-AA-0008
July 9, 2010

Background Information, Analysis, and Findings:

This report was developed in response to the Tulare County Local Enforcement Agency (LEA) request for Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed solid waste facilities permit revision for the Woodville Disposal Site, SWIS No. 54-AA-0008, located in Tulare, California. 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 24, 2010. Department staff completed a review of the permit application package and found the application package is complete and correct. Action must be taken on this permit no later than July 23, 2010. If no action is taken by July 23, 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 (2004 SWFP)	Proposed Permit
Permitted Design Capacity	7,697,000 cubic yards	8,892,750 cubic yards (13,120,200 cy Total volume Unit I & II including waste and cover)
Estimated Closure Year	2026	See JTD*

*The JTD includes an estimated closure date of 2080

Findings:

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 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 Waste Compliance and Mitigation Program.

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 May 21, 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 15, 2009 and provided a copy to the Department	<input checked="" type="checkbox"/> Acceptable

CCR Title 27 Sections	Findings	
	on June 1, 2009.	<input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	The LEA submitted a proposed Solid Waste Facilities Permit on May 24, 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 24, 2010, provided a finding that the facility is consistent with PRC 50001. On June 17, 2010, WCMP staff in the Jurisdiction Compliance and Audit Section found the facility is identified in the Countywide Siting Element.	<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 updated Preliminary Closure/Postclosure Maintenance Plans to be consistent with State Minimum Standards as described in their memo dated June 30, 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 July 7, 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 July 7, 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 May 12, 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 May 24, 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 April 26, 2010, at 3:00 pm. Two members of the public attended and all concerns were addressed. No written comments were received by the LEA or WCMP staff.	<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 have 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

substantially lessened. The following adverse impacts were considered to be significant and unavoidable: Agricultural Land – loss of 202 acres of land to the landfill and Air Quality - degradation as a result of incremental mobile and stationary pollution sources in a designated non-attainment air quality area.

The Department of Resources Recycling and Recovery (formerly California Integrated Waste Management Board) adopted the Environmental Impact Report and the Statement of Overriding Consideration, as prepared by the Tulare County Resource Management Agency, on May 12, 2004, when it concurred on the current permit for this facility.

The proposed Solid Waste Facilities Permit under consideration is for changing slope design to increase volumetric capacity without increasing the disposal footprint or peak elevation; with the slope design change the Estimated Closure Date will change from 2026 to 2080, depending on the volume of waste received. The environmental impacts of the currently proposed revision of the permit are adequately addressed in the 1996 EIR together with the Statement of Overriding Considerations adopted by the Board of Supervisors and the Board. Once an EIR has been prepared for a project, no additional environmental document is required unless the project has substantially changed, the circumstances under which it will be carried out have changed substantially, or important new information about the project's impacts has been identified. Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the 1996 EIR prepared by the Tulare County Resource Management 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 Solid Waste Facilities Permit. Staff further recommends the EIR, together with the CEQA Findings and 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 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 EIR 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:

A review of the public process indicates that environmental justice issues were not identified by the surrounding community (Census tract 33). Census information indicates that the surrounding population is approximately 53.8% White, 0.4% Black or African American, 0.9% American Indian and Alaskan Native, 1.5% Asian, 39.7% some other race, and 3.7% two or more races, and 55.4% of the population identify themselves as Hispanic or Latino. Median household income was \$30,901, and 19.6% of the families were below the poverty level.

Staff has not identified any local issues related to this item. The CEQA record indicates no offsite cumulative environmental impacts. The project document availability, hearings, and associated meetings were extensively noticed consistent with the CEQA and Solid Waste Permit requirements. A review of the public process indicates that environmental justice issues were not identified by the surrounding community consistent with Government Code Section

Compliance History:

The facility was inspected by WCMP staff in the Compliance, Evaluation, and Enforcement Division on May 12, 2010. No violations were noted.

The LEA has observed several violations of State Minimum Standards during the past five years.:

- On October 10, 2005: Section 20680 - Daily Cover.
- On January 9, 2006: Section 20680 - Daily Cover; Section 20700 - Intermediate Cover; Section 20820 - Drainage/Erosion control. This was due to a heavy storm.
- No violations were noted in 2007, 2008, and 2009.
- On January 26, 2010: Section 20680 - Daily Cover; Section 20700 - Intermediate Cover; Section 20820 - Drainage/Erosion control. This was also due to heavy storms over a five week period. Tornado warnings had been issued.

The LEA has indicated that the operator has mitigated all cover, erosion and drainage issues.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, the significant environmental impacts of the proposed Solid Waste Facilities Permit before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the Tulare County Resource Management Agency, 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 Woodville Disposal Site currently operates under a Full Solid Waste Facilities Permit, issued by the LEA on May 17, 2004. The Tulare County Resource Management Agency evaluated the environmental impacts of the proposed 2004 Solid Waste Facilities Permit in a Draft Environmental Impact Report, State Clearinghouse No. 1995092018, which was circulated for a 45 day review period from June 26, 1996 through August 9, 1996. The Final Environmental Impact Report and Statement of Overriding Considerations; approved by the Tulare County Board of Supervisors on September 24, 1996 was filed with the Tulare County Clerk on September 25, 1996. The Draft Environmental Impact Report described Disposal Site Expansion and Ancillary Projects at the Woodville Disposal Site. The Board of Supervisors balanced the benefits of the project against its unavoidable environmental risks and significant effects which related to the loss of 202 acres of agricultural land to the project; and Air quality degradation as a result of incremental mobile and stationary pollution sources in a designated non-attainment air quality area. The Board determined that the benefits of the project outweighed the unavoidable adverse environmental effects and, in light thereof, determined that the adverse environmental effects were considered acceptable.

The Tulare County Board of Supervisors determined that the specific benefits of the project outweigh its unmitigatable and unavoidable adverse environmental effects, as set out in the Statement of Overriding Considerations it adopted. There are no additional mitigation measures that are within the Department's authority that it can impose on the project that will result in the avoidance or substantial lessening of the project's remaining environmental impacts. Notwithstanding the conditions and mitigation measures imposed by the Tulare County Resource Management Agency, there remain certain environmental effects that cannot be avoided or

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:

A public informational meeting was held by the LEA on April 26, 2010, from 3:00 pm to 5:00 pm, at the Tulare County Resource Management Agency Commission Meeting Room at 5961 S. Mooney Blvd. Visalia, in Tulare County.

Two members of the public were in attendance. According to the LEA, the citizens were from a local dairy and were interested to see if Tulare County Resource Management Agency had future plans to expand the landfill toward the east near their dairy. The LEA explained that there were no plans to expand the landfill to the east at this time and if Tulare County wanted to expand in the future, a new Environmental Impact Report would be required to be completed because the property to the east is not part of the permitted site. The proposed changes were explained to them by Jane Dwyer, Engineer for Tulare County Resource Management Agency. No other comments were received at the meeting.

No written comments have been received by the LEA or the Department from the public on the proposed project.

Department staff provided an opportunity for public comment during the WCMP workshop on June 14, 2010 and July 12, 2010.

Department Staff Actions:

Staff has worked with the LEA throughout the permit process by providing comments on permitting documents.

