

Permitting and Assistance Branch Staff Report
Solid Waste Facilities Permit Revision for the Robert A. Nelson Transfer Station &
Materials Recovery Facility
SWIS No. 33-AA-0258
May 4, 2012

Background Information, Analysis, and Findings:

This report was developed in response to the Riverside County Local Enforcement Agency’s (LEA) request for Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit for the Robert A. Nelson Transfer Station & Materials Recovery Facility, SWIS No. 33-AA-0258, located in Riverside County, owned by County of Riverside, and operated by Agua Mansa MRF, LLC. A copy of the proposed permit is attached. This report contains Permitting and Assistance Branch staff’s analysis, findings, and recommendations.

The proposed permit was initially received on February 21, 2012. New proposed permits were received on March 13, 2012 and April 26, 2012. Action must be taken on this permit no later than June 25, 2012. If no action is taken by June 25, 2012, the Department will be deemed to have concurred with the issuance of the proposed revised permit.

Proposed Changes

The following change to the first page of the permit is being proposed:

	Current Permit (2007 SWFP)	Proposed Permit
Permitted Area (in acres)	22.03 Total 12.20 Transfer/MRF/Greenwaste/C&D	22.03 Total 19.38 Transfer/MRF/Greenwaste/C&D

Other changes include:

1. The submittal of an updated Report of Facility Information (RFI), dated December 2011, to reflect the proposed permit and operational changes.
2. Revisions to the SWFP “Findings” section include some rewording and/or combining of the findings, and a new finding that Riverside County Fire Department has determined the facility is in conformance with applicable fire standards, pursuant to Public Resources Code 44151.
3. The SWFP “Prohibitions” section has been reworded for clarification.
4. Revisions to the SWFP “Documents” section include the recently prepared environmental document, and updated RFI.
5. Revisions to the SWFP “LEA Conditions” section include several permit conditions that have been reworded and/or combined, thereby, reducing the number of conditions from “a – aa” to “a – s.” Additionally, stored recyclables would now be allowed to be stored on site for no more than 45 days, instead of one month.
6. Updates to the “Legal Description of the Facility.”

Key Issues

The proposed permit will allow for the following:

1. Correct and increase the permitted area for the Transfer/MRF/Greenwaste/C&D area from 12.20 acres to 19.38 acres. The permitted boundary remains the same at 22.03 acres.
2. Composting of greenwaste materials.

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 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 Waste Permitting, Compliance and Mitigation 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 February 21, 2012.	<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 November 28, 2011. The LEA provided a copy to the Department on December 2, 2011. The changes identified in the review are reflected in this permit revision.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	The LEA submitted a proposed solid waste facilities permit on April 26, 2012.	<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 February 21, 2012 provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product and 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 March 2, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7) 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 February 22, 2012. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on February 21, 2012 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 February 2, 2012. No oral or written comments were received by the LEA or Department staff. See details below.	<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. 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 permit. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

The facility was inspected by WEEB staff in the Enforcement Agency Compliance Unit on February 22, 2012. No State Minimum Standards violations or permit violations were noted.

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

- 2012 (January-February) – One violation of PRC Section 44014 – Operator Complies with Terms and Conditions of the Permit (Terms and Conditions) was noted in January.
- 2011 - One violation of PRC Section 44014 –Terms and Conditions was noted.
- 2010 - No violations were noted.
- 2009 - No violations were noted.
- 2008 - No violations were noted.
- 2007 - One violation of 14 CCR Section 17407.4 – Dust Control, one violation of 14 CCR Section 17409.5 – Loadchecking, and one violation of PRC Section 44014 – Terms and Conditions were noted.

Environmental Analysis:

Under the California Environmental Quality Act (CEQA), the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed Solid Waste Facilities Permit before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the County of Riverside 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 changes that will be authorized by the issuance of the proposed permit include an increase in the operational area (no increase to the permitted boundary), and the addition of a composting facility. These changes are supported by the following environmental document.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2006031122, was circulated for a 30-day review period from October 7, 2009 through November 5, 2009. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant level 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 Lead Agency on February 9, 2010. A Notice of Determination was filed with the State Clearinghouse on February 11, 2010.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the Mitigated Negative Declaration prepared by Riverside County Waste Management Department, 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 Solid Waste Facilities Permit. Department staff has reviewed and considered the CEQA Findings adopted by the Riverside County Board of Supervisors. Department staff further recommends the Mitigated Negative Declaration together with the CEQA Findings, 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 authority, 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 Solid Waste Facilities Permit and all of its components and supporting documentation, this staff report, the Mitigated Negative Declaration, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised Solid Waste Facilities 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.

Public Comments:

The LEA conducted a public informational meeting on February 2, 2012, at the Robert A. Nelson Transfer Station, located at 1830 Agua Mansa Road, in Riverside, CA. The meeting was not attended by any member of the public. No oral or written public comments were received by the LEA staff.

The Department provided an opportunity for public comment during the CalRecycle Monthly Public Meetings on March 20, 2012 and April 17, 2012. No public comments were received by CalRecycle.