

**Waste Compliance and Mitigation Program Staff Report**  
 New Solid Waste Facilities Permit for Converted Organics of California, LLC  
 SWIS No. 27-AA-0109  
 July 28, 2010

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

This report was developed in response to the Monterey County Local Enforcement Agency (LEA) request for Department of Resources Recovery and Recycling (Department) concurrence on the issuance of a proposed new solid waste facilities permit for the Converted Organics of California LLC, Composting Facility, SWIS No. 27-AA-0109, located in Monterey County. 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 June 24, 2010. Action must be taken on this permit no later than August 23, 2010. If no action is taken by August 23, 2010, the Department will be deemed to have concurred with the issuance of the proposed revised permit.

**Proposed Project**

Following are the parameters of the proposed project:

	Proposed Permit
Activities	In-vessel composting
Permitted Area	7.8 acres
Permitted Hours/Days of Operations	Waste received: 7:00am to 5:00pm Monday through Saturday Waste processed: 24 hours per day, 7 days per week
Permitted Tons per Operating Day	250 tons per day (170 tons liquid and 80 tons solid)
Permitted Traffic Volume	15 vehicle trips per day
Waste Types	Food scraps, seafood processing waste (shrimp and crab), grain solubles, fish wastes
Facility Design Capacity Throughput	250 tons per day

**Findings:**

All submittals and findings required by Title 27, Section 21685 have been provided and made. Staff has determined that California Environmental Quality Act requirements have been met to support concurrence. The findings are summarized in the table below. 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 Waste Compliance and Mitigation Program.

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 June 17, 2010.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	CalRecycle received a proposed solid waste facilities permit on June 24, 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 June 24, 2010, provided a finding that the proposed SWFP and the RFI are consistent with the County Integrated Waste Management Plan. The WCMP staff in the Jurisdiction Compliance and Audit Section found the proposed permit to be conformant with the Non-disposal Facility Element (NDFE), and the facility is sufficiently identified in the NDFE as described in their memo dated July 21, 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 found that the facility was in compliance with all operating and design requirements during an inspection conducted on July 22, 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 June 24, 2010 that the proposed permit is consistent with and supported by the existing CEQA documentation.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting Comments	The LEA posted the public notice dated May 25, 2010, regarding the proposed new permit. See public comments section below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA determination to support responsible agency findings	The Department is a responsible agency under CEQA with respect to this project-a proposed new solid waste facilities permit. WCMP staff have determined that the CEQA record can be used to support the Deputy Director's action on the proposed new permit. See details below.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

### **Compliance History:**

Currently, the applicant/proposed operator is operating an in-vessel composting operation under an EA Notification on 7.8 acres. The facility was inspected by WCMP staff in the Compliance, Evaluation, and Enforcement Division on July 22, 2010. No violations or areas of concern were noted. Converted Organics has been operational since 2005 under a notification and has never had any violations documented on the LEA quarterly inspection reports.

### **Environmental Analysis:**

Under the requirements of the California Environmental Quality Act (CEQA), the Department must consider the environmental document (ED) prepared by the lead agency, and determine whether the ED avoids or substantially lessens where feasible, any potentially significant environmental impact(s) that may result from implementation of the proposed project. Upon consideration in the concurrence of the issuance of the Solid Waste Facilities Permit, the Department must evaluate the ED for CEQA compliance before the Department can concur in its issuance.

The ED for the project is a Negative Declaration (ND), State Clearinghouse (SCH) No. 2002021067, which was prepared and circulated by the Monterey County Resource Management Agency, acting as lead agency. The project is to expand the operations at Converted Organics of California, LLC, an in-vessel compost materials handling facility (facility) that currently operates under a Notification Tier Permit issued on August 29, 2005.

The proposed full Solid Waste Facilities Permit presently under consideration is for the increase in compost feedstock materials as well as the number of trucks necessary to bring the materials to the site. The compost facility is located on 7.84 acres and is currently limited to 100 tons per day of fish byproducts and mixed organic feedstock materials. The project is for the issuance of a new full Solid Waste Facilities Permit by the County of Monterey Local Enforcement Agency (LEA) that will increase the processing of organic wastes into a marketable liquid organic fertilizer at the facility.

The LEA has made a determination that “the Negative Declaration describes and supports the design and operation, which will be authorized by the issuance of this permit.” The ND analyzed for a future increase in the handling and processing of the fish byproducts and mixed organic feedstock materials that would occur in 2010. The ND's impact assessment analyzed for potential long-term significant impacts to traffic infrastructure and air quality resulting upon implementation of the full project. Furthermore, Department staff contacted the lead agency during the preliminary CEQA compliance review for this permit, regarding local agency assessment of the increases in tonnage and traffic at the facility. Staff were provided the following statement in a letter dated February 1, 2010, from the Monterey County Resource Management Agency: “The adopted Initial Study/Negative Declaration concludes that impacts to traffic would be less than significant and have no effect on the level of service (LOS) in the immediate area. No limit to truck traffic was placed on the project at this time, which would require additional traffic analysis.”

Department staff recommends that the ND, and the substantial evidence to support its adopted determination, addresses the project under consideration and that there is no potential for significant impact(s) that will result upon the issuance of this full Solid Waste Facilities Permit. Department staff further recommends the ND is adequate for the Director'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.

There are no grounds under CEQA for the Department to prepare a subsequent or supplemental ED or assume the role of lead agency for its consideration of the proposed Solid Waste Facilities Permit. The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed Solid Waste Facilities Permit and all of its components and supporting documentation, this staff report, the ND adopted by the lead agency, the letter dated February 1, 2010, from the Monterey County Resource Management Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed 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.

**Local Issues:**

The California Environmental Quality Act record indicates no offsite cumulative environmental impacts. The project document availability, hearings, and associated meetings were extensively noticed consistent with the California Environmental Quality Act and Solid Waste Facilities Permit requirements. A review from the public process indicates that environmental justice issues were not identified by the surrounding community (Census Tract 108.01). Census information indicates that the surrounding population is approximately 36.2% white, 0.7% black or African American, 1.3% American Indian & Alaska Native, 2.2% Asian, 0.3% Native Hawaiian & other Pacific Islander, and 54.6% "some other race" and 4.7% "two or more races". Approximately 81.3% of the total population described themselves as Hispanic or Latino. 14.1% of the families in the Census Tract were 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:**

At the informational meeting on June 9, 2010, there were no negative comments made, two attendees spoke in support of the project.

**Department Staff Actions:**

Staff did not take any additional actions.