Solid Waste Facility Permit

Facility Number: **30-AB-0019**

1. Name and Street Address of Facility:	2. Name and Mailing Address of Operator:	3. Name and Mailing Address of Land Owner:
Prima Deshecha Landfill 32250 La Pata Avenue San Juan Capistrano, CA 92675	OC Waste & Recycling 300 N. Flower Street, Suite 400 Santa Ana, CA 92703	OC Waste & Recycling 300 N. Flower Street, Suite 400 Santa Ana, CA 92703

4. Specifications:

a. Permitted Operations:

- ☒ Solid Waste Disposal Site
- ☐ Transformation Facility
- ☐ Transfer/Processing Facility (MRF)
- ☐ Composting Facility (Green Material)

b. Permitted Hours of Operation: Receipt of Refuse: 7:00 a.m. to 5:00 p.m. Monday through Saturday (307 days/year)
Ancillary Operations (Construction and Maintenance): 24 hr/day Monday through Sunday

c. Permitted Maximum Tonnage[1]: 4,000 tons/day Combined for the Facility and Prima Deshecha MRF and includes maximum 350 tons/day of digested dewatered biosolids from POTWs

d. Key Design Parameters:

	Total	Disposal	Transfer/Processing	Composting	Transformation
Permitted Area (acres)[2][3]	1,530	Zone 1 = 269.2; Zone 4 = 409 WMU2 = 19	N/A	N/A	N/A
Design Capacity (MCY)[4]		Zone 1 = 53.1; Zone 4 = 118.5 WMU2 = 1.3	N/A	N/A	N/A
Max. Elevation (Ft. MSL)		Zone 1 = 600; Zone 4 = 1,010 WMU2 = 580			
Max. Depth (Ft.)[5]		Zone 1 = 210; Zone 4 = 430 WMU2 = 90			
Estimated Closure Year[6]		Zone 1 = 2019; Zone 4 = 2067 WMU2 = 1980			

Upon significant change in design or operation from that described herein and unless the facility operator complies with LEA conditions 17(j) and 17(k) hereinafter, this permit is subject to revocation or suspension. Attached Findings and LEA Conditions are integral parts of this permit and supersede those of previously-issued permits.

(1) Prima Deshecha MRF permitted daily tonnage is 1,000.

(2) Land Use designations for Zones 2, 3, and 5 (encompassing 730 acres of the site's total area) are transportation, recreational and native habitat, respectively. Total disturbed area for Zone 1 = 437 acres, and that for Zone 4 = 641 acres.

(3) WMU1 (encompassing 125 acres) is completely within Zone 1. WMU2 encompasses a total of 33 acres, of which 14 acres are within Zone 4.

(4) As of Dec. 31, 2010, remaining design capacity: Zone 1 = 22.9 MCY, Zone 4 = 117.5 MCY, and partial WMU2 (19 acres outside Zone 4) = 0 MCY. Design Capacity for Zones 1 and 4 is the airspace occupied by liner system, LCRS, refuse, daily and intermediate covers. Total design capacity of WMU2 = 2.3 MCY. The 19 acres of WMU2 outside of Zone 4 is assumed to occupy 1.3 MCY of airspace, based on ratio of disposal area outside of Zone 4 to total WMU2 disposal area.

(5) Maximum depth of refuse for Zones 1 and 4 is based on the difference between base excavation and permitted fill grades. Zone 1 excavation and permitted fill grades, and design capacity remained unchanged. Due to anticipated unsuitable cover material to be excavated within the Zone 4 area, its base excavation grade has been adjusted to maintain its balanced cover soil design while maintaining its lowest excavation grade, highest final grade, and total design capacity.

(6) Existing CEQA documents support continued development and operation of Zone 1 through 2019, and Zone 4 through 2067, assuming Zone 1 reaches permitted fill elevation and design capacity prior to moving waste disposal operations to Zone 4. However, recent (2011) waste tonnage projections suggest closure dates beyond those shown above.

5. Approval:	6. Enforcement Agency Name and Address:
Richard Sanchez, REHS, MPH Director, Environmental Health	County of Orange Health Care Agency Environmental Health Solid Waste Local Enforcement Agency 1241 E. Dyer Rd., Suite 120 Santa Ana, CA 92705
7. Date Received by CalRecycle: NOV 02 2011	8. CalRecycle Concurrence Date:

9. Permit Issued Date:	10. Permit Review Due Date:	11. Owner/Operator Transfer Date:
		N/A

12. Legal Description of Facility: Zone 1: City of San Juan Capistrano Assessor's Parcel Numbers 124-081-22, 24, 26 and 27 and 124-140-42, 44, 46, 47, 48, 50, 52, 54 and 55; Zone 4: City of San Juan Capistrano Assessor's Parcel Numbers 124-101-05 and 06, and 125-162-06 and 125-172-05.

13. Findings:

a. This permit is consistent with the County of Orange Countywide Integrated Waste Management Summary Plan (CIWMP), which was approved by the California Department of Resources Recycling and Recovery (CalRecycle) in March 27, 1996. The last five year review of CIWMP was completed in January 2011.

b. The location of the Facility is identified in the Countywide Siting Element in compliance with Public Resources Code (PRC) Section 50001.

c. This permit is consistent with the standards adopted by CalRecycle, pursuant to PRC Section 44010.

d. The Orange County Fire Authority has determined that the Facility is in conformance with applicable fire standards pursuant to PRC Section 44151.

e. The design and operation of the Facility is consistent with the State Minimum Standards for solid waste handling and disposal as determined by the Local Enforcement Agency, pursuant to PRC Section 44009.

f. Program EIR 575 (SCH No. 99041035) certified on 11/06/2001 supports the Facility's General Development Plan (GDP) as detailed in the Joint Technical Document (JTD). Supplemental EIR 597 (SCH No. 1999041035) certified on 6/19/2007 supported GDP's second amendment.

14. Prohibitions:

Unless stated otherwise in the JTD, the Facility operator is prohibited from accepting hazardous, universal, designated, radioactive, incinerator waste, untreated biosolids, wastes having water content > 50% by weight (except for digested dewatered biosolids), dead animals (except incidentals), tires, friable asbestos, infectious waste, grease trap and septic tank pumpings. No medical waste shall be accepted unless autoclaved (sterilized) prior to disposal. Treated wood waste cannot be disposed in unlined waste-fill areas of the facility (e.g. WMU1 and WMU2). Prohibited non-hazardous waste (e.g. tires, dead animals) may be accepted only after processing JTD amendment(s), or in circumstances outlined in LEA conditions 17(c), 17(n) and 17(q) of this permit.

15. The following documents describe and/or restrict the operation of this Facility*:

	Date		Date
Joint Technical Document (including Preliminary Closure and Postclosure Maintenance Plans)	June 2011	Closure Financial Assurance (Annual Closure Escrow Account Report)	9/01/2010
RWQCB-SD Waste Discharge Requirements R9-2003-0306 Addendum 1 to R9-2003-0306 R9-2006-0036 NPDES No. 2009-0009-DWQ NPDES No. 97-03-DWQ 401 Certification	 11/12/2003 6/10/2005 3/14/2006 7/01/2010 6/04/1997 02/11/2002	Postclosure Maintenance Financial Assurance (Pledge of Revenue Agreement between CalRecycle and County)	10/01/1991
CEQA EIR 575 (SCH No. 99041035) SEIR 597 (SCH No. 1999041035) Addendum 1 to SEIR 597 ND 381 (SCH No. 2001121010) ND 414 (SCH No. 2003081090)	 11/06/2001 6/19/2007 4/20/2010 01/28/2002 9/17/2003	Operating Liability Financial Assurance (Certificate of Self Insurance and Risk Management)	5/23/2011
SCAQMD Facility Permit to Operate (Title V) including Permit to Operate Nos. F22159 F38717 F83427 N24522 G8104	 9/21/1999 4/11/2001 8/09/2011 8/09/2011 8/09/2011	US Fish and Wildlife Biological Opinion US Army Corps of Engineers 404 Permit CA Dept. of Fish and Game Section 1601 Agreement	02/08/2002 02/14/2002 02/19/2001
MOU San Juan Capistrano San Clemente 1st Amendment to San Juan Capistrano MOU	 9/12/1995 7/01/1997 11/21/1995	CUP – San Juan Capistrano Modification to CUP	12/05/1995 6/22/1999

* Permit Nos. and agreements may be updated regularly by the issuing agency.

16. Self Monitoring:

Facility operator shall submit results of all self-monitoring programs to the Local Enforcement Agency (LEA) by the due dates shown below.

a. Quarterly Reporting

Each report shall be submitted in an electronic format or hard-copy that includes the following for the reporting period:

1. Identification of all waste disposal areas on a legible site map drawn to scale.
2. Quantities (tons) and types of wastes received, materials salvaged (if any), Exempt materials (see condition 17(v) of this permit) received, and waste buried on a daily basis.
3. Results of prohibited wastes screening/load checking programs (quantities and types) and their disposition.
4. Written summary of all verbal and written public complaints received pertaining to LEA-enforced regulations, odors, and Facility operator's response.
5. A written summary of all special/unusual occurrences (S/U O). Examples include, but not limited to, whenever daily combined tonnage of Prima Deshecha MRF and the Facility approaches or exceeds permitted tonnage (see condition 17(g)), unscheduled Facility shutdown, accidents, property damage, employee and public injuries, surface and subsurface fires, explosions, detonation events, landslides, unintentional waste exposure, disposal of prohibited waste, public nuisance incidents or complaints (verbal and written), inspections/visits by other regulatory agencies, etc. and Facility operator's response.
6. All regulatory notices (e.g., Notice to Comply, Notice of Violation, Notice & Order, Cease & Desist Order, Clean-up & Abatement Order, etc.) received and Facility operator's response.
7. Employees training log (including dates, course descriptions, etc.) which shall be kept current.
8. Results of the landfill gas monitoring program at the Facility, pursuant to CCR Title 27, Section 20918 et seq.

Reporting Period	Report Due Date
January through March	May 15
April through June	August 15
July through September	November 15
October through December	February 15

b. Annual Reporting

Facility operator shall submit a bound hard-copy of Capacity Report to the LEA no later than February 15 of each year. The Capacity Report shall include the following information for the preceding year with calculations, sources of data used in the calculations, and assumptions identified:

1. Total quantity of buried waste (tons)
2. Volume of airspace filled (cubic yards)
3. Remaining airspace capacity calculated as gross and refuse only (cubic yards)
4. Derived Annual Airspace Utilization Factor (tons/cubic yards) and change in annual airspace utilization factor between reporting and preceding year
5. Date of first waste placement in a new phase, if construction of such a phase was completed
6. Site plan (color-coded) showing limits of wet and dry weather disposal areas, major soil stockpiles, existing and permitted contour lines
7. Cross sections (color-coded) showing existing horizontal and vertical limits of waste disposal areas, wet and dry weather, permitted lateral and vertical limits of waste disposal areas, major soil stockpiles and property boundary lines
8. Narrative description of anticipated fill sequencing plan for the subsequent year.

17. Local Enforcement Agency Conditions: These conditions shall be in addition to conditions of other documents controlling operation and/or design of the Facility.

General

a. Additional information concerning the design, construction, operation, closure and postclosure maintenance of the Facility shall be furnished to the LEA upon request and within the timeframe specified by the LEA.

b. The Facility operator shall construct and maintain final prescriptive or alternative cover over all disposal areas in accordance with the latest version of the Closure and Post-Closure Maintenance Plans approved by the LEA, CalRecycle, and RWQCB-SD.

c. The LEA reserves the right to suspend and/or require the Facility operator to modify operations at the Facility when deemed necessary (e.g. accept previously-prohibited non-hazardous waste such as tires or dead animals) due to any emergency, potential public health hazard, and/or public nuisance.

d. This permit is subject to review by the LEA and may be suspended, revoked, revised or modified at any time for sufficient cause.

e. This permit supersedes Solid Waste Facility Permit 30-AB-0019 issued on 3/02/2004.

f. In the following Permitting, Recordkeeping, Notification, and Operation conditions there are references to specific sections of 14 CCR and 27 CCR which are pertinent regulations when this permit is issued. In the future, CalRecycle may amend or repeal any or all of these regulations, or adopt new pertinent regulations. Therefore, the Facility operator should always adhere to the up-to-date pertinent regulations. Should future pertinent regulations conflict with any of the following conditions, and until such time a permitting action is undertaken in the future to address this issue, the Facility operator should comply with the new adopted regulations.

g. Facility operator shall determine compliance status with tonnage limit in specification 4(c) of this permit as sum of waste/materials daily tonnage passing through the scales of Prima Deshecha MRF and the Facility less Exempt materials daily tonnage (see condition 17(v) of this permit) $\leq$ 4,000.

Permitting

h. The Facility operator shall consult with the LEA prior to implementing any design or operational changes, other than those listed in 27 CCR Section 21620(a)(1)(E) defined as Minor Changes, to allow due process review, filing and the completion of all related permitting action(s), if any is required.

i. The Facility operator shall notify the LEA in writing within thirty (30) calendar days of implementing any Minor Changes meeting the requirements of 27 CCR Section 21620(a)(1)(A) through (D).

j. The Facility operator shall submit an application to the LEA at least one hundred eighty (180) calendar days prior to implementing proposed change(s) to Facility's design or operation that require amendment(s) to the Joint Technical Document (JTD), as determined by the LEA based on 27 CCR Section 21665(c). The LEA may shorten application submittal time requirements pursuant to 27 CCR Section 21620(a)(2). Examples where JTD amendment may be required include, but not limited to: Changes in Facility's: sequence of constructing permitted development phases that will not result in change in closure date of either Zone 1 or Zone 4; design of environmental control systems; ancillary facilities; perimeter fencing/security; staffing requirements; waste handling procedures; and control measures for dust, birds, vectors, litter, noise, etc.

k. The Facility operator shall submit an application to the LEA at least one hundred fifty (150) calendar days prior to implementing proposed change(s) to Facility's design or operation that require permit modification, as determined by the LEA based on 27 CCR Section 21665(d).

l. The Facility operator shall submit an application to the LEA at least one hundred fifty (150) calendar days prior to implementing proposed significant change(s) that require permit revision, as determined by the LEA based on 27 CCR Section 21665(e). Examples include, but not limited to, changes in Facility's permitted: Closure date of either Zone 1 or Zone 4, hours and/or days of waste disposal, daily tonnage limit, total Facility area, waste disposal area, waste fill elevation, maximum depth of waste, and design capacity.

17. **Local Enforcement Agency Conditions (continued): These conditions shall be in addition to conditions of other documents controlling operation and/or design of the Facility.**

Permitting (continued)

m. Should the Facility operator opt to move waste disposal operations to Zone 4 while Zone 1 is still active (i.e. Zone 1 has not yet reached permitted fill elevation and design capacity) and prior to revising the Facility's permit, a new adequate CEQA document must be prepared to support postponing Zone 1 closure date beyond 2019, even if Zone 4 permitted closure date remained unchanged.

n. The Facility operator can apply for an Emergency Waiver only after a State of Emergency or Local Emergency has been proclaimed pursuant to 14 CCR Section 17210.2. If granted by the LEA, an Emergency Waiver provides the Facility operator a temporary relief of specific SMS identified in 14 CCR Section 17210.2(c), or specific terms or conditions of this permit.

o. The Facility operator's written request for an Emergency Waiver shall comply with the requirements of 14 CCR Section 17210.3.

p. If an Emergency Waiver is granted by the LEA, the Facility operator shall comply with the reporting requirements of 14 CCR Section 17210.5.

q. The LEA can issue a Stipulated Agreement authorizing a temporary waiver from specific terms and conditions of this permit, up to ninety (90) calendar days that can be extended by the LEA, during a temporary emergency. A Stipulated Agreement cannot authorize relief from SMS requirements. A temporary emergency is defined in 14 CCR 17211.1. Further, the Facility operator shall take notice of the circumstances identified in 14 CCR Section 17211.1 that are not considered temporary emergencies. Stipulated Agreement contents shall adhere to 14 CCR Section 17211.5.

r. The Facility operator's written request for Stipulated Agreement shall comply with the requirements of 14 CCR Section 17211.3(b).

s. If a Stipulated Agreement is issued by the LEA, the Facility operator shall comply with the reporting requirements of 14 CCR Section 17211.6.

Recordkeeping

t. A copy of this permit, JTD, and most recent LEA inspection report shall be maintained at the Facility and available for review by the LEA and other regulatory agencies upon request.

u. The Facility operator shall maintain at the Facility accurate daily records of categorized waste/material tonnage. For example: Exempt as listed in condition 17(v) of this permit, Beneficial Reuse, Alternative Daily Cover, Salvaged/Recycled (if any), Buried, etc. Daily waste/material tonnage records shall be readily accessible to the LEA and other regulatory agencies upon request.

v. Per 27 CCR Section 20686(d), the Facility operator shall record, but not count towards the limit set in specification 4(c) of this permit, accepted daily tonnage of Exempt materials defined as: a) imported soil used for Facility operations purposes, b) PGM as defined in 27 CCR Section 20690(b)(3) used as alternative daily cover, c) broken asphalt and concrete used for road base and wet weather deck construction, and d) other Beneficial Reuse materials (including PGM used for erosion control) as defined in 27 CCR Section 20690. PGM does not include green materials received that are not chipped or ground.

w. The Facility operator shall maintain at the Facility a complete up-to-date S/U O Log. Each daily entry shall include description of S/U O, if any, as outlined in Self-Monitoring Report content 16(a)(5) of this permit and Facility operator's response. Days without S/U O shall be noted with negative entry such as "No S/U O today". The Log shall be readily accessible to Facility personnel, the LEA, and any other regulatory agency upon request.

Notification

x. The Facility operator shall verbally or via e-mail notify the LEA within one (1) business day of any verbal or written public complaint received. The notification or any follow-up reporting thereafter shall include Facility operator's action(s) in response and the outcome, as discussed in Section B.7.1.9 of the JTD.

17. **Local Enforcement Agency Conditions (continued): These conditions shall be in addition to conditions of other documents controlling operation and/or design of the Facility.**

y. The Facility operator shall notify the LEA via e-mail within five (5) business days of receiving any enforcement order, penalties, or fines from other regulatory agencies including, but not limited to: Notice to Comply, Notice of Violation, Cleanup and Abatement Order, Cease and Desist Order, Administrative Civil Liability, etc.

z. The Facility operator shall notify the LEA via e-mail within one (1) business day of any unscheduled Facility shutdown. The notification or any follow-up reporting thereafter shall include reason(s), Facility operator's action(s) in response, and measure(s) implemented to prevent future recurrence.

aa. The Facility operator shall notify the LEA via e-mail within one (1) business day of daily tonnage (calculated per condition 17(g) of this permit) exceeding 4,000. The notification or any follow-up reporting thereafter, shall include reason(s) for the tonnage violation and measure(s) implemented by Facility's operator in response to prevent future recurrence.

Operation

ab. The Facility Operator shall implement operational measures identified in section B.3.7.11 of the JTD, and any other measures as necessary, so that Facility's continued compliance with pertinent SMS is not adversely affected by the Prima Deshecha MRF.

ac. The Facility operator shall comply with 27 CCR Section 20939(b)(1) and shall follow their *Guidelines for Elevated Subsurface Temperature Monitoring and Control* in Appendix H of the JTD including, but not limited to, regulatory agencies' notification requirements. For detected subsurface fire incidents lasting more than one week, the Facility operator shall provide weekly progress reports via e-mail to the LEA no later than the second business day of each week following the first week. Further, the Facility operator shall submit to the LEA a final report within fifteen (15) calendar days of mitigating a subsurface fire. The final report shall include description of subsurface fire cause(s), type (shallow or deep), determined limits, implemented remedial measures, conclusion(s), recommendation(s), maps/plans, field data sheets/logs, photos, etc.

ad. Should the Facility experience chronic subsurface fire incidents as determined by the LEA, the Facility operator may be required to take further action(s) including, but not limited to: a) implementing more proactive measure(s) to minimize the potential of future recurrences, or b) amending the *Guidelines for Elevated Subsurface Temperature Monitoring and Control* in Appendix H of the JTD. The LEA may also issue enforcement order(s).

ae. The Facility operator shall follow the *Supplemental Procedures and Measures* detailed in Appendix H of the JTD addressing abnormally elevated methane gas readings, increasing trend in methane gas readings approaching regulatory limit of 5% by volume concentration, and/or methane gas readings greater than 5% by volume in any compliance probe.

af. The Facility operator shall implement control measures detailed in Section B.7 of the JTD pertaining to nuisance, vector, litter, noise, odor, landfill gas, fire, traffic, and hazardous waste.

ag. The LEA may request the Facility operator to implement additional traffic control measures should, in the opinion of the LEA, vehicular flow in and out of the Prima Deshecha MRF into the Facility's ingress and egress roads prove unsafe.

ah. The only LEA-approved alternative daily covers (ADC) are geosynthetic tarps and processed green material (PGM) as listed in Section B.5.3.1 of the JTD. Any proposal for the use of other ADC material shall be reviewed and approved by the LEA with concurrence by CalRecycle prior to implementation. If and when any proposed plans for other ADC material are submitted to the LEA for demonstration, it will include appropriate consultation with the RWQCB-SD to ensure that any such use is consistent with the existing goals, objectives, outstanding Clean-up and Abatement Orders, if any, and related issues.

ai. PGM, defined in 27 CCR Section 20690(b)(3), when used as ADC, shall be spread and compacted on the working face no later than the end of the working day. PGM applied as ADC shall have average compacted thickness of twelve (12) inches during dry weather, and eighteen (18) inches during wet weather. Further, PGM quantities shall be restricted to those necessary to meet the performance requirements of 27 CCR Section 20690(a)(2). Further, the Facility operator shall inspect delivered PGM loads to ensure that it is contaminants-free, meets the specifications and handled as stated in Section B.5.3.1 of the JTD. PGM used as ADC shall not be exposed for more than twenty one (21) calendar days. Finally, the Facility operator shall not stockpile PGM overnight.

aj. Geosynthetic tarps, as defined in 27 CCR Section 20690(b)(1) and used as ADC, shall be of good condition, meet the specifications, and applied as stated in Section B.5.3.1 of the JTD.

17. **Local Enforcement Agency Conditions (continued): These conditions shall be in addition to conditions of other documents controlling operation and/or design of the Facility.**

ak. Soil is the only approved intermediate cover for the Facility. As stated in Section B.5.5 of the JTD, the Facility has no LEA-approved alternative intermediate cover (AIC). Any proposal for the use of AIC material shall be reviewed and approved by the LEA with concurrence by CalRecycle prior to implementation. If and when any proposed plans for AIC material are submitted to the LEA for demonstration, it will include appropriate consultation with the RWQCB-SD to insure that any such use is consistent with the existing goals, objectives, outstanding Clean-up and Abatement Orders, if any, and related issues.

al. The Facility operator shall follow their *Policy and Procedure Manual No.* 7.24 – *Soil Acceptance Policy and Procedure* in Appendix B of the JTD.