

Permitting & Assistance Branch Staff Report

Revised Solid Waste Facilities Permit for

Waste Resources Recovery

SWIS No. 19-AA-0857

December 5, 2011

Background Information, Analysis, and Findings:

This report was developed in response to the Los Angeles County, Department of Public Health, Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for Waste Resources Recovery, SWIS No. 19-AA-0857, located in Los Angeles County and owned and operated by Waste Resources Recovery, Inc. A copy of the proposed permit is attached. The report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was received on October 31, 2011. Action must be taken on this permit no later than December 30, 2011. If no action is taken by December 30, 2011, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

Proposed Changes

The following changes to the permit are being proposed:

	Current Permit (1997)	Proposed Permit
Hours of Operation	6:00A.M. to 5:00 P.M. Monday through Friday, 6:00A.M. to 12:00 Noon Saturday	(Receipt of Refuse/Waste) Monday through Friday – 6:00 P.M. to 5:00 P.M.; Saturday – 6:00 P.M. to 2:00 P.M. (Ancillary Operations) Monday through Saturday – 6:00 A.M. to 5:00 P.M.
Findings	<p>a. The permit is consistent with the Los Angeles Countywide Integrated Waste Management Plan, which was approved by the California Integrated Waste Management Board (CIWMB) on June 23, 1999. The location of the facility is identified in the Los Angeles County Nondisposal Facility Siting Element, pursuant to Public Resources Code (PRC), Section 50001 (a)(2)</p> <p>b. This permit is consistent with standards adopted by the (CIWMB), pursuant to PRC, Section 44010.</p> <p>c. The design and operation of the facility is in compliance with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the Local Enforcement Agency (LEA) upon review of the Transfer Processing Report (TPR) dated December 2007 for this revised permit.</p>	<p>a. A Countywide Integrated Waste Management Plan was approved by the former California Integrated Waste Management Board (CIWMB) now the Department of Resources Recycling and Recovery (CalRecycle) on June 23, 1999. Pursuant to Public Resources Code (PRC), Section 50001 (a)(1), this facility is identified in the Countywide Siting Element which has been approved pursuant to PRC Section 41721.</p> <p>b. This permit is consistent with the standards adopted by the CalRecycle, pursuant to PRC 44010.</p> <p>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 Local Enforcement Agency (LEA), pursuant to PRC 44009.</p> <p>d. A permit review report was issued on February 08, 2006.</p>

	<p>d. This facility is in conformance with applicable fire standards as determined by Los Angeles County Fire Department, Area 1 Prevention Bureau, 701 East Carson Street, Carson CA 90745-2224. [PRC, Section 44151].</p> <p>e. A Notice of Determination (<u>Negative Declaration, dated September 11, 1991, SCH No. 91031094</u>), prepared by Los Angeles County Department of Regional Planning, has been filed with the State Clearinghouse pursuant to <u>Public Resources Code, Section 21081.6</u>.</p>	<p>e. The Solid Waste Management Program issued a Solid Waste Facility Permit (SWFP) on September 15, 2008 due to a modification of the existing permit. The SWFP was concurred by CalRecycle on September 12, 2008.</p> <p>f. The <u>Los Angeles County Fire Department</u> has determined that the facility is in conformance with applicable fire standards, pursuant to PRC, 44151.</p> <p>g. Conditional Use Permit No. 01-223 was approved on June 23, 2010 by the Regional Planning Commission.</p> <p>h. The following environmental documents have been filed with the State Clearinghouse (SCH) for this facility:</p> <ul style="list-style-type: none"> • Negative Declaration dated September 11, 1991 (SCH #91031094) • Mitigated Negative Declaration dated December 10, 2009 (SCH #2009121077) <p>i. This permit does not supplant or modify local land use entitlements or local agencies' authority to enforce local entitlements. It is recognized by the LEA that the operator must comply with the provisions of the Integrated Waste Management Act (IWMA), state regulations and the terms and conditions of this permit as well as other regulatory requirements an applicable local land use measures which govern the operator's activities at the site. If the requirements inadvertently overlap, it is expected that the operator will comply with the more stringent requirement in order to maintain compliance. Non-compliance with another agency requirement may not constitute a violation of this permit, the IWMA, or state regulations.</p>
<p style="text-align: center;">Documents</p>	<p>Transfer Processing Report dated December 2007</p> <p>Negative Declaration, SCH No.91031094, Los Angeles County Department of Regional Planning dated September 11, 1991</p> <p>Finding of Conformance with the County Solid Waste Management Plan dated December 17, 1992</p> <p>Industrial Waste Discharge Permit no. 58767, File No. 20068-29, Los Angeles County of Public Works dated February 4, 1993</p>	<p>Transfer/Processing Report (TPR) dated July 2011</p> <p>Negative Declaration SCH #91031094 dated September 11, 1991</p> <p>Mitigated Negative Declaration SCH #2009121077 dated December 10, 2009</p> <p>Los Angeles County CUPA Permit No. AR0042985 dated March 18, 2011</p> <p>Conditional Use Permit No. 01-223 dated June 23, 2010</p>

	National Pollutant Discharge Elimination System Permit, I.D. No 4B19S009330, State Waster Resources Board dated October 20, 1992	
LEA Conditions	<p>A. Requirements:</p> <ol style="list-style-type: none"> 1. This Facility shall comply with all the State Minimum Standards for Solid Waste Handling and Disposal. 2. This Facility shall comply with all mitigation measures given in any certified document that is within the authority of the LEA and filed pursuant to Public Resources Code, Section 21081.6. 3. The operator shall comply with all notices and orders issued by any responsible agency designated by the Lead Agency to monitor the mitigation measures contained in any of the documents referenced within this permit pursuant to the Public Resources Code 21081.6. 4. Additional information concerning the design and operation of this facility shall be furnished on request of the Enforcement Agencies' personnel. 5. The operator shall maintain a copy of this Permit at the facility so as to be available at all times to facility personnel and to Enforcement Agencies' personnel. 6. The operator shall install and maintain a sign at the entrance indicating that <u>no hazardous or liquid wastes are accepted, that all vehicles entering the facility must be fully tarped, and that only vehicles owned by Waste Resources Recovery (WRR), and waste haulers under contract with WRR, are authorized to deliver waste to the facility.</u> 7. The operator shall comply with an established Customer Litter Control and Tarping Program. 8. No polluted surface waters shall leave this site except as permitted by a National Pollutant Discharge Elimination System (NPDES) permit issued in accordance with the Federal Clean Waster Act and the California Water Code. 9. The operator shall install and maintain an operational, calibrated Geiger counter at the scales to detect radioactive materials, at all times, during the hours of 	<p>A. Standard Requirements:</p> <ol style="list-style-type: none"> 1. This facility shall comply with all applicable State Minimum Standards for Solid Waste Handling and Disposal as specified in Division 7 of Title 14, California Code of Regulations (14 CCR). 2. The operator shall provide to the LEA, within the time specified, any additional information concerning the design and operation of this facility upon request by the LEA personnel. 3. A copy of this permit and current TPR, as amended, shall be maintained at the facility so as to be available at all times to facility personnel and the LEA. 4. The operator shall maintain a log of special/unusual occurrences. The log shall include, but not be limited to, fires, landslides, earthquake damage, unusual and sudden settlement, injury and property damage accidents, explosions, receipt or rejection of non-permitted wastes, flooding, operational shutdowns and other unusual occurrences. Include a summary of the actions taken to mitigate the occurrence. The operator shall maintain this log at the facility so as to be available at all times to site personnel and LEA personnel. Any entries of special/unusual occurrences made in this log must be reported to the LEA <u>at once</u>. Call the duty officer, County of Los Angeles, Department of Public Health, Solid Waste Management Program at (626) 430-5540. 5. Notification to the LEA is required within 24 hours for any written complaints received or any complaint called into the facility and any record of receipt of a violation from any regulatory agency. 6. This permit is subject to review by the LEA and may be suspended, revoked or revised at any time for sufficient cause. 7. The LEA reserves the right to suspend or modify waste receiving operations when deemed necessary due to an emergency, a potential health hazard, or the creation of a public nuisance. 8. The operator shall notify the LEA, in writing, of any proposed changes in the routine

	<p>receipt of refuse.</p> <p>B. Provisions:</p> <p>1. Operational controls shall be established to preclude the receipt and disposal of volatile organic chemicals or other types of prohibited wastes:</p> <p>a. That during the hours of operation for all transfer station activities, an attendant or attendants shall be present at all times to supervise the loading and unloading of the waste material.</p> <p>b. WASTE LOAD CHECKING PROGRAM:</p> <p>The operator shall conduct a continuous waste load checking program as described in the Transfer Processing Report (TPR) dated December 2007. Any significant changes in this program must be approved by the LEA prior to implementation. The following Solid Waste Facility Permit conditions supplement those condition:</p> <p>(1) Any hazardous materials thus found shall be set aside in a secure area to await proper disposition following notification of the producer (if known) and the appropriate governmental agencies. A generator identification number has been obtained: Federal EPA I.D. No. CAD072283443.</p> <p>(2) The working floor shall be under continual visual inspection by station personnel, such as spotters, equipment operators, and supervisors for evidence of hazardous materials. Any hazardous or prohibited materials found shall be managed as above.</p> <p>(3) Station personal performing the duties required by this waste load checking program shall be trained. The training must include how to recognize suspicious containers of hazardous waste, the proper method of containment, and the reporting requirements of this program. Station personnel are to be retained on an annual basis and updated as needed. New employees are to be trained prior to assignment to a work station. The training program must be approved by</p>	<p>facility operation or changes in facility design during the planning stages. In no case shall the operator implement any changes without first submitting a written notice of proposed changes to the LEA <u>at least 180 days</u> before said changes are implemented. Any significant change as determined by the LEA would require a revision of this permit.</p> <p>9. The operator and/or owner shall notify the LEA of any plans to sell, encumber, transfer, or convey the operation or ownership to a new operator or owner, <u>at least 45 days</u> prior to the anticipated transfer, by written certification, including information deemed sufficient by CalRecycle and the LEA. If the facility will not be operated in compliance with the terms and conditions of this permit, the new owner shall be required to file an application for a revision of this permit.</p> <p>10. The operator shall immediately report any incidental receipt of untreated medical waste to the California Department of Public Health (CDPH) Medical Waste Management Program at (213) 977-6877 or (213) 977-7379.</p> <p>11. The operator shall provide training to their personnel to educate them in the identification of medical waste as well as the proper action to take in the event this type of waste is identified at the site.</p> <p>B. Particular Requirements:</p> <p>1. Operational controls shall be established to preclude the receipt and disposal of volatile organic chemicals or other types of prohibited wastes:</p> <p>a. The operator shall install and maintain an operational, calibrated radiation detector at the scales to detect radioactive materials, at all times, during the hours of receipt of solid waste.</p> <p>b. Incidents of receipt of suspected radioactive materials, or warnings from the radiation detector, shall be reported immediately to the County of Los Angeles, Department of Public Health, Radiation Management Program at (213) 351-2718 and the LEA.</p> <p>c. The operator shall comply with the approved Hazardous Waste Screening Program as described in the current TPR. Any changes in this program must be approved by the LEA prior to implementation. The following Solid Waste</p>
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	<p>the enforcement agency.</p> <p>(4) Incidents of unlawful disposal of prohibited materials shall be reported to the LEA monthly as described in the monitoring section of this permit. In addition, the following agencies shall be notified <u>at once</u> of any incidents of illegal hazardous materials disposal:</p> <p>(a) Duty Officer, Los Angeles County Fire Department, Prevention Bureau, Hazardous Materials Division at (323) 890-4045.</p> <p>(b) Environmental Crimes Division, Los Angeles County District Attorney at (213) 974-6824.</p> <p>(c) California Highway Patrol at (213) 736-2971.</p> <p>2. The maximum storage period for refuse is 48 hours. All stored refuse shall be within the enclosed building.</p> <p>3. The maximum storage for recyclables is 30 days. All stored materials shall be within the enclosed building.</p> <p>4. The operator shall maintain a log a special/occurrences. This log shall include, but is not limited to:</p> <p>Surface fires, underground fires, explosions, earthquakes, discharge of hazardous liquids or gases to the ground or the atmosphere, or significant injuries, accidents or property damage. Each log entry shall be accompanied by a summary of any actions taken by the operator to mitigate the occurrence. The operator shall maintain this log at the facility so as to be available at all times to site personnel and to the Enforcement Agencies' personnel. Any entries made in this log must be reported to the LEA <u>at once</u>. Call the duty officer, County of Los Angeles, Department of Public Health, Solid Waste Management Program at (626) 430-5540.</p> <p>5. This permit is subject to review by the LEA and may be suspended, revoked or modified at any time for sufficient cause.</p> <p>6. The LEA reserves the right to suspend or modify waste receiving operations</p>	<p>Facility Permit conditions supplement the TPR program:</p> <p>(1) At minimum, one random load check shall be conducted at the facility per operating day. The operator shall inspect all waste vehicle loads if there is any reason to believe the loads may contain prohibited wastes.</p> <p>(2) The LEA may increase the required number of incoming waste load inspections if it has reason to believe that the number currently required is inadequate to ensure compliance with the regulations and protection of the public health and safety and the environment.</p> <p>(3) At all times when facility operations are underway, an attendant or attendants shall be present to supervise the loading and unloading of solid waste and other materials. All working tipping areas shall be under continual visual inspection by facility personnel, such as spotters, equipment operators, and supervisors.</p> <p>(4) Facility personnel and new employees performing duties required by the Hazardous Waste Screening Program shall be trained prior to assignment. The training must include, but is not limited to, how to recognize hazardous waste and other prohibited waste, the proper method of containment, and the reporting requirements of this program. Facility personnel are to be retrained on an annual basis and updated as needed.</p> <p>(5) Incidents of unlawful disposal of prohibited materials shall be reported to the LEA monthly as described in the monitoring section of this permit. In addition, the following agencies shall be notified <u>at once</u> of any incidents of illegal hazardous materials disposal:</p> <p>a. Duty Officer, Los Angeles County Fire Department, Health Hazardous Materials Division at (323) 890-4317.</p> <p>b. Environmental Crimes Division, Los Angeles County District Attorney's Office at (213) 580-8777.</p> <p>c. California Highway Patrol at (800) 835-5247 or (818) 240-8200.</p> <p>(6) Any prohibited or hazardous materials</p>
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	<p>when deemed necessary due to an emergency, a potential health hazard or the creation of a public nuisance.</p> <p>7. The operator shall comply with the requirements of all applicable laws pertaining to employee health and safety; the operator is to have a <u>written</u> Safety Plan, available for review by the LEA, at the facility. All employees shall be provided with the appropriate personnel protective equipment necessary to attenuate adverse occupational exposures, including but not limited to, hearing protection devices (e.g., ear plugs).</p> <p>8. The LEA reserves the right to require the operator to provide more stringent dust control measures, if the proposed dust control system proves inadequate or ineffective.</p> <p>C. Specifications</p> <p>1. The operator shall notify the LEA, in writing, of any proposed changes in the routine facility operation or changes in facility design during the planning stages. In no case shall the operator undertake any changes unless the operator first submits to the LEA a notice of said changes at least 180 days before said changes are undertaken. Any significant change as determined by the LEA would require a revision of this permit.</p> <p>2. The operator or owner shall notify the LEA of any plans to encumber, sell, transfer, or convey the ownership or operations to a new owner or operator, <u>at least 45 days prior to the anticipated transfer</u>, by written certification. This notification shall include sufficient information as determined by the CIWMB and the LEA. If the facility will not be operated in compliance with the terms and conditions of this permit, the new owner shall be required to file an application for a revision of this permit.</p> <p>3. This facility has a permitted capacity of 500 tons of non-hazardous solid waste per operating day and shall not receive more than this amount of solid waste without a revision of this permit.</p>	<p>thus found shall be set aside in a secured area to await proper disposition following notification of the producer (if known) and the appropriate governmental agencies.</p> <p>2. LEA reserves the right to require the operator to provide more stringent dust and odor control measures, if those control measures identified in the current TPR prove to be inadequate or ineffective.</p> <p>3. The maximum storage period for recyclables shall be as described in the approved TPR. All stored materials must be contained and stored as described in the approved TPR. The LEA reserves the right to reduce the duration of storage if storage presents a health hazard or becomes a public nuisance.</p> <p>4. The tipping floor and sorting area shall be cleaned periodically throughout the day every day.</p> <p>5. The operator shall comply with the operating procedure for the removal of all waste from the facility as described in the approved TPR. The LEA reserves the right to require the operator to provide more stringent procedures for waste removal if the duration for waste removal presents a health hazard or becomes a public nuisance.</p>
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Findings:

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), 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 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 by the Permits and Certification Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated October 25, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on February 8, 2006 and changes identified in that review are reflected in this permit revision. The current permit was modified and issued on September 15, 2008 to take out a condition that stated the permit would expire on October 1, 2001. To complete this finding for this permit action, the LEA completed a Permit Review Report on December 6, 2011.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on October 31, 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. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Non-Disposal Facility Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated November 7, 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 December 6, 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 October 31, 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
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on September 29, 2011. No oral or written comments were received by LEA or Department staff. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspection and Enforcement Agency Unit conducted a pre-permit inspection on December 6, 2011, and found the facility to be in compliance with applicable state minimum standards and permit conditions.

In the last five years, the LEA has not noted any violations of state minimum standards or permit conditions.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed 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 the City of Gardena, Planning Commission, 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.

Waste Resources Recovery currently operates under a SWFP, issued by the LEA on September 15, 2008. The proposed permit under consideration is to extend the permitted hours of operation for receipt of refuse/waste on Saturdays from 6:00 A.M. to 12:00 P.M. (noon) to 6:00 A.M. to 2:00 P.M., and to allow for the receipt of material from the public.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2009121077, was circulated for a 30 day comment period from December 28, 2009 to January 26, 2010. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures included in the Mitigation, Monitoring and Reporting Program. The MND, together with the Mitigation Monitoring Program, was approved by the City of Gardena, Planning Commission on June 24, 2010.

The County of Los Angeles, Department of Public Health, Local Enforcement Agency (LEA), has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND as 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 revised SWFP. Department staff has reviewed and considered the CEQA Findings adopted by the City of Gardena, Planning Commission. Department staff further recommends the MND, together with the CEQA finding,

is adequate for the Branch Chief'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 SWFP and all of its components and supporting documentation, this staff report, the MND 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 revised 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 the SWFP requirements. A review from the public process indicates that environmental justice issues were not identified by the surrounding community (Census Tract 5410.01). Census information indicates that the surrounding population is approximately 19.6% White, 49.3% African American, 2.3% Asian, 0.1% American Indian and Alaska Native, 1.2% Native Hawaiian and Other Pacific Islander, 24.7% some other race, and 2.8% two or more races. 43.8% of the total population describe themselves as Hispanic or Latino. Staff has not identified any local issues related to this item. Staff finds the project and permit process to be consistent with Government Code Section 65040.12, as there has been fair treatment of people of all races, cultures, and incomes with respect to the proposed action being recommended above.

Public Comments:

The LEA conducted a Public Informational Meeting on September 29, 2011, at the AC Bilbrew Library, located at 150 East El Segundo Boulevard, in the City of Los Angeles. No written comments were received and no questions were raised at this public meeting.

The Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on November 15, 2011.

Department Staff Actions:

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