

Permitting & Assistance Branch Staff Report

Revised Solid Waste Facilities Permit for the
Advance Disposal Transfer/Processing Facility

SWIS No. 36-AA-0337

June 12, 2012

Background Information, Analysis, and Findings:

This report was developed in response to the County of San Bernardino Department of Public Health, Environmental Health Services Division (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 the Advance Disposal Center for the Environment (Transfer/Processing Facility), SWIS No. 36-AA-0337 located in the City of Hesperia, San Bernardino County, owned by Bestway and operated by Advance Disposal. 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 May 4, 2012. Action must be taken on this permit no later than July 3, 2012. If no action is taken by July 3, 2012 the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

Proposed Changes

The following changes to the first page of the permit are being proposed:

	Current Permit (2002)	Proposed Permit
Facility Name	Advance Disposal Transfer/Processing Facility	Advance Disposal Center for the Environment
Permitted Hours of Operation	<p>Open to the Public and Commercial Truck Deliveries*: 6:00 a.m. – 10 p.m. Seven Days Per Week</p> <p>Hours of Site Activities*: 24 hours a day Seven days per week.</p> <p>Site Closed: New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day, and Christmas.</p> <p>* The LEA may modify these hours at the request of the operator. The request shall be made by the operator in writing at least 30 days in advance of implementation.</p>	<p style="text-align: center;">(Receipt of Refuse/Waste) 6:00 a.m. – 10 p.m. 7 Days Per Week*</p> <p>(Ancillary Operation/Facility Operating Hours) 24 hours Per Day 7 Days Per Week</p> <p style="text-align: center;">Site Closed: New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day, and Christmas.</p> <p>*Facility is permitted to receive street sweepings as early as 4:30 a.m.</p>
Permitted Maximum Tonnage	600 tons per day (TPD)	1,500 TPD
Permitted Maximum Traffic Volume	212 vehicles per day (VPD)	387 VPD
Permitted Area	7 acres	14.48 acres

Permitted Design Capacity	2400 cubic yards (cu. yds.)	6,000 cu. yds.
---------------------------	-----------------------------	----------------

Other Changes include:

1. Submittal of a revised Report of Facility Information (RFI), dated March 2011, to reflect the proposed permit and operational changes.
2. Revisions to the SWFP “Findings” section include some rewording and/or deletion of the findings, and a new finding that A Mitigated Negative Declaration was filed with the State Clearinghouse (SCH# 2011111028) and approved by the City of Hesperia Planning Commission on December 8, 2011. The Mitigated Negative Declaration describes and supports the design and operation, which will be authorized by the issuance of this permit. A Notice of Determination was filed with the State Clearinghouse on April 24, 2012.
3. The SWFP “Prohibitions” section has been reworded for clarification.
4. Revisions to the SWFP “Documents” section include the recently prepared environmental document, Conditional Use Permit 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 “1-11” to “a – h.”
6. Updates to the “Legal Description of the Facility.”

Key Issues

The proposed permit will allow for the following:

1. Name change from Advance Disposal Transfer/Processing Facility to Advance Disposal Center for the Environment;
2. Increase the permitted tonnage from 600 TPD to 1,500 TPD;
3. Increase the permitted traffic volume from 217 VPD to 387 VPD ;
4. Increase the permitted area from 7 acres to 14.48 acres; and
5. Increase the permitted design capacity from 2,400 cu. yds. to 6,000 cu. yds.

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 Waste Permitting, Compliance, and Mitigation 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 May 1, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on April 13, 2012.	<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 May 4, 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 May 4, 2012, 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 <i>Nondisposal Facility Element</i> and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated May 21, 2012.	<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 April 17, 2012. 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 May 4, 2012, that the proposed permit is consistent with and supported by the existing CEQA documentation. See CEQA information below for details.	<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 April 3, 2012. No written or oral comments were received by LEA or Department staff. See Public Comments section below for details.	<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 SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on April 17, 2012 and found the facility in compliance with applicable state minimum standards and permit conditions.

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

- 2012 (January - April) – 2010 - No violations were noted.
- 2009 - One violation of Public Resources Code, Section 44014 – Operator Complies with Terms and Conditions of the Permit.

- 2008 – 2007 - No violations were noted.

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 Hesperia, Planning 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 are an expansion of the existing Transfer/Processing Facility operations, facility name change, increase in maximum daily tonnage, increase in vehicle volume, increase in acreage, and design capacity.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2011111028, was circulated for a 30 day comment period from November 7, 2011 to December 7, 2011. 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 and Reporting Program, was approved by the Lead Agency on December 8, 2011.

The San Bernardino County Department of Public Health, Division of Environmental Health Services (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 Lead Agency. 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.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on April 3, 2012, at 17105 Mesa Street, in the City of Hesperia. No members of the public were in attendance. No written comments were received by the LEA or Department staff.

The Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on May 15, 2012, and June 19, 2012.