

Waste Compliance and Mitigation Program Staff Report
Solid Waste Facilities Permit Revision for California Bio-Mass Inc.
SWIS No. 33-AA-0259
July 9, 2010

Background Information, Analysis and Findings:

This report was developed in response to the Riverside County Local Enforcement Agency (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a revised Full Solid Waste Facilities Permit (SWFP) for the California Bio-Mass Inc., SWIS No. 33-AA-0259, located in Riverside County, operated by California Bio-Mass Inc. and the property owner is the Deboone Family Trust. 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 initially received on May 26, 2010. A revised version of the proposed permit was received on June 23, 2010. Action must be taken on this permit no later than August 22, 2010. If no action is taken by August 22, 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 (2000 SWFP)	Proposed Permit
Name and mailing address of owner	Hardy and Hardy Investment 10397 Alder Avenue Bloomington, CA 92316	Deboone Family Trust P.O. Box 1953 Palm Desert, CA 92261
Permitted Hours of Operation for Public	Open to public from 6:30 a.m. to 5:00 p.m. Monday through Saturday.	Open to public from 7:00 a.m. to 4:00 p.m. Monday through Saturday.
Permitted Maximum Tonnage	Maximum 700 Tons/Day Maximum 14,000Tons/Month The following schedule shall be followed for acceptance of waste as approved in Conditional Use Permit # 3221R1 (10.E.Health.5) Until June 1, 2000 550 Tons/Day Until December 1, 2000 600 Tons/Day Until June 1, 2001 650 Tons/Day Thereafter 700 Tons/Day	700 Tons per Day
Permitted Traffic Volume	56 Vehicles/Day	350 vehicles per day

	<p>Standard Pickup 12 Vehicles/Day Roll-off Trucks 7 Vehicles/Day Truck and Transfer 5 Vehicle/Day Stake Body 10 Vehicles/Day Tractor Trailer 18 Vehicles/Day Miscellaneous 4 Vehicles/Day</p>	
<p>17. Conditions</p>	<p>A. This facility shall comply with all federal, state, and local requirements and enactments enforceable by authorized agencies, including all mitigation measures given in any certified environmental document filed pursuant to Public Resources Code, Section 21081.6.</p> <p>B. The operator shall make copies of all inspection reports and permits issued by this and other regulatory agencies available on site for review by the site personnel and authorized representatives of all responsible agencies during normal office hours, 8:00 a.m. - 5:00 p.m. In addition to this permit, the Report of Facility Information, special occurrences log, tonnage reports, load check results, temperature logs, moisture monitoring logs, PFRP logs, and all sampling results shall be maintained on site.</p> <p>C. At a minimum the following items shall be recorded in the site's special occurrence log: weather conditions that adversely impact site operations, fires, accidents/and or injuries, any incidents involving hazardous waste, visits by regulatory agencies (name, mailing</p>	<p>a. This facility shall comply with all federal, state, and local requirements and enactments enforceable by authorized agencies, including all mitigation measures given in any certified environmental document filed pursuant to Public Resources Code, Section 21081.6.</p> <p>b. The operator shall maintain a log of special/unusual occurrences. The log shall include, but is not limited to, fire, explosions, the discharge and disposition of hazardous or unpermitted waste, and significant injuries, visits by regulatory agencies, accidents or property damage. Each log entry shall be accompanied by a summary of actions taken by the operator to mitigate the occurrence. The log shall be available to site personnel and the EA at all times.</p> <p>c. The operator shall make copies of all inspection reports and permits issued by this and other regulatory agencies available on site for review by the personnel and authorized representatives of all responsible agencies during normal office hours. In addition to this permit, the Report of Composting Site Information, special occurrences log, tonnage reports, load check results,</p>

	<p>address and phone number)</p> <p>D. The facility is permitted to receive the following non-hazardous waste, municipal green waste, wood waste, restaurant and grocery waste, fishery waste, animal manure, drywall, and liquid wastes (as approved by the RWQCB).</p> <p>E. The use of additional waste streams, other than green waste, for composting shall be monitored for moisture, temperature, vectors, odors, and other parameters determined by the LEA. The monitoring results shall be sent to the LEA for evaluation. Upon demonstration to the LEA that any additional waste stream cannot be composted and processed without causing nuisances or pathogen levels above regulatory levels in the finished product, the operator shall be required to cease the use of that additional waste stream.</p> <p>F. Contaminates and residuals shall be handled as enumerated in the RFI and CUP.</p> <p>G. All Department of Environmental Health conditions enumerated in the Conditional Use Permit No. 3221 R1 shall become conditions of this permit.</p> <p>H. The following environmental measurements shall be reported to the LEA on a monthly basis: number and type of vehicles utilizing the site each day, quantities and types of all materials received each day, quantities and types of all materials shipped each day, quantities of residuals sent for disposal,</p>	<p>temperature logs, PFRP logs, and all sampling results shall be maintained on site.</p> <p>d. The facility is permitted to receive the following non-hazardous waste, municipal green waste, wood waste, restaurant and grocery waste, fishery waste, animal manure, drywall, and liquid wastes (as approved by the RWQCB).</p> <p>e. The use of additional waste streams, other than green waste, for composting shall be monitored for moisture, temperature, vectors, odors, and other parameters determined by the LEA. Should the LEA determine that any additional waste stream cannot be composted and processed without causing nuisances or pathogen levels in the finished product, the operator shall be required to cease the use of that additional waste stream.</p> <p>f. Contaminates and residuals shall be handled as enumerated in the RCSI and CUP.</p> <p>g. The permittee is additionally prohibited from the following: burning of wastes, acceptance of wastes beyond the design capacity of the facility, operating beyond the permitted acreage of the facility, nighttime operations without the use of approved lighting, and operating in a manner that does not conform to the terms and conditions of this permit.</p> <p>h. Additional information concerning the design and operation of the facility shall be furnished upon request and within</p>
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	<p>sampling results for metal testing, monitoring results of use of additional waste stream as described in Condition E above; sample results for pathogen testing. A responsible officer or representative of the permittee shall attest to accuracy of the report and sign to that effect. This report shall be submitted to the LEA by the 10th of the following month.</p> <p>I. Any additional information the LEA deems necessary to permit and inspect this facility shall be provided by the operator.</p> <p>J. The RFI shall be amended as needed to reflect the operations of the facility. Some changes may necessitate a permit revision.</p> <p>K. This permit supercedes the previous registration permit issued on October 16, 1996.</p>	<p>the timeframe specified by the EA.</p> <p>i. All Department of Environmental Health conditions enumerated in Conditional Use Permit No. 3221 R2, R3 and R4 shall become conditions of this permit.</p> <p>j. The maximum permitted daily tonnage for this facility is 700 tons per day and shall not receive more than this amount without a revision of this permit.</p> <p>k. The following environmental measures shall be reported to the LEA on a monthly basis: number of vehicles utilizing the site each day, quantities and types of materials received each day, quantities and types of materials shipped each day, quantities of residuals sent for disposal, sampling results for metal testing, sample results for pathogen testing.</p> <p>l. This permit is subject to review by the EA and may be suspended, revoked, or revised at any time for sufficient cause.</p> <p>m. The EA reserves the right to suspend or modify waste received and handling operations when deemed necessary due to an emergency, a potential health hazard, or the creation of a public nuisance.</p> <p>n. Any changes that would cause the design or operation of the facility not to conform to the terms and conditions of this permit is prohibited. Such a change may be considered a significant change, requiring a permit revision. In no case shall the operator implement any</p>
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		<p>change without first submitting a written notice of the proposed change, in the form of a RFI amendment, to the EA at least 180 days in advance of the change.</p> <p>o. A copy of this permit shall be maintained at the facility.</p>
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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 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 May 19, 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 December 28, 2004 and provided a copy to the Department on January 24, 2005. (The operator submitted an application for a permit revision on November 8, 2009.)	<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 May 26, 2010. A different version of the proposed permit was received on June 23, 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 26, 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 Non-Disposal Facility Element as described in their memorandum dated June 2, 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 June 9, 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 packages received on May 26, 2010, and June 23, 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 December 16, 2009, at 6:00 pm. No oral or 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 Department'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 June 9, 2010. No violations or areas of concern were noted.

The LEA has observed sixteen violations of State Minimum Standards and twenty permit violations during the last 5 years.

In 2010 (January-June), the LEA documented no violations of State Minimum Standards or permit requirements.

In 2009, the LEA documented no State Minimum Standards violations and three permit violations. The permit violations were for PRC 44014 (b) – The Operator Shall Comply with all Terms and Conditions of Permit - for conducting operations outside of the permitted boundary and exceeding the traffic volume.

In 2008, the LEA documented no State Minimum Standards violations and two permit violations. The permit violations were for PRC 44014 (b) – The Operator Shall Comply with all Terms and Conditions of Permit - for exceeding the traffic volume or exceeding the storage time.

In 2007, the LEA documented one State Minimum Standards violation and two permit violations. The State Minimum Standards violation was for CCR 14 Section 17867(a)(2) - Litter Control - for excessive litter. The permit violations were for PRC 44014 (b) – The Operator Shall Comply with all Terms and Conditions of Permit - for conducting operations outside of the permitted boundary.

In 2006, the LEA documented eleven State Minimum Standards violations and ten permit violations. The State Minimum Standards violations were for CCR 14 Section 17867(a)(8) - Fire Prevention - for not maintaining fire lanes; CCR 14 Section 17867(a)(12) - Leachate Control - for not controlling leachate; CCR 14 Section 17863 - Report of Composting Site Information - for not disposing the residuals in designated containers; CCR 14 Section 17868.5 - Loadchecking - for accepting a heavily contaminated load; and CCR 14 Section 17869(a) - Inspection of Records - for records not being readily available. The permit violations were for PRC 44014 (b) – The Operator Shall Comply with all Terms and Conditions of Permit - for conducting operations outside of the permitted boundary and/or exceeding the traffic volume and PRC 44005 – Sell, Convey or Transfer Ownership - for not submitting the notification forms.

In 2005, the LEA documented four State Minimum Standards violations and three permit violations. The State Minimum Standards violations were for CCR 14 Section 17867(a)(8) - Fire Prevention - for not maintaining fire lanes and CCR 14 Section 17867(a)(12) - Leachate Control - for not controlling leachate. The permit violations were for PRC 44014 (b) - The Operator Shall Comply with all Terms and Conditions of Permit - for conducting operations outside of the permitted boundary and/or exceeding the traffic volume.

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. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the Riverside County Planning 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.

California Bio-Mass, Inc. currently operates under a Full Solid Waste Facilities Permit, issued by the LEA on January 14, 2000. The proposed Solid Waste Facilities Permit presently under consideration is for the expansion of the existing peak traffic level of 56 vehicles per day to 350 vehicles per day and reduction in hours open to the public from 6:30 am to 5:00 pm to new hours of 7:00 am to 4:00 pm. The peak tonnage, the capacity and site acreage were not proposed to change.

The Riverside County Planning Department, prepared the following environmental document for the current proposed project, the expansion of the existing peak vehicle levels at the California Bio-Mass facility: A Mitigated Negative Declaration, State Clearinghouse No. 2005081072, was circulated for a 30-day review period from August 11, 2005 through September 9, 2005. The Mitigated Negative Declaration was adopted by the Riverside County Board of Supervisors on March 19, 2008. The Mitigated Negative Declaration identified Aesthetic, Air Quality, Geology and Soils (erosion, wind and/or blows and erosion), Hydrology and Water Quality, Land Use/Planning, Noise, Public Services (fire), Transportation/Traffic, Utility and Service Systems (solid waste) as potentially significant, but with mitigation incorporated were less than significant. The Department staff considered the environmental effects of the project as set out in the Mitigated Negative Declaration in reaching its recommendation that the Department concur in the proposed Solid Waste Facilities Permit for California Bio-Mass.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the Mitigated Negative Declaration prepared by the Riverside County Planning Department, 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. Department staff has reviewed and considered the CEQA Findings adopted by the Riverside County Board of Supervisors. The CEQA Findings demonstrate that, with respect to each of the project's potentially significant environmental effects, the Riverside County Planning Department required changes to the project to avoid or substantially lessen the potentially significant environmental effects. The conditions the Riverside County Planning Department imposed on the project will accomplish the desired avoidance of the potentially significant effects to: Aesthetics, Air Quality, Geology and Soils (erosion, wind and/or blows and erosion), Hydrology and Water Quality, Land Use/Planning, Noise, Public Services (fire), Transportation/Traffic, Utility and Service Systems. Department

staff recommends that the Department adopt the Riverside County Board of Supervisors CEQA Findings as its own.

Department staff further recommends the Mitigated Negative Declaration together with the CEQA Findings, 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 Mitigated Negative Declaration 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 extensively noticed consistent with the CEQA and SWFP requirements. A review from the public process indicates that environmental justice issues were not identified by the surrounding community (Census Tract 456.05). Census information indicates that the surrounding population is approximately 38.0% white, 0.3% black or African American, 2.7% American Indian & Alaska Native, 1.7% Asian, 0.1% Native Hawaiian & other Pacific Islander, and 54.0% "some other race" and 3.2% "two or more races". Approximately 93.0% of the total population described themselves as Hispanic or Latino. 33.4 % 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:

The LEA conducted a public informational hearing on December 16, 2009. The informational meeting was held at 82225 Airport Blvd. in Vista Santa Rosa. Ten individuals signed the attendance log. No oral or written public comments were received.

The Department staff provided an opportunity for public comment during the WCMP Workshop on June 14, 2010 and July 12, 2010. No oral or written public comments have been received by the Department or LEA staff.

Department Staff Actions:

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