

**Permitting and Assistance Branch Staff Report**  
Solid Waste Facilities Permit Revision for the San Onofre Landfill  
SWIS No. 37-AA-0902  
March 25, 2011

**Background Information, Analysis, and Findings:**

This report was developed in response to the San Diego County Local Enforcement Agency (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit for the San Onofre Landfill, SWIS No. 37-AA-0902, located in San Diego County, owned and operated by the United States Marine Corps, Camp Pendleton. A copy of the proposed permit is attached. The report contains Permitting and Assistance Branch staff's analysis, findings, and recommendations.

The proposed revised permit was initially received on April 7, 2010. The operator initially waived the statutory timelines on May 18, 2011, followed by two more waivers in September 2010 and January 2011 to address landfill gas compliance issues. The most recent version of the proposed revised permit was received on February 24, 2011. Action must be taken on this permit no later than April 25, 2011. If no action is taken by April 25, 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<br>(1998 SWFP)  | Proposed Permit   |
|------------------------------|--|---|
| Maximum Daily Tonnage        | 50 tons  | 100 tons  |
| Maximum Daily Traffic Volume | 35 vehicles per day  | 50 vehicles per day   |
| Total Permitted Site         | 32.6 acres   | 64.4 acres  |
| Remaining Capacity           | Remaining capacity as of April, 1998 was estimated at 1,920,000 cubic yards.   | Remaining capacity as of September, 2009, is estimated at 1,244,986 cubic yards   |
| Estimated Closure Date       | November 2257  | May 31, 2052  |
| 13. LEA Findings             | a) Pursuant to Public Resources 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. (A County-wide Integrated Waste Management Plan (CIWMP) was approved by the California | a) Pursuant to Public Resources Code §50001 (a)(1), this facility is a solid waste disposal facility identified and described on pages SE 32 – SE 33 in the county-wide siting element, which has been approved pursuant to Public Resources Code §41721. (The 2005 5 Year Revision Final County-wide Integrated Waste Management Plan was approved by the California Integrated Waste Management Board |

|  | Current Permit<br>(1998 SWFP)  | Proposed Permit  |
|--|--|--|
|  | <p>Integrated Waste Management Board on June 25, 1997).</p> <p>b) This permit is consistent with standards adopted by the California Integrated Waste Management Board (CIWMB). (Public Resources Code § 44010).</p> <p>c) The LEA has determined that the design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal, based on a review of the August 1998 Joint Technical Document and an inspection of the facility conducted on December 4, 1998.</p> <p>d) The LEA has reviewed and considered the information, including the environmental effects of issuing this Solid Waste Facility Permit, contained in the Environmental Assessment dated November 1998 and Finding of No Significant Impact dated November 9, 1998, prepared by the United States Marine Corps, and finds that there are no significant unmitigatable environmental effects arising out of the issuance of this Solid Waste Permit. The LEA will file a Notice of Determination with the County Clerk upon this issuance of this revised Solid Waste Facility Permit.</p> | <p>on September 20-21, 2005).</p> <p>b) This permit is consistent with standards adopted by the California Department of Resources Recycling and Recovery (CalRecycle), formally known as the California Integrated Waste Management Board. (Public Resources Code § 44010).</p> <p>c) The LEA has determined that the design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal, based on a review of the October 2009 Joint Technical Document and an inspection of the facility conducted on March 3, 2010.</p> <p>d) The LEA has reviewed and considered the information, including the environmental effects of issuing this Solid Waste Facility Permit, contained in the Environmental Assessment July 2000 and the Finding of No Significant Impact dated August 19, 2002 prepared by the United States Marine Corps along with a Continuing Environmental Review Statement (CERS) filed April 7, 2010, and finds that there are no significant unmitigatable environmental effects arising out of the issuance of this Solid Waste Permit. The LEA will file a Notice of Determination with the County Clerk upon this issuance of this revised Solid Waste Facility Permit.</p> |

|                     | Current Permit<br>(1998 SWFP)  | Proposed Permit  |
|---------------------|--|--|
| 15. Documents       | <p>Joint Technical Document, August 20, 1998</p> <p>Joint Technical Document Amendments, November 9, 1998 and January 15, 1999</p> <p>Preliminary Closure/Post Closure Plan, August 20, 1998</p> <p>Waste Discharge Requirements Order # 87-52, June 15, 1987</p> <p>Federal Certification, May 27, 1998</p>   | <p>Environmental Assessment Finding of No Significant Impact (SCH. 2008064007), July 2000, August 19, 2002</p> <p>Continuing Environmental Review Statement (CERS) (SCH. 2010044005), April 7, 2010</p> <p>Joint Technical Document (JTD), October 30, 2009</p> <p>Preliminary Closure/Post Closure Plan, October 30, 2009</p> <p>Waste Discharge Requirements Order # 00-54, May 10, 2000</p> <p>Tentative Waste Discharge Order #R9-2010-0004, TBD</p> <p>Federal Certification, January 30, 2009</p>  |
| 16. Self Monitoring | <p>Tonnage records reporting frequency: Quarterly</p> <p>Remaining capacity reporting frequency: Annually</p>  | <p>Tonnage records reporting frequency: Maintained on Site (See Condition b of Section 17)</p> <p>Remaining Capacity reporting frequency: Annually (See Condition d of Section 17)</p>   |
| 17. LEA Conditions  | <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) Tonnage records shall be submitted to the LEA by mail on a quarterly basis and summarized on a form provided by the LEA for that purpose. The reporting periods and due dates are: 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. (San Diego County</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) Daily tonnage records shall be maintained on site and be available for LEA inspection during routine monthly inspections.</p> <p>c) The operator shall maintain, and keep current, a record of the number and types of vehicles hauling waste to the facility.</p> <p>d) The operator shall prepare and submit annually (due Sept. 1) a report regarding remaining capacity at the</p> |

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|--|---|--|
|  | <p>Code of Regulatory Ordinances §65.107).</p> <p>c) The operator shall maintain, and keep current, a record of the number and types of vehicles hauling waste to the facility.</p> <p>d) The operator shall prepare and submit annually (due July 1) a report regarding remaining capacity at the site.</p> <p>e) The operator shall maintain a complete copy of this Solid Waste Facility Permit, Joint Technical Document and State Minimum Standards for Solid Waste Disposal Sites at the site at all times.</p> <p>f) No significant change in design or operation of this facility shall be taken without prior application to and approval by the LEA (Public Resources Code §44004).</p> <p>g) 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>h) The Solid Waste Facility Permit is subject to review by the LEA and may be suspended, revoked or modified at any time for sufficient cause.</p> | <p>site.</p> <p>e) The operator may utilize alternative daily cover as outlined in the most current JTD.</p> <p>f) The operator shall maintain a copy of this Solid Waste Facility Permit and Joint Technical Document at the site at all times.</p> <p>g) No significant change in design or operation of this facility shall be taken without prior application to and approval by the LEA (Public Resources Code §44004).</p> <p>h) 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>i) The Solid Waste Facility Permit is subject to review by the LEA and may be suspended, revoked or modified at any time for sufficient cause.</p> |

**JTD Updates:**

In addition to changes in the permit, there are changes to the JTD including updates to current facility design documents and other minor updates reflected in replacement pages to the Report of Facility Information.

**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 made and the required California Environmental Quality Act (CEQA) findings have been made in support of 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 Branch Chief with this Staff Report and are permanently maintained in the facility files maintained by the Permitting and Assistance Branch.

| CCR Title 27 Sections   | Findings  |   |
|---|---|---|
| 21685(b)(1) LEA Certified Complete and Correct Report of Facility Information                           | The LEA provided the required certification on their permit submittal letter dated February 24, 2011.   | <input checked="" type="checkbox"/> Acceptable<br><input type="checkbox"/> Unacceptable |
| 21685(b)(2) LEA Five Year Permit Review   | The LEA completed a Five Year Permit Review on October 5, 2009, and provided a copy to the Department on October 15, 2009.  | <input checked="" type="checkbox"/> Acceptable<br><input type="checkbox"/> Unacceptable |
| 21685(b)(3) Solid Waste Facility Permit   | The LEA submitted a proposed Solid Waste Facilities Permit on February 24, 2011.  | <input checked="" type="checkbox"/> Acceptable<br><input type="checkbox"/> Unacceptable |
| 21685 (b)(4)(A) Consistency with Public Resources Code 50001  | The LEA, in their permit submittal package received on April 7, 2010, provided a finding that the facility is consistent with PRC 50001 and Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Countywide Siting Element as described in their memo dated April 27, 2010. | <input checked="" type="checkbox"/> Acceptable<br><input type="checkbox"/> Unacceptable |
| 21685(b)(5) Preliminary Closure/ Postclosure Maintenance Plans Consistency with State Minimum Standards | Engineering Support Branch staff in the Closure and Engineering Unit found the Preliminary Closure/Postclosure Maintenance Plans consistent with State Minimum Standards described in a memo dated February 22, 2010.   | <input checked="" type="checkbox"/> Acceptable<br><input type="checkbox"/> Unacceptable |
| 21685(b)(6)(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 February 15, 2011.  | <input checked="" type="checkbox"/> Acceptable<br><input type="checkbox"/> Unacceptable |
| 21685(b)(6)(B) Operating Liability Compliance   | Permitting & Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in their memo dated February 15, 2011.   | <input checked="" type="checkbox"/> Acceptable<br><input type="checkbox"/> Unacceptable |
| 21685(b)(7) Operations Consistent with State Minimum Standards  | WEEB staff in the Inspections & Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on March 15, 2011. See compliance history below for details.   | <input checked="" type="checkbox"/> Acceptable<br><input type="checkbox"/> Unacceptable |
| 21685(b)(8) LEA CEQA Finding  | The LEA provided a finding in their permit submittal package received March 22, 2010, and February 24, 2011, that the proposed permit is consistent with and supported by the existing CEQA documentation. See details below.   | <input checked="" type="checkbox"/> Acceptable<br><input type="checkbox"/> Unacceptable |
| 21650(g)(5) Public Notice and/or Meeting, Comments  | A public informational meeting was conducted on February 18, 2010, at 3:00 p.m. at the Stuart Mesa Housing Office, 3105 Mitchel Blvd. at Camp   | <input checked="" type="checkbox"/> Acceptable<br><input type="checkbox"/> Unacceptable |

| CCR Title 27 Sections                                       | Findings  |   |
|---|---|---|
|   | Pendleton, California. No members of the public attended the meeting, and no public comments were received by the LEA or Department staff.  |   |
| 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 Director's action on the proposed revised permit. See details below. | <input checked="" type="checkbox"/> Acceptable<br><input type="checkbox"/> Unacceptable |

**Compliance History:**

The facility was inspected by WEEB staff in the Inspections & Enforcement Agency Compliance Unit on March 15, 2011. No violations were observed.

Below are the details of the landfill's compliance history based on the LEA's monthly inspection reports. The LEA observed the following violations of State Minimum Standards during the past five years:

A violation was noted for Title 27, Section 20921(a)(2) – Gas Monitoring & Control on May 12, 2010. A Corrective Action Plan was approved in October 2010 and the LEA determined compliance was achieved on December 29, 2010. A violation for this section was also noted by Department WEEB staff during the same inspection.

A violation was noted in September 2009 for Title 27, Section 21640 – Review of Permits.

A violation was noted in April 2006 for Title 27, Section 20680 – Daily Cover.

All violations were corrected to the satisfaction of the LEA.

**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 documents prepared by the United States Marine Corps, Camp Pendleton, 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 San Onofre Landfill currently operates under a SWFP, issued by the LEA on March 4, 1999. The proposed Revised SWFP under consideration includes an increase in maximum daily tonnage from 50 to 100 tons; increase in maximum vehicles per day from 35 vehicles to 50 vehicles; an update to clearly define the facility boundaries from 32.6 acres to 64.4 acres (with no change in disposal footprint); an update to the remaining capacity calculation from 1,920,000 cubic yards to 1,244,986 cubic yards; an update in the estimated closure date from November 2257 to May 2052; a change in daily cover to allow alternative daily cover as outlined in the

most current JTD; other minor updates to the Report of Facility Information; updates to current design documents and updated LEA findings.

The United States Marine Corps, Camp Pendleton, acting as Lead Agency, has prepared the following environmental documents for the San Onofre Landfill:

- The United States Marine Corps, Camp Pendleton, acting as lead agency, has prepared a Joint Document titled *Continuing Environmental Review Statement for Establishing the Las Pulgas and San Onofre Landfill Facility Boundaries*, State Clearinghouse (SCH) No. 2010044005, for their approval of a boundary change. The document was circulated for a 30 day comment period from April 7, 2010 through May 6, 2010.
- A previous Joint Document (Environmental Assessment/Finding of No Significant Impact), titled *San Onofre Landfill Permitted Increase in Daily Tonnage and Traffic* (SCH No. 2008064007) included analysis for increases in the maximum daily tonnage and maximum daily vehicles allowed at the facility. The document was circulated for a 15 day comment period from June 30, 2008 through July 14, 2008. A Federal Certification was filed on December 3, 2008.
- The original Environmental Assessment/Negative Declaration document for San Onofre Landfill is *San Onofre Landfill Permitted Disposal Area Expansion/Leachate Collection And Recovery System* (SCH No. 1998034021). The document was circulated for a 30 day comment period from March 9, 1998 through April 8, 1998. A Notice of Determination was filed on February 25, 1999.

The project document availability, hearings, and associated meetings were adequately noticed and conducted consistent with the CEQA and National Environmental Policy Act (NEPA).

The San Onofre Landfill is located north of the City of Oceanside and west of the City of Fallbrook, between Interstate 5 and Interstate 15 in northern San Diego County. The Landfill property is located within the northwestern part of United States Marine Corps Base Camp Pendleton. County zoning designations do not apply to Camp Pendleton, which is federal land. Land uses existing within a 1,000 feet of the landfill boundary include vacant land, and open space.

The County of San Diego Local Enforcement Agency has provided a finding that the proposed Revised Solid Waste Facilities Permit is consistent and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the environmental documents 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 Lead Agency for its consideration of the proposed permit.

Department staff has reviewed and considered the Joint Document (Continuing Environmental Review Statement) Marine Corps Base, Camp Pendleton. Department staff further recommends the Joint Documents of record are adequate for the Department's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, 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 SWFP and all of its components and supporting documentation, this staff report, the Joint Document (Continuing Environmental Review Statement) adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed SWFP. 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 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 187). Census information indicates that the surrounding population is approximately 63.7% white, 12.8% is black, 3.4% Asian, 0.5% Pacific Islander, 12.9% Some Other Race, 5.3% reported as Two or More Races and 1.4% declined to state their race. 22% identified as Hispanic or Latino. 7.7% of the families were below the poverty level. 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 held a public informational meeting on February 18, 2010, at 3:00 p.m. at the Stuart Mesa Housing Office, 3105 Mitchel Blvd. in Camp Pendleton. No members of the public attended the meeting and no comments were received by the LEA or Department staff.

The Department provided an opportunity for public comment during the Monthly Public Meeting held on March 15, 2011.

**Department Staff Actions:**

Staff have worked with the LEA throughout the permit process by providing comments on permitting documents and attended the public meeting where the project was discussed.