

Permitting & Assistance Branch Staff Report
 New Solid Waste Facilities Permit for the
 City of Porterville Solid Waste Transfer Facility
 SWIS No. 54-AA-0045
 July 22, 2015

Background Information, Analysis, and Findings:

This report was developed in response to the Tulare County Health and Human Services Agency, Environmental Health Division, Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed new Solid Waste Facilities Permit (SWFP) for the City of Porterville Solid Waste Transfer Facility, SWIS No. 54-AA-0045, located in the City of Porterville, Tulare County, and owned and operated by the City of Porterville. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was received on July 7, 2015. Action must be taken on this permit no later than September 5, 2015. If no action is taken by September 5, 2015, the Department will be deemed to have concurred with the issuance of the proposed new SWFP.

Proposed Project:

The following are the key design parameters of the proposed project:

	Proposed Permit
Facility Name and Address	City of Porterville Solid Waste Transfer Facility 555 North Prospect Street Porterville, CA 93257
Operator and Owner	City of Porterville
Facility Type	Transfer/Processing Facility and Compostable Materials Handling Operation
Proposed Hours/Days of Operation	Receipt and Transfer of Material 6:00 a.m. to 6:00 p.m. Monday – Saturday; Maintenance of Machinery 24 hours/day. Closed Sundays, New Year's Day, Thanksgiving and Christmas
Proposed Maximum Tonnage	500 tons per day (tpd)
Proposed Traffic Volume	136 Vehicles per Day – 97 Collection Vehicles and 39 Transfer Trailers
Proposed Permitted Area (acres)	5
Waste Types	Municipal Solid Waste (MSW), green waste, co-collected green waste and food waste.

Background

The proposed new permit is for an existing Direct Transfer Facility that operates under a Registration Permit issued on November 25, 2012, and a Chipping and Grinding Operation that operates under an EA Notification filed on December 26, 2012 (SWIS No. 54-AA-0047). The two activities are being combined into a new full Solid Waste Facilities Permit. The Direct Transfer Facility is currently permitted to receive 149 tons per day (tpd) of mixed recyclables, compostable materials and municipal solid waste, and the Chipping and Grinding Operation is allowed to receive up to 200 tpd of green waste and wood waste.

The proposed project is located on a five acre portion of a 113.4 acre site which is awaiting a new assessor parcel number (APN) following a parcel merge in 2013 (formerly including APN 251-010-001-000, 251-020-001-000, 251-070-001-000 and 251-350-001-000) at 555 N. Prospect Street in the City of Porterville. The project site is located in a municipally-owned, public works complex – which includes the City’s wastewater treatment facility, vehicle maintenance and repair operations administrative offices, a fire station, a city park, and solid waste operations. Access to the project site is via N. Prospect Street to W. Grand Avenue, south through the entrance gate and west to the site.

No recyclable material will be salvaged in the transfer area. The solid waste operations area is a distinct area separated from other on-site activities and will be physically marked in the field to allow the Tulare County Local Enforcement Agency (LEA) to inspect the transfer operations.

Typically, transfer operations will occur directly from collection vehicles into transfer vehicles. All contents of the original load will be emptied in a single transfer into a walking floor trailer that has a cover system. Recyclable materials may be stored on-site for up to 48 hours pending transfer. The recyclable materials may be stored in containers, bunkers, or stockpiles and will be loaded into transfer trailers for shipment to a recycling facility.

Additionally, the City operates an on-site green materials processing operation. The green materials processing operations will only receive green waste and wood waste, up to 200 tpd, which is included within the proposed 500 tpd capacity for the proposed project. The green waste and wood waste will be stored in a stockpile, then loaded into transfer trailers, and be hauled to a permitted facility to further process.

Findings:

Staff recommends concurrence in the issuance of the proposed new 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 dated July 7, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report is not required for a new SWFP.	<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 July 7, 2015.	<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 July 7, 2015, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Nondisposal Facility Element, as described in the memorandum dated July 17, 2015.	<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 existing Direct Transfer Facility was in compliance with all operating and design requirements during an inspection conducted on June 3, 2015. See Compliance History section 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 July 7, 2015, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis section 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 June 9, 2015. No written 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 have determined that the CEQA record can be used to support the Branch Chief's action on the proposed new 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 June 3, 2015, and found that the existing Direct Transfer Facility is in compliance with applicable state minimum standards.

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

- 2015 (January - June) – No violations were noted.
- 2014 (December) – One violation of PRC 44014(b) – Operator Complies with Terms and Conditions.
- 2010 – 2013 – No violations were noted.

The violation was corrected to the satisfaction of the LEA. No violations have been cited by the LEA at the Chipping and Grinding Operation since it started operations.

In addition, Permitting & Assistance Branch staff have determined that the design and operations described in the submitted Transfer Processing Report will allow the proposed facility to comply with State Minimum Standards.

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 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 Porterville, 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: expansion of a Direct Transfer Facility to a Large Volume Transfer Station, increase in tonnage from 149 tpd to 500 tpd of the same waste/material already accepted; an increase in traffic from 90 vehicles per day (70 collection vehicles and 20 transfer trailers) to 136 vehicles per day (97 collection vehicles and 39 transfer trailers); and the construction of a 4,200 square foot metal building. These changes are supported by the following environmental document.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2014101011, was circulated for a 30 day comment period from October 3, 2014 to November 3, 2014. 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 November 4, 2014.

The Tulare County Health and Human Services Agency (LEA), has provided a finding that the proposed new 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 new SWFP.

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 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 new 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 new 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 June 9, 2015, at Porterville City Hall, 291 North Main Street, in the City of Porterville. One member of the public was in attendance. No oral or written comments were received by the LEA.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on July 21, 2015. No comments have been received by Department staff.