

Waste Compliance and Mitigation Program Staff Report
 New Solid Waste Facilities Permit for EDCO Recycling
 SWIS No. 37-AA-0964
 May 26, 2010

Background Information, Analysis, and Findings:

This report was developed in response to the San Diego County Local Enforcement Agency (LEA) request for Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed new Solid Waste Facilities Permit for the EDCO Recycling facility, SWIS No. 37-AA-0964, located in San Diego County, owned and operated by EDCO Disposal Corporation. A copy of the proposed permit is attached. The report contains Waste Compliance and Mitigation Program (WCMP) staff's analysis, findings, and recommendations.

The proposed permit was received on April 28, 2010. Action must be taken on this permit no later than Friday, June 25, 2010. If no action is taken by June 25, 2010, the Department will be deemed to have concurred with the issuance of the proposed new permit.

Proposed Changes

The following changes to the permit are being proposed:

	Current Permit (2008 Temporary SWFP)	Proposed Permit
13. Findings	No findings are listed on the current permit.	<p>a) A County-wide Integrated Waste Management Plan was approved by the Department of Resource Recycling and Recovery (Department) [formally known as California Integrated Waste Management Board] in September 2005. Pursuant to Public Resources Code (PRC) Section 50001(a)(2), the facility is identified in the City of Lemon Grove's Nondisposal Facility Element, which has been approved pursuant PRC Section 41800.</p> <p>b) The LEA has determined that the design of the facility would allow for the facility operations to be conducted in compliance with State Minimum Standards for Transfer/Processing Operations and Facilities, based on a review of the January 2010 Transfer/Processing Report and an inspection conducted on March 18, 2010.</p> <p>c) This permit is consistent with standards adopted by the Department. PRC Section 44010.</p> <p>d) The LEA has reviewed and considered the information, including the environmental effects of issuing this Solid Waste Facility Permit for the existing materials recovery facility for commingled and source separated recyclables. The LEA filed a Notice of Exemption on April 26, 2010, for the continued operation of this facility and finds that there are no significant environmental effects arising out of the issuance of this Solid Waste Facility Permit. A Notice of Determination will be filed with the State Clearinghouse.</p>

	Current Permit (2008 Temporary SWFP)	Proposed Permit
14. Documents	There were no documents listed on the current temporary permit.	<p>Transfer/ Processing Report, January 2010</p> <p>Notice of Exemption (from the LEA) filed April 2010</p> <p>Notice of Intent - WDID 9 37S004665, September 1999</p>
16. LEA Conditions	The operator shall comply with all the State Minimum Standards for solid waste handling.	<p>a) The operator shall comply with all the State Minimum Standards for solid waste handling.</p> <p>b) No significant change in design or operation of this facility shall be taken without prior application to and approval by the LEA. (PRC Section 44004).</p> <p>c) Stored recyclables shall not interfere with facility operations or cause a public health nuisance as determined by the LEA. The LEA reserves the right to reduce the maximum storage time of recyclables as necessary to protect health or prevent a nuisance.</p> <p>d) If the proposed dust control measures fail to adequately control dust from the operation of this facility, the LEA may require that additional measures be implemented.</p> <p>e) The operator shall maintain, and keep current, records of the types and weights of materials received per day. These records shall include the final disposition of transferred residual waste and recycled materials. (County Code of Regulatory Ordinances Section 65.107).</p> <p>f) The residual waste amount is calculated on a monthly basis based on the number of operating days by measuring the outgoing tonnage after separated for reuse materials have been removed. Residual amounts less than 25% shall be reported on the monthly tonnage reports and retained on site. Residual amounts greater than 25% shall be reported to the LEA within 30 days and will include a description of the residuals and efforts to control or minimize residuals to below 25%.</p> <p>g) The amount of putrescible wastes in the separated for reuse material shall be less than 1% of the amount of separated for reuse material received by weight. The putrescible waste in the separated for reuse material shall not cause a nuisance as determined by the LEA.</p> <p>h) Additional information related to compliance with this permit or the design and operation of this facility shall be furnished to the LEA upon request.</p>

Findings:

Staff recommends concurrence with the issuance of the proposed new Solid Waste Facilities Permit. All of the required submittals and findings required by CCR 27 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 Deputy Director with this Staff Report and are permanently maintained in the facility files maintained by the WCMP.

CCR 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 April 28, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	The LEA is not required to complete a Five Year Permit Review at this time because the facility has only been operating under a Temporary Solid Waste Facilities Permit since June 23, 2008.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	The LEA submitted a proposed new Solid Waste Facilities Permit on April 28, 2010.	<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 April 28, 2010, provided a finding that the facility is consistent with PRC 50001. WCMP staff in the Jurisdiction Compliance and Audit Section found the facility is identified in the Non-Disposal Facility Element and the Countywide Integrated Waste Management Plan, as described in their memorandum dated May 12, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7) Operations Consistent with State Minimum Standards	WCMP staff in the Compliance, Evaluations, and Enforcement Division (CEED) found that the facility was in compliance with all operating and design requirements during an inspection conducted on May 26, 2010. 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 April 28, 2010 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	The Informational Meeting notice was published in the Borrego Sun on March 19, 2010, and also on the LEA and Department websites. An Informational Meeting was held on March 30, 2010, at the facility. No written or oral comments were received by the LEA or WCMP staff.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

CCR 27 Sections	Findings	
CEQA determination to support responsible agency's findings	The Department is a responsible agency under CEQA with respect to this project, a proposed new Solid Waste Facilities Permit. WCMP staff has determined that the CEQA record can be used to support the Director's action on the proposed new permit. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WCMP staff in CEED, along with LEA and Permitting and LEA Support (PLEAS) staff conducted a pre-permit inspection at the subject facility on May 26, 2010. CEED staff found that the operations of the facility were consistent with the applicable State Minimum Standards. The facility operations were also in conformance with the terms and conditions of the existing Temporary Permit.

EDCO Recycling is an existing recycling materials recovery facility that has been operating continuously since 2005. The facility is required to obtain a SWFP because the volume of unmarketable residual materials exceeds 10 percent of the material coming into the facility. Currently, the facility operates under a temporary permit issued on June 23, 2008, pursuant to AB 1473.

The LEA has not noted any violations of State Minimum Standards or permit requirements during the last two years of operating under a temporary permit.

Environmental Analysis:

State law requires compliance with CEQA either through the preparation, circulation and adoption/certification of an environmental document and mitigation reporting or monitoring program, or by determining that the proposal is categorically or statutorily exempt.

EDCO Recycling was discussed and analyzed in the Final Supplemental EIR generated for the revised SWFP to Escondido Resource Recovery 37-AA-0906, approved by the City of Escondido, March 2002 (SCH No.2001061086).

The City of Lemon Grove determined the continued operation of EDCO Recycling did not constitute a change in the land use permit and required no further action.

The LEA, County of San Diego Department of Environmental Health, provided a finding that the facility was an existing Materials Recovery Facility (MRF) and the applicant did not propose any change in operation; therefore, the facility met the conditions of CEQA Guideline Section 15301 as Categorically Exempt - Existing Facilities.

The County of San Diego determined that the issuance of a Solid Waste Facilities Permit for the EDCO Recycling Materials Recovery Facility/Transfer Station was exempt from the requirements of CEQA pursuant to Public Resources Code Section 21108, 21152 and filed a Notice of Exemption dated April 26, 2010, with the Recorder/County Clerk.

The LEA has determined that the existing CEQA analysis described above is adequate and no additional CEQA documentation is required for the proposed new permit.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, file a Notice of Exemption. There are no grounds under CEQA for the Department to prepare

additional environmental documentation or assume the role of Lead Agency for its consideration of the Permit.

Local Issues:

The project document availability, hearings, and associated meetings were adequately noticed consistent with the CEQA and Solid Waste Facilities Permit requirements. A review of the public process indicates that environmental justice issues were not identified by the surrounding community (Census Tract 30.03, Block Group 1). Census information from the vicinity of the facility indicates that the surrounding population is approximately 59.6% White, 12.1% African American, 1.1 Native American, 5.8% Asian, 0.8% Pacific Islander, 13.5% reported as some other race and 7.1% reported as two or more races. 28.5% of the total population described themselves as Hispanic or Latino. 9.2% of the families are below the poverty level. Staff has not identified any environmental justice 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 did not receive any comments from the informational meeting. No oral or written public comments were received by the Department or LEA staff.

Department Staff Actions:

PLEAS staff has worked with the LEA throughout the permit process by providing comments on permitting documents and attending public meetings. On June 14, 2010, a Department public workshop was held to provide an update on the permitting process. The proposed permit was on the agenda.