

Permitting & Assistance Branch Staff Report  
Solid Waste Facilities Permit Revision for the Prima Deshecha Sanitary Landfill  
SWIS No. 30-AB-0019  
October 15, 2011

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

This report was developed in response to the Orange County Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery's (Department) concurrence on the issuance of a proposed Solid Waste Facilities Permit revision for the Prima Deshecha Sanitary Landfill, SWIS No. 30-AB-0019, located in San Juan Capistrano and owned and operated by OC Waste & Recycling. A copy of the proposed permit is attached. This report contains the Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was received on September 1, 2011. Another permit was received on September 14, 2011 and November 2, 2011. Action must be taken on this proposed permit no later than December 31, 2012. If no action is taken by December 31, 2012, 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 (2004 SWFP)	Proposed Permit
2. Name and Mailing Address of Operator	County of Orange Integrated Waste Management Department 320 N. Flower Street, Suite 400 Santa Ana, CA 92703	OC Waste & Recycling 300 N. Flower Street, Suite 400 Santa Ana, CA 92703
3. Name and Mailing Address of Land Owner	County of Orange Integrated Waste Management Department 320 N. Flower Street, Suite 400 Santa Ana, CA 92703	OC Waste & Recycling 300 N. Flower Street, Suite 400 Santa Ana, CA 92703
4.d. Key Design Parameters		
Permitted Area (acres)	Zone 1 = 271; Zone 4 = 409 WMU2 = 19	Zone 1 = 269.2; Zone 4 = 409 WMU2 = 19
Max. Depth (Ft.)	Zone 1 = 200; Zone 4 = 410 WMU2 = 90	Zone 1 = 210; Zone 4 = 430 WMU2 = 90
12. Legal Description of the Facility	The legal description of this facility is contained in that certain recorded on November 26, 1997 as document 19970610476 in Official Records of the Recorder, County of Orange, California.	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, 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	<ul style="list-style-type: none"> <li>a. This permit is consistent with the Orange County Integrated Waste Management Plan, which was approved by the CIWMB on April 19, 1996. The location of the facility is identified in the Countywide Siting Element, pursuant to Public Resources Code (PRC) Section 50001(a).</li> <li>b. This permit is consistent with the standards adopted by the CIWMB, pursuant to PRC 44010.</li> <li>c. The design and operation of the facility is consistent with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the enforcement agency, pursuant to PRC 44009.</li> <li>d. The Orange County Fire Authority has determined that the facility is in conformance with applicable fire standards, pursuant to PRC, 44151.</li> <li>e. EIR 575 (SCH#99041035) was filed with the State Clearinghouse and certified by the County of</li> </ul>	<ul style="list-style-type: none"> <li>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.</li> <li>b. The location of the Facility is identified in the Countywide Siting Element in compliance with Public Resources Code (PRC) Section 50001.</li> <li>c. This permit is consistent with the standards adopted by CalRecycle, pursuant to PRC Section 44010.</li> <li>d. The Orange County Fire Authority has determined that the Facility is in conformance with applicable fire standards pursuant to PRC Section 44151.</li> <li>e. The design and operation of the Facility is</li> </ul>

	Current Permit (2004 SWFP)		Proposed Permit	
	Orange Board of Supervisors on November 6, 2001. EIR 575 describes and supports the design and operation, which will be authorized by the issuance of this permit.		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	<p>The permittee is prohibited from accepting the following wastes:</p> <p>Hazardous, radioactive, tires, liquid, designated, or other wastes requiring special treatment or handling, except as identified in the Joint Technical Document and approved amendments thereto and as approved by the Enforcement Agency and other federal, State, and local agencies. No wastewater sludge shall be accepted in excess of 350 TPD.</p> <p>No medical wastes shall be accepted unless autoclaved (sterilized) prior to disposal at the facility, and shall be pushed in and covered immediately pursuant to procedure described in Appendix B of the Joint Technical Document.</p>		<p>Unless stated otherwise in the JTD, the Facility operator is prohibited from accepting hazardous, universal, designated, radioactive, incinerator waste, untreated biosolids, waste having water content &gt; 50% by weight (except for digested dewatered biosolids), dead animals (except for 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(d), 17(o) and 17(r) of this permit.</p>	
15. The following documents describe and/or restrict the operation of this Facility:	Joint Technical Document Revision 1	07/2002 07/2003	Joint Technical Document (including Preliminary Closure and Postclosure Maintenance Plans)	June 2011
	RWQCB-SD Waste Discharge Requirements Order No. R9-2003-0306 93-86 89-102 89-102 Amendment No. 1 89-102 Tech Change Order No. 1 NPDES Permit	11/12/2003 09/01/1993 12/20/1989 09/19/1997 12/18/1989 11/04/1992	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
	SCAQMD Permit No. F22159 F38717 R-F22337	09/21/1999 04/11/2001 05/16/2001	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
	CEQA EIR575 (SCH#99041035) ND#381 (SCH#2001121010) ND#414 (SCH#2003081090)	11/06/2001 01/28/2002 09/17/2003	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
	San Juan Capistrano/County or Orange MOU	09/1995	MOU San Juan Capistrano San Clemente 1 <sup>st</sup> Amendment to San Juan Capistrano MOU	9/12/1995 7/01/1997
	San Juan Capistrano/County of Orange MOU (1 <sup>st</sup> Amendment)	11/1995		11/21/1995
	San Clemente/County of Orange MOU	07/1997		
	Preliminary Closure and Postclosure Maintenance Plan Revision 1	07/2002 07/2003	Closure Financial Assurance (Annual Closure Escrow Account Report)	9/01/2010
Closure Financial Assurance Documentation (Escrow and Pledge of Revenue Agreement with CIWMB)	10/1991	Postclosure Maintenance Financial Assurance (Pledge of Revenue Agreement between CalRecycle and County)	10/01/1991	

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	Operating Liability Certification (Certificate of Self-Insurance and Risk Management)	10/2003	Operating Liability Financial Assurance (Certificate of Self Insurance and Risk Management)	5/23/2011																				
	Conditional Use Permit (issued by City of San Juan Capistrano) 1 <sup>st</sup> Modification to CUP 2 <sup>nd</sup> Modification to CUP	12/1995 11/1998 06/1999	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																				
			CUP – San Juan Capistrano Modification to CUP	12/05/1995 6/22/1999																				
16. Self Monitoring	<p>The owner/operator shall submit the results of all self-monitoring programs to the Local Enforcement Agency by the due dates shown below. Each Self Monitoring report shall include:</p> <ol style="list-style-type: none"> <li>1. Identification of all areas where waste was disposed of during the reporting period. Include a site map (11x17 minimum) drawn to scale. Reporting Frequency: Quarterly</li> <li>2. Quantities and types of waste (in tons) received, recycled and salvaged material recovered (in tons) on a daily basis for the reporting period. Reporting Frequency: Quarterly</li> <li>3. Logs of all verbal and copies of all written complaints (pertaining to LEA-regulated parameters and odors) regarding this facility and the operator's actions in response. Verbally notify the LEA within one business day and in writing within five business days of complaint receipt. Reporting Frequency: Quarterly</li> <li>4. Logs of special/unusual occurrences (S/U O) documenting all unscheduled facility shut downs, accidents, property damage, employees and customers' injuries, fires, explosions, discharge and disposition of hazardous or unpermitted wastes, public nuisance incidents, etc. and the operator's actions in response. Verbally notify the LEA within one business day and in writing within five business days of any facility unscheduled shut down. Include the operator's actions in response. Reporting Frequency: Quarterly</li> <li>5. Results of the hazardous waste and all other prohibited wastes screening/load checking programs (quantities and types) and the disposition of these wastes. Reporting Frequency: Quarterly</li> <li>6. All regulatory notices (e.g., Notice to Comply, Notice of Violation, Notice &amp; Order, Cease &amp; Desist Order, Clean-up &amp; Abatement Order) received by the facility and the operator's actions in response. Reporting Frequency: Quarterly</li> <li>7. Results of the landfill gas monitoring program at the facility, pursuant to CCR Title 27, Division 2, Chapter 3, Subchapter, Article 6. Reporting Frequency: Quarterly</li> </ol> <table border="0"> <tr> <td>Self Monitoring Period</td> <td>Report Due Date</td> </tr> <tr> <td>January through March</td> <td>May 1</td> </tr> <tr> <td>April through June</td> <td>August 1</td> </tr> <tr> <td>July through September</td> <td>November 1</td> </tr> <tr> <td>October through December</td> <td>February 1</td> </tr> </table>		Self Monitoring Period	Report Due Date	January through March	May 1	April through June	August 1	July through September	November 1	October through December	February 1	<p>Facility operator shall submit results of all self-monitoring programs to the Local Enforcement Agency (LEA) by the due dates shown below.</p> <ol style="list-style-type: none"> <li>a. Quarterly Reporting Each report shall be submitted in an electronic format or hard-copy that includes the following for the reporting period. <ol style="list-style-type: none"> <li>1. Identification of all waste disposal areas on a legible site map drawn to scale.</li> <li>2. Quantities (tons) and types of wastes received, material salvaged (if any), Exempt materials (see condition 17(w) of this permit) received, and waste buried on a daily basis.</li> <li>3. Results of prohibited wastes screening/load checking programs (quantities and types) and their disposition.</li> <li>4. Written summary of all verbal and written public complaints received pertaining to LEA-enforced regulations, odors, and Facility operator's response.</li> <li>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(h)), 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.</li> <li>6. All regulatory notices (e.g., Notice to Comply, Notice of Violation, Notice &amp; Order, Cease &amp; Desist Order, Clean-up &amp; Abatement Order, etc.) received and Facility operator's response.</li> <li>7. Employees training log (including dates, course descriptions, etc.) which shall be kept current.</li> <li>8. Results of the landfill gas monitoring program at the Facility, pursuant to CCR Title 27, Section 20918 et seq.</li> </ol> <table border="0"> <tr> <td>Reporting Period</td> <td>Report Due Date</td> </tr> <tr> <td>January through March</td> <td>May 15</td> </tr> <tr> <td>April through June</td> <td>August 15</td> </tr> <tr> <td>July through September</td> <td>November 15</td> </tr> <tr> <td>October through December</td> <td>February 15</td> </tr> </table> </li> <li>b. Annual Reporting</li> </ol>		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
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	<p>Reporting Frequency: Quarterly</p> <p>Employees training log (including dates, course descriptions, etc.) which shall be kept current. Reporting Frequency: Upon Request by LEA</p> <p>The operator shall submit an annual Capacity Report to the LEA no later than February 15 of each year. The report shall include the following information for the preceding year: a) total waste tonnage landfilled at the facility, b) volume of air space filled (cubic yards), include calculations; c) remaining air space capacity (cubic yards) include calculations, d) site plan showing limits of disposal areas (identify wet and dry weather disposal areas), major soil stockpiles, existing and ultimate permitted contour lines (color coded), e) cross sections showing limits (horizontal and vertical) of waste disposal areas, ultimate permitted waste fill footprint and elevations, major soil stockpiles and property boundary lines (color coded), f) all assumptions and sources of data used in the calculations, and g) fill sequencing plan for the forthcoming year. Reporting Frequency: Annually</p>	<p>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:</p> <ol style="list-style-type: none"> <li>1. Total quantity of buried waste (tons)</li> <li>2. Volume of airspace filled (cubic yards)</li> <li>3. Remaining airspace capacity calculated as gross and refuse only (cubic yards)</li> <li>4. Derived Annual Airspace Utilization Factor (tons/cubic yards) and change in annual airspace utilization factor between reporting and preceding year</li> <li>5. Date of first waste placement in a new phase, if construction of such a phase was completed</li> <li>6. Site plan (color-coded) showing limits of wet and dry weather disposal areas, major soil stockpiles, existing and permitted contour lines</li> <li>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</li> <li>8. Narrative description of anticipated fill sequencing plan for the subsequent year.</li> </ol>
<p>17. Local Enforcement Agency Conditions:</p>	<p>These conditions shall be in addition to conditions of other documents controlling operation and/or design of the facility.)</p> <ol style="list-style-type: none"> <li>1. The operator shall comply with all State Minimum Standards for solid waste handling and disposal as specified in Title 27 California Code of Regulations.</li> <li>2. Nothing in this permit shall prevent the operator from complying with all pertinent federal State, and local regulatory requirements. Nothing in these conditions shall be construed as relieving the facility operator, or designee from the obligation of obtaining all required permits, licenses, or other clearances and complying with all orders, laws, regulations, reports, or other requirements of other regulatory or enforcement agencies.</li> <li>3. Facility operator shall notify the LEA in writing with proposed amendments to the Joint Technical Document (JTD), at least one hundred eighty (180) calendar days in advance of proposed significant changes (as determined by the LEA) to the facility's design or operation to allow for early consultation, completion of all required documents/due process review/filing and the completion of all related permitting processes. Examples of changes that require such notification include, but are not limited to: facility master development/phasing plan, permitted hours and/or days of operation, permitted tons per day limit, permitted total area, permitted waste disposal area, maximum waste fill elevations, maximum depth of waste, site design capacity (liner, LCRS, refuse and cover) and/or estimated closure year.</li> <li>4. The LEA reserves the right to suspend and/or modify waste receiving and handling operations at this facility when deemed necessary due to an emergency, a potential health hazard, or the creation</li> </ol>	<p>These conditions shall be in addition to conditions of other documents controlling operation and/or design of the Facility.</p> <p><u>General</u></p> <ol style="list-style-type: none"> <li>a. Additional information concerning the design, construction, operation, closure and postclosure maintenance of the Facility shall be furnished to the LEA upon request and with the timeframe specified by the LEA.</li> <li>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.</li> <li>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.</li> <li>d. This permit is subject to review by the LEA and may be suspended, revoked, revised or modified at any time for sufficient cause.</li> <li>e. This permit supersedes Solid Waste Facility Permit 30-AB-0019 issued on 3/02/2004.</li> <li>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 these regulations, or adopt new pertinent regulations. Therefore, the Facility operator should always adhere to the up-to-date pertinent regulations. Should future</li> </ol>

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	<p>of a public nuisance.</p> <p>5. Additional information concerning the design and operation of this facility shall be furnished to the LEA (and other regulatory agencies) upon request within the time frame specified by the LEA.</p> <p>6. This SWFP is subject to review by the LEA and may be suspended, revoked or modified at any time for sufficient cause.</p> <p>7. As outlined in Section 16 of the SWFP, the operator shall maintain at the facility, or other approved location, accurate daily records of the tonnage/day (categorized as Exempt, Salvaged, Recycled, Buried Waste, etc.) and number of vehicles/day. Such records shall be readily accessible at the facility to the LEA and other regulatory agencies.</p> <p>8. As outlined in Section 16, the operator shall maintain at the facility a log of special/unusual occurrences (S/U O). The log shall include, but not be limited to: all unscheduled facility shut downs; fires; explosions; disposal of hazardous, unusual or unpermitted waste; incidents or personal injury; accidents; and property damage. Each log entry shall be accompanied by a summary of the responses/corrective actions taken by the operator to mitigate any negative impacts of each occurrence. Days without incidents of S/U O shall be noted with an appropriate negative entry for such days such as: "No S/U O today." The log shall be readily accessible to facility personnel, the LEA and other regulatory agencies upon request. A written summary of the log entries during a quarter shall be furnished to the LEA in accordance with the self-monitoring reporting schedule.</p> <p>9. Waste and cover material shall be spread and compacted utilizing methods to maximize compaction, minimize odor and wind-blown litter, and to decrease the attraction of animals, birds, and vectors to the site. Personnel shall not secure the site each day until the operator's inspection confirms that at least six (6) inches of compacted soil cover (or approved alternative daily cover) has been placed over all waste and sufficient to prevent such nuisances. On-site litter shall not be allowed to accumulate, so as to create such as attraction.</p> <p>10. The operator shall not accept for disposal sludge in excess of 350 TPD. Further, the operator shall only accept digested dewatered sludge from municipal wastewater treatment plants for disposal.</p> <p>11. The operator shall provide final cover over all areas in accordance with the Preliminary Closure and Post-Closure Maintenance Plan approved by the LEA, CIWMB, and RWQCB-SD.</p> <p>12. The only LEA-approved alternative daily covers are geosynthetic blankets (tarps) and processed green material. Any proposal for the use of other alternative daily cover material shall be reviewed and approved by the LEA with concurrence by the CIWMB prior to implementation. If and when any proposed plans for other alternative daily cover 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, and related issues.</p> <p>13. The operator shall be responsible for any violation issued by the LEA for the on-site construction and demolition (C&amp;D) waste recycling facility. Further, the operator shall allow only the local franchised waste hauler to utilize the on-site (C&amp;D) waste recycling facility.</p> <p>14. A copy of this permit, JTD, most recent LEA</p>	<p>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.</p> <p>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(w) of this permit) <math>\leq</math> 4,000.</p> <p><u>Permitting</u></p> <p>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 actions(s), if any is required.</p> <p>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).</p> <p>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(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 environment control systems; ancillary facilities; perimeter fencing/security; staffing requirements; waste handling procedures; and control measures for dust, birds, vectors, litter, noise, etc.</p> <p>k. 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) to Facility's design or operation that require permit modification, as determined by the LEA based on 27 CCR Section 21665(d).</p> <p>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.</p> <p>m. Should the Facility operator opt to move waste disposal 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.</p> <p>n. The Facility operator can apply for an Emergency Waiver only after a State of Emergency has been proclaimed pursuant to 14 CCR Section 17210.2.</p>

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	<p>inspection report and most recent tonnage report shall be maintained at the site. These documents shall be available for review by the LEA or other regulatory agencies upon request.</p> <p>15. The operator shall notify the LEA via fax or e-mail as soon as the maximum permitted daily tonnage has been exceeded. Within two (2) business days of tonnage exceedance, the operator shall submit a follow-up report to the LEA. The report shall cite reasons for the exceedance and measures implemented to prevent a recurrence.</p> <p>16. This permit superseded Solid Waste Facility Permit 30-AB-0019 issued on 12/18/1995 with an updated first page after Five-year Permit Review performed by the LEA in 2000.</p>	<p>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 the permit.</p> <p>o. The Facility operator's written request for an Emergency Waiver shall comply with the requirements of 14 CCR Section 17210.3.</p> <p>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.</p> <p>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.</p> <p>r. The Facility operator's written request for Stipulated Agreement shall comply with the requirements of 14 CCR Section 17211.3(b).</p> <p>s. If a Stipulated Agreement is issued by the LEA, the Facility operator shall comply with the reporting requirements of 14 CCR 17211.6.</p> <p><u>Recordkeeping</u></p> <p>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.</p> <p>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(w) 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.</p> <p>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 as 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 material received that are not chipped or ground.</p> <p>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.</p> <p><u>Notification</u></p> <p>x. The Facility operator shall verbally or via e-mail</p>

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		<p>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.</p> <p>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.</p> <p>aa. 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 reasons(s), Facility operator's actions(s) in response, and measure(s) implemented to prevent future recurrence.</p> <p>ab. The Facility operator shall notify the LEA via e-mail within one (1) business day of daily tonnage (calculated per condition 17(h) 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 the Facility's operator in response to prevent future recurrences.</p> <p><u>Operation</u></p> <p>ac. 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.</p> <p>ad. The Facility operator shall comply with 27 CCR Section 20939(b)(1) and shall follow their <i>Guidelines for Elevated Subsurface Temperature Monitoring and Control</i> 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.</p> <p>ae. 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 <i>Guidelines for Elevated Subsurface Temperature Monitoring and Control</i> in Appendix H of the JTD. The LEA may also issue enforcement order(s).</p> <p>af. The Facility operator shall follow the <i>Supplemental Procedures and Measures</i> 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</p>

	Current Permit (2004 SWFP)	Proposed Permit
		<p>compliance probe.</p> <p>ag. 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.</p> <p>ah. 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.</p> <p>ai. 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.</p> <p>aj. 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.</p> <p>ak. 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.</p> <p>al. 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.</p> <p>am. The Facility operator shall follow their <i>Policy and Procedure Manual No.7.24 - Soil Acceptance Policy and Procedure</i> in Appendix B of the JTD.</p>

**Findings:**

Staff recommends concurrence with the issuance of the proposed revised permit. All of the submittals and findings required by Title 27, Section 21685 have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings are summarized in table below. The documents on

which staff's findings are based have been provided to the Branch Chief with this staff report and are permanently retained in the facility files maintained by the 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 August 29, 2011.	<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 February 27, 2009 and provided a copy to the Department on March 2, 2009.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facilities Permit	The LEA submitted a proposed solid waste facilities permit on November 2, 2011.	<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 September 1, 2011, provided a finding that the facility is consistent with PRC 50001 and Waste Evaluation & Enforcement Branch (WEEB) in the Jurisdiction Product & Compliance Unit found the facility is identified in the Siting Facility Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated September 7, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(5) Preliminary or Final Closure/ Postclosure Maintenance Plans Consistency with State Minimum Standards	Engineering Support Branch staff in the Closure and Facility Engineering Unit found the Preliminary Closure/ Postclosure Maintenance Plan is consistent with State Minimum Standards as described in their memorandum dated July 11, 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 memorandum dated September 6, 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 memorandum dated September 6, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on August 18, 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 a finding in their permit submittal package received on September 1, 2011, 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

CCR Title 27 Sections	Findings	
21650(g)(5) Public Notice and or Meeting, Comments	The LEA conducted a public information meeting on July 27, 2011 regarding the proposed revised permit. No members of the public attended and no oral or written comments have been received by the LEA or Department 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. Permits staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised permit.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

**Compliance History:**

The facility was inspected on August 18, 2011 by WEEB staff in the Inspections and Enforcement Agency Compliance Unit. No violations of State Minimum Standards or of the current permit were noted.

No violations of State Minimum Standards or permit terms and conditions have been noted during the past five years.

**Environmental Analysis:**

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed revised SWFP 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 OC Waste & Recycling, formerly the Orange County Integrated Waste Management 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 Orange County Solid Waste Local enforcement Agency (LEA) has provided a finding that the proposed Solid Waste Facility Permit is consistent and supported by 14 CCR, Section 15061(b)(3), that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The LEA filed a Notice of Exemption (NOE) with the Orange County Clerk Recorder on October 26, 2011 for the Solid Waste Facility Permit Revision which will not result in any significant impacts under CEQA pursuant to Section 15061(b)(3).

Department staff prepared a Preliminary Review to determine whether an Exemption is adequate for the Department's concurrence on this proposed Solid Waste Facility Permit. Department staff made the finding/determination that the activity is covered by the General Rule, 14 CCR Section 15061(b)(3), is adequate for the Department's concurrence in this proposed Solid Waste Facility Permit. Staff's finding is based on the fact that there is no expansion of use or change in operations from those authorized under the current Solid Waste Facility Permit. The proposed permit will provide more accurate maximum depth waste in Zones 1 and 4, which will not change the existing permitted airspace capacity, lowest base excavation elevation, or ultimate fill elevation. The facility will continue to accept a maximum of 4,000 tons per day.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, prepare a Notice of Exemption, based on the General Rule (Section 15061(b)(3)), to be filed with the State

Clearinghouse after the Department's concurrence in the Solid Waste Facility Permit proposed by the LEA, in that the proposed permit is to be issued to an existing facility that will not expand or significantly change its operations from those authorized under the current Solid Waste Facility Permit. Further, there are no grounds under CEQA for the Department to prepare an environmental document or assume the role of Lead Agency for its consideration of the proposed Solid Waste Facility Permit.

Department staff further recommends the Exemption is adequate for the Director's environmental evaluation of the proposed project since 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 Facility Permit. Department staff has reviewed and considered the CEQA findings of the Orange County Solid Waste Local Enforcement Agency. Department staff recommends the CEQA Exemption, together with the CEQA finding, is adequate for the Director'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 revised Waste Facility Permit and all of its components and supporting documentation, this staff report, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised Solid Waste Facility 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 SWFP requirements. A review from the public process indicates that environmental justice issues were not identified by the surrounding community (Census Tract 320.23). 2010 census information indicates that the surrounding population is approximately 90.9% White, 0.3% Black or African American, 0.5% American Indian or Native Alaskan, 2.7% Asian, 0.2% Native Hawaiian and Other Pacific Islander, 2.4% some other race, and 3.0% two or more races. 13.4% of the total population describe themselves as Hispanic or Latino. 9.2% of the families are below the poverty level, according to 2000 data for Census Tract 320.23 (2010 income data was not available). 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 posted public notice nor did any citizens attend the public information meeting on July 27, 2011. The LEA received one comment via email regarding whether the application was subject to CEQA. The LEA responded that the proposed changes were consistent with existing CEQA documents on file. No oral or written public comments have been received by Department staff.

**Department Staff Actions:**

Staff responded to questions from the LEA regarding the permit process. The Department provided an opportunity for public comment during the Monthly Public Meeting on September 20, 2011 and October 18, 2011. No public comments were received on this project during the meeting.