

Waste Compliance and Mitigation Program Staff Report
Solid Waste Facilities Permit Revision for Barstow Sanitary Landfill
SWIS No. 36-AA-0046
June 28, 2010

Background Information, Analysis, and Findings:

This report was developed in response to the San Bernardino 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 Barstow Sanitary Landfill, SWIS No. 36-AA-0046, located in San Bernardino County and owned and operated by San Bernardino County Solid Waste Management Division. 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 different version of the proposed permit was submitted on June 24, 2010. Action must be taken on this proposed permit no later than August 23, 2010. If no action is taken by August 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 (2007 SWFP)	Proposed Permit
Maximum Tonnage	750 tons per day* * see LEA condition d	1,500 Tons Per Day * *see LEA condition d
Maximum Traffic Volume	306 vehicles per day	650 Trips Per Day
Total Permitted Area (in acres)	640	645
Disposal Area (in acres)	47	331
Design Capacity	4,084,500 cubic yards	80,354,500 cubic yards
Maximum Elevation (Ft. amsl)	2,985	3,130
Maximum Depth (Ft amsl)	Approx. 2,800	Approx. 2,760
Estimated Closure Date	May 2010	May 2071
Section 16, Self Monitoring	Self - monitoring program reporting programs described in other documents controlling this facility, the following programs shall be reported to the LEA and others as follows: reporting due by the 15th of the month following the end of the reporting period.	The owner/operator shall submit the results of all self monitoring programs to the Local Enforcement Agency within 30 days of the end of the reporting period.
Section 17, Conditions	a. The operator shall comply with all State Minimum Standards for solid waste handling and disposal as	a. The operator shall comply with all State Minimum Standards for solid waste

	<p>specified in Title 14 and 27, California Code of Regulations (CCR). The operator shall not operate the facility without possession of all required permits/regulatory approvals. The operator shall inspect this site at least once each day of operation to ensure compliance with all applicable standards.</p> <p>b. The operator shall maintain a log of special/unusual occurrences. This log shall include, but is not limited to, fires, explosions, the discharge and disposition of hazardous or unpermitted wastes, and significant injuries, accidents or property damage. Each log entry shall be accompanied by a summary of any actions taken by the operator to mitigate the occurrence. The log shall be available to site personnel and the LEA at all times.</p> <p>c. Additional information concerning the design and operation of the facility shall be furnished upon request and within the timeframe specified by the LEA.</p> <p>d. The maximum permitted daily tonnage is 750 tons per day (600 tpd solid waste/150 liquid waste) and shall not receive more than this amount without a revision of this permit. This limit does not apply to clean earthen material or materials ready for use as alternative daily cover.</p> <p>e. This permit is subject to review by the LEA and may be suspended, revoked, or revised at any time for sufficient cause.</p> <p>f. The LEA 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>handling and disposal as specified in Title 14 and 27, California Code of Regulations (CCR).</p> <p>b. The operator shall maintain a log of special/unusual occurrences. This log shall include, but is not limited to, fires, explosions, the discharge and disposition of hazardous or unpermitted wastes, and significant injuries, accidents or property damage. Each log entry shall be accompanied by a summary of any actions taken by the operator to mitigate the occurrence. The log shall be available to site personnel and the LEA at all times.</p> <p>c. The site supervisor (foreman) shall have convenient access to those essential technical and regulatory documents pertaining to CalRecycle/LEA jurisdiction which govern operation of the facility. The regulatory documents include the Solid Waste Facility Permit, loadchecking procedures, windy weather policy, and elements of the Joint Technical Document that the operator deems to be essential to the proper operation and maintenance of the facility in relations to CalRecycle/LEA jurisdiction.</p> <p>d. The maximum permitted daily tonnage is 1,500 tons per day (approximately 1,200 tpd solid waste /300 tpd liquid waste). The landfill would take no more than 300 tpd of liquid waste (including septic</p>
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	<p>g. 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 change without first submitting a written notice of the proposed change, in the form of a JTD amendment, to the LEA at least 180 days in advance of the change.</p> <p>h. The site supervisor shall have convenient access to those essential technical and regulatory documents pertaining to CIWMB/LEA jurisdiction, which govern operation of the facility. The regulatory documents include the Solid Waste Facility (Facilities) Permit, loadchecking procedures, windy weather policy, and elements of the Joint Technical Document elements that the operator deems to be essential to proper operation and maintenance of the facility as to CIWMB/LEA jurisdiction.</p> <p>i. Hours of Site Activities may include receiving up to 6 transfer trucks from Big Bear Transfer Station between the hours of 7:00 a.m. to 8:00 a.m. with prior notification to the LEA.</p>	<p>and chemical toilet waste) based on impoundment capacities, but may receive more than 1,200 tpd of solid waste based on a sliding scale if less than 300 tpd of liquid wastes are received. This limit does not apply to clean earthen material or materials ready for use as alternative daily cover.</p> <p>e. The LEA 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>f. 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 change without first submitting a written notice of the proposed change, in the form of a JTD amendment, to the LEA at least 180 days in advance of the change.</p> <p>g. Hours of Site Activities may include receiving up to 6 transfer trucks from Big Bear Transfer Station between the hours of 7:00 a.m. to 8:00 a.m. with prior notification to the LEA.</p> <p>h. 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 CCR 27 Section 21685 have been provided and made. Staff has determined that 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 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.

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 21, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	The LEA provided the required documentation. [The SWFP was last revised in 2007.]	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	The LEA initially submitted a proposed solid waste facilities permit on May 25, 2010. A different version of the proposed permit was submitted on June 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 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 Siting Element as described in their memo dated June 17, 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	The WCMP staff in the Cleanup, Closure, and Financial Assurances Division found the Preliminary Closure/Postclosure Maintenance Plan is consistent with State Minimum Standards.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6)(A) Financial Assurances Documentation compliance	The WCMP staff in the Cleanup, Closure, and Financial Assurances Division found the Financial Assurances Documentation in compliance.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6)(B) Operating Liability compliance	The WCMP staff in the Cleanup, Closure, and Financial Assurances Division found the Operating Liability in compliance.	<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 27, 2010. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

CCR Title 27 Sections	Findings	
21685(b)(8) LEA CEQA finding	The LEA provided a finding in their permit submittal package received on May 26, 2010 and June 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 23, 2010. No member of the general public was in attendance. No written or oral 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 in regard to this project, a proposed revised solid waste facilities permit. WCMP staff has 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 April 27, 2010. No violations were noted.

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

- In 2009, the LEA cited eight State Minimum Standard violations for 27 CCR Section 20921- Gas Monitoring and Control, for the concentration of methane gas exceeding regulatory limits. In addition, the LEA cited one violation for 27 CCR Section 21780 - Closure Plans for the submittal of closure plans. The operator in a letter dated March 8, 2010, indicated that corrective action had been taken. The LEA determined compliance with 27 CCR Section 20921 on March 8, 2010. The operator submitted to the LEA in December 2009, the required closure plans.
- In 2005, the LEA documented one State Minimum Standards violation for 27 CCR Section 20830 - Litter Control.

Environmental Analysis:

Under the California Environmental Quality Act (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 San Bernardino County, Land Use Services 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.

The Barstow Sanitary Landfill currently operates under a Full Solid Waste Facilities Permit, issued by the LEA on July 25, 2007. The proposed Solid Waste Facilities Permit under consideration is for the expansion of the landfill from 640 total acres to 645 total acres,

expansion of the disposal footprint from 47 acres to 331 acres, increasing peak tonnage from 750 tons per day to 1500 tons per day, increasing permitted traffic volume from 306 vehicles per day to 650 vehicles per day and changing the estimated closures date from May 2010 to May 2071. Additionally, the expansion area facilities would include: a composite liner for new areas to be used for municipal solid waste disposal; landfill gas monitoring system; groundwater and surface water monitoring system; drainage and erosion control; and landfill gas collection and control system.

The San Bernardino County, Land Use Services Department, prepared the following environmental documents for the current proposed project, the expansion of the existing Barstow Sanitary Landfill: a Draft Environmental Impact Report, State Clearinghouse No. 2005071084, which was circulated for a 45 day review period from September 5, 2006 through October 19, 2006, the Draft Environmental Impact Report was re-circulated for another 45 day review period from November 14, 2008 through December 30, 2008, and a Final Environmental Impact Report which was certified on October 20, 2009 by the San Bernardino County Board of Supervisors. CEQA Findings, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program were adopted by the San Bernardino County Board of Supervisors on October 20, 2009. The San Bernardino County Board of Supervisors CEQA Findings, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program are attached and incorporated herein. The Department staff considered the environmental effects of the project as set out in the EIR in reaching its recommendation that the Department concur in the proposed Solid Waste Facilities Permit for Barstow Sanitary Landfill.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the EIR prepared by the San Bernardino County, Land Use Services 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 San Bernardino County Board of Supervisors. The CEQA Findings demonstrate that, with respect to each of the project's significant environmental effects, the San Bernardino County, Land Use Services Department required changes to the project to avoid or substantially lessen the significant environmental effect. The conditions the San Bernardino County, Land Use Services Department imposed on the project will accomplish the desired avoidance or substantial lessening of the significant effects to Aesthetics and Air Quality. Department staff recommends that the Department adopt the San Bernardino County Board of Supervisors CEQA Findings as its own.

Notwithstanding the conditions and mitigation measures imposed by the San Bernardino County, Land Use Services Department, there remain certain environmental effects that cannot be avoided or substantially lessened. The following adverse impacts are considered to be significant and unavoidable: Aesthetics - Substantial adverse effect on a scenic vista and substantial degrading of the existing visual character or quality of the site and its surroundings; Air Quality - Generation of emissions in excess of thresholds set by the Mojave Desert Air Quality Management District. During construction of the landfill cells, daily emission thresholds for nitrogen oxides (NO_x) and particulate matter PM₁₀ would be exceeded. Long-term air quality impacts associated with landfill operations would result in the yearly emission thresholds for carbon monoxide (CO), reactive organic gases (ROG), and NO_x would be exceeded; and Global Climate Change - Reduce Greenhouse Gas emissions to 1990 levels by 2020 in compliance with AB 32. Significant unavoidable impacts from the emissions of greenhouse gases (GHG) associated with Barstow Sanitary Landfill operations are projected. Except for

Aesthetics and Air Quality the proposed project would have no significant cumulative impacts: Aesthetics - Cumulative short-term impacts to aesthetics would be significant even with mitigation and Air Quality - Cumulative short-term (construction-related) and long-term (operations) impacts to regional air quality would be significant even with mitigation.

The San Bernardino 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.

On October 20, 2009, the San Bernardino County Board of Supervisors adopted a Statement of Overriding Considerations (attached) for the significant impacts to Aesthetics, Air Quality and Global Climate Change. The Statement of Overriding Considerations memorializes the San Bernardino County Board of Supervisors determination that the project benefits outweigh its adverse environmental impacts. The benefits from the issuance of the Solid Waste Facilities Permit and the subsequent expansion of Barstow Sanitary Landfill include:

- The closure of old, unlined landfills, which will be capped and maintained through the post-closure period, minimizing impacts to the environment;
- Establishing transfer stations and recycling facilities at the closed landfills, further enhancing waste diversion capabilities;
- Constructing new, lined expansion areas at regional landfills (including Barstow Sanitary Landfill), which are designed using the latest technology in environmental monitoring and control systems; and
- Implementing an efficient, cost-effective, comprehensive system of solid waste disposal within San Bernardino County.

Before concurring on this permit, the Department must adopt a Statement of Overriding Considerations that indicates its reasons for concurring in the proposed Solid Waste Facilities Permit notwithstanding 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 San Bernardino 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.

Department 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:

The California Environmental Quality Act record indicates no offsite cumulative environmental impacts. The project document availability, hearings, and associated meetings were extensively noticed consistent with the California Environmental Quality Act 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 Tract 120). Census information indicates that the surrounding population is approximately 56.2% white, 13.0% black or African American, 2.4% American Indian/Alaska Native, 4.0% Asian, 1.4% Native Hawaiian & other Pacific Islander, 6.2% "two or more race", and 16.8% "some other race." 32.1% of the total population described themselves as Hispanic or Latino. 10.3% 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 did not receive any comments from the informational meeting. No oral or written public comments have been received by LEA staff. On April 23, 2010, WCMP staff attended the informational meeting. On June 3, 2010, WCMP staff received an electronic message from a member of the public with questions regarding the name of the landfill owner, the estimated closure date and the availability of the proposed permit. Department staff replied to the electronic message.

Department Staff Actions:

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