

Waste Compliance and Mitigation Program Staff Report
Solid Waste Facilities Permit Revision for Neal Road Recycling and Waste Facility
SWIS No. 04-AA-0002
May 21, 2011

Background Information, Analysis, and Findings:

This report was developed in response to the Butte 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 that would add a Transfer/Processing Facility to the Neal Road Recycling and Waste Facility, SWIS No. 04-AA-0002, located in Butte County, owned by County of Butte Department of Public Works and operated by Butte County Department of Public Works. A copy of the proposed permit is attached. The report contains the Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The initial application for a proposed permit revision was received by the Department of Resources Recycling and Recovery (Department) on October 7, 2010, but was withdrawn by the LEA on December 3, 2010 as there were deficiencies in the facility's Closure and Post-Closure Maintenance Plans. The proposed permit re-submittal was received on March 22, 2011. If no action is taken by May 21, 2011, 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
Permitted Area	Landfill: 140 acres Transfer/Processing Facility: N/A	Landfill: 140 acres Transfer/Processing Facility Building: 10 acres
Permitted Operations	Landfill Disposal Site.	Addition of 540 tons per day Transfer/Processing activity. Processing of Construction and Demolition (C&D) waste.
Legal Description of Facility	The legal description of this facility is contained in section 3.1 Page 11 of the Joint Technical Document dated January 2005	The legal description of this facility is contained in section 3.1 page 11 of the Report of Disposal Site Information dated February 2010
Findings	The Environmental Impact Report (EIR) was filed with the State Clearinghouse (SCH # 2001062067) and certified by the Butte County Board of Supervisors on February 12, 2002. The EIR described and supports the design and operation, which will be authorized by the issuance of the permit. A Notice of Determination was filed with the State Clearinghouse on February 15, 2002.	The Environmental Impact Report (EIR) was filed with the State Clearinghouse (SCH # 2001062067) and certified by the Butte County Board of Supervisors on February 12, 2002. The EIR described and supports the design and operation, which will be authorized by the issuance of the permit. A Notice of Determination was filed with the State Clearinghouse on February 15, 2002. A Mitigated Negative Declaration (MND) for Resource Recovery Facility (RRF) was circulated at the State Clearinghouse (SCH # 2010032078) and certified by the Butte

		County Board of Supervisors on September 28, 2010. The MND describes and supports the design and operation of the RRF and does not interfere with the conditions of this permit.
Findings	N/A	The location of the Resource Recovery Facility Unit is identified in Butte County Nondisposal Facility Element approved by Butte County Board of Supervisors on June 24, 2009. Amendment of Butte County NDFE submitted to CIWMB on July 2009.
Findings	N/A	A Notice of Determination for Resource Recovery Facility Unit was filed with the State Clearinghouse on September 29, 2010.
Enforcement Agency (EA) Conditions	The maximum permitted daily tonnage for this facility is 1500 tons per day and shall not receive more than this amount without a revision of this permit. Permitted tonnage does not include clean non-waste construction material for use at the landfill or septage delivered to holding ponds.	The maximum permitted daily tonnage for this facility is 1500 tons per day and shall not receive more than this amount without a revision of this permit. The maximum permitted daily tonnage of 1500 tons per day will include the waste received at the Resource Recovery Facility Unit. The Resource Recovery Facility shall not exceed its design capacity of 540 tons per day without permit and environmental review. The 1500 tons per day limit does not apply to clean earthen material, or clean non-waste construction material for use at the landfill, or septage delivered to holding ponds.

Findings:

Staff recommends concurrence with the issuance of the proposed revised Solid Waste Facilities Permit. All of the required submittals and other findings required by Title 27, Section 21685 have been provided and made. Staff has determined that California Environmental Quality Act 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 Branch Chief with this Staff Report and are permanently maintained in the facility files maintained by the Permits and Certification Division.

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 October 1, 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 April 9, 2010 and provided a copy to the Department on April 14, 2010.	<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 March 22, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A)	The LEA in their permit submittal package received on	<input checked="" type="checkbox"/> Acceptable

CCR Title 27 Sections	Findings	
Consistency with Public Resources Code 50001	March 22, 2011 provided a finding that the facility is consistent with PRC 50001 and CalRecycle staff in the Jurisdiction and Product Compliance Unit found the facility is identified in the Countywide Siting Element as described in their memo dated November 8, 2010.	<input type="checkbox"/> Unacceptable
21685(b)(5) Preliminary or Final Closure/Post Closure Maintenance Plans consistency with State Minimum Standards	Engineering Support Branch staff in the Closure and Facility Engineering Unit found the updated Preliminary Closure/Post Closure Maintenance Plans to be consistent with State Minimum Standards as described in their memo dated April 06, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b) (7) (A) Financial Assurances Documentation compliance	Permitting & Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances Documentation in compliance as described in their memo dated April 20, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b) (7) (B) Operating Liability compliance	The Permitting & Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in their memo dated April 20, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	Waste Evaluation and Enforcement Branch (WEEB) staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during the inspection conducted on May 03, 2011. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA finding	The LEA provided an initial finding in their permit submittal package received on October 7, 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 Public Notice was posted by the LEA at the subject Facility and at the County of Butte Department of Environmental Health office. A Public Informational meeting for the proposed project was held by the LEA on August 19, 2010.	<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. Permits staff has determined that the CEQA record can be used to support the Division Chief'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 WEEB staff in the Inspections and Enforcement Agency Compliance Unit on May 03, 2011. One violation of Title 27, Section 20921 – Gas Monitoring and Control was noted during the inspection. Methane was measured at 8% by volume in air at

the medium level gas probe for landfill gas perimeter well # 5. The LEA conducted a follow-up inspection on May 9, 2011 and found no methane gas above regulatory limits in Well #5. The facility is currently in compliance with Title 27, Section 20921 – Gas Monitoring and Control.

Below are the details of the landfill's compliance history based on the LEA's monthly inspection reports during the last five years.

In 2005 the LEA noted twelve (12) violations of Title 27 Section 20919.5, Explosive Gas Control; six (6) violations for PRC 44014 (b), Operator Complies with Terms and Conditions of Permit; and two (2) violations for Title 27 Section 20690, Alternative Daily Cover (ADC). In 2006 there were twelve (12) violations of Title 27 Section 20919.5, Explosive Gas Control. In 2007 the LEA noted ten (10) violations for Explosive Gas Control. In 2008 the LEA noted twelve violations for Explosive Gas Control. No violations were noted in all of 2009. In 2010, the LEA noted 2 violations of Title 27 Section 20921, Gas Monitoring and Control. In the first four months of 2011, the LEA noted 3 violations for Title 27 Section 20921, Gas Monitoring and Control.

The violations for Explosive Gas Control were all noted for closed cells of the landfill. The LEA issued a Notice and Order for the violations and the operator developed a Gas Remediation Plan to abate the violations. Four additional extraction wells were installed in April 2008. By September 2008, methane levels dropped to below the 5% compliance levels.

The violations noted in 2005 for PRC 44014(b) were all associated with exceeding the vehicle count in the permit. On July 29, 2005; the SWFP was revised to increase the vehicle count.

Alternative Daily Cover violations noted in 2005 were all due to the operator leaving the geosynthetic fabric (tarp) over waste for longer than 24 hours. These violations were corrected by removing the tarp within a 24 hour period and placing new waste on the cell. Soil meeting the performance requirements for daily cover was used in the cell to correct the violation.

Environmental Analysis – 04-AA-0002

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.

The following environmental documents have been prepared for the proposed Neal Road Resource Recovery Facility (NRRRF) Transfer/Processing Facility project:

- A Mitigated Negative Declaration (MND) State Clearinghouse No. 2010032078 was circulated for a review period from August 7, 2010 through September 15, 2010. The MND was adopted by the Butte County Board of Supervisors on September 28, 2010.

The documents cited above support the following:

The development of a Transfer/Processing Facility, The NRRRF, located at the Neal Road Recycling and Waste Facility site, the relocation of weighing scales, and the relocation of administrative offices.

The Butte County Department of Public Health, Division of Environmental Health (LEA) has made a finding that the documents cited above and in the revised SWFP support the operation and design on this facility.

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 the Lead Agency for its consideration of the Permit.

Local Issues:

According to the 2000 census, the population of Census Tract 22 indicates that the surrounding population is approximately 92% white, 0.2% black or African American, 1.4% Asian and 2.1% some other race. Of the total population in the Census Tract, a total of 222 or 4.3% identify themselves as Hispanic or Latino. The median household income is \$32,716 and 6.6% of the families are below the poverty line. Staff has not identified any current 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:

A Public Informational Meeting for the proposed project was held by the LEA on August 19, 2010. The only public comment received at the meeting was from the owner of the adjacent parcel, Mr. Don Swartz. Mr. Swartz, in a letter dated August 18, 2010, to the Director of Butte County Department of Public Works, included issues on a variety of topics including; future adjacent land use, landscaping, right to connect to the sanitary sewer line at the Neal Road Recycling and Waste Facility, and comments on an alternative energy project. Mr. Swartz did not discuss the proposed Resource Recovery Facility. The meeting was not attended by Department staff.

Department Staff Actions:

Staff responded to questions from the LEA and operator regarding the permit process including detailed assistance in making the Preliminary Closure and Post Closure Maintenance Plans consistent with State Minimum Standards. The Department provided an opportunity for public comment during the Monthly Public Meeting on April 12, 2011.