

PERMITTING & LEA ASSISTANCE STAFF REPORT

Subject: Proposed Modified Permit for Mid-Valley Sanitary Landfill, Facility No. 36-AA-0055
January 21, 2010

Background Information, Analysis, and Findings:

This report presents staff's finding and analysis in support of the Program Director's action on a proposed Modified Solid Waste Facilities Permit for the Mid-Valley Sanitary Landfill, Facility No. 36-AA-0055, located in the County of San Bernardino. A copy of the permit is attached. This report provides staff's findings and recommendations relative to the proposed action, pursuant to authority granted to the Director of the Department Resources Recycling and Recovery.

The proposed permit was received on November 23, 2009. Action must be taken on this permit no later than January 22, 2010. If no action is taken by January 22, 2010, the Program Director will be deemed to have concurred with the issuance of the modified permit.

Based on staff's review of the submitted permit package, staff recommends that the Director concur with the issuance of the modified permit. All of the required submittals and findings required by CCR, Title 27, Section 21685 have been made and the required California Environmental Quality Act (CEQA) findings have been made in support of concurrence. These findings are summarized in the following table. The documents or analysis on which staff's findings are based are in the facility file. The proposed changes and details on findings are presented in more detail below.

Proposed Changes

The following changes to the permit are being proposed:

Current	Proposed
Page 1: Design capacity 62 million wet tons	Page 1: Design capacity 101.3 million cubic yards, this proposed change is to correct the total design capacity of the site based on current methodology. <i>This is not an increase in design capacity.</i>
Section 15: Amendments to the Report Facility Information (Joint Technical Document) – 10/04, 12/04, 4/05, 11/05, 6/06, 5/07, 4/09 and 9/09	Section 15: Amendments to the Report Facility Information (Joint Technical Document) – 10/04, 12/04, 4/05, 11/05, 6/06, 5/07, 4/09 and 9/09

Other changes being proposed as an aspect of the permit action, which is found in the amended Joint Technical Document (JTD), includes the following:

Updated information in the JTD to reflect proposed changes in the current operations of the facility such as the acceptance of large dead animals.

Director Findings:

CCR Title 27 Sections	Findings	Acceptable	Unacceptable
21685(b)(1) LEA certified Report of Facility Information	The LEA provided the required certification.	<input checked="" type="checkbox"/>	
21685(b)(2) LEA Five Year Permit Review	The LEA provided the required documentation. A permit review report had been completed on February 28, 2005.	<input checked="" type="checkbox"/>	
21685(b)(3) Solid Waste Facility Permit	The LEA provided all the required documentation	<input checked="" type="checkbox"/>	
21685 (b)(4)(A) or (B) Consistency with PRC 50000.5 or LEA finding relative to PRC 50001	Staff in the Jurisdiction Compliance and Audit Section has found the facility consistent with the Sitting Element.	<input checked="" type="checkbox"/>	
21685(b)(5) Preliminary or Final Closure/ Postclosure Maintenance Plans consistency with State Minimum Standards	Staff in the Waste Compliance and Mitigation Program (WCMP) have found the Preliminary or Final Closure/Postclosure Maintenance Plans consistent with State Minimum Standards.	<input checked="" type="checkbox"/>	
21685(b)(6)(A) Financial Assurances Documentation compliance	Staff in the WCMP has found the Financial Assurances Documentation in compliance.	<input checked="" type="checkbox"/>	
21685(b)(6)(B) Operating Liability compliance	Staff in the WCMP has found the Operating Liability in compliance.	<input checked="" type="checkbox"/>	
21685(b)(7) Operations consistent with State Minimum Standards	Staff in the WCMP found that the facility was in compliance with all operating and design requirements. One State Minimum Standards violation was noted during an inspection conducted on December 1, 2009. On January 12, 2010, staff conducted an inspection with the LEA and noted that the previously cited violation was corrected. See compliance history for details.	<input checked="" type="checkbox"/>	
21685(b)(8) LEA CEQA finding	The LEA provided a finding that the proposed permit is consistent	<input checked="" type="checkbox"/>	

CCR Title 27 Sections	Findings	Acceptable	Unacceptable
	with and supported by the existing CEQA documentation.		
CEQA determination to support responsible agency's findings	Staff in the WCMP found that the proposed permit is consistent with CEQA and supports the Program Director's concurrence of the modified permit.	☑	
21650(g)(5) Public Notice and or Meeting, Comments	The LEA posted the public notice dated October 16, 2009, regarding the proposed modified permit.	☑	

Compliance History:

Staff conducted an inspection of the facility on December 1, 2009, and one violation of the State Minimum Standards was noted. The violation was Title for Title 27 Section 20830 – Litter Control. On January 12, 2010, staff conducted an inspection in conjunction with the LEA and found that the litter control violation has been corrected.

Below are the details of the landfill's compliance history based on the LEA's monthly inspection reports.

- 2005 – No violations
- 2006 – One permit violation and one violation of State Minimum Standards
- 2007 – No violations
- 2008 – No violations
- 2009 – One violation of State Minimum Standards

In 2006, the LEA documented one State Minimum Standards violation and one permit violation. The State Minimum Standards violation was 27CCR Section 21600 - Joint Technical Document, for not adequate describing current site operations. The permit violation was for conducting site maintenance after the permitted hours of operations.

Environmental Justice and/or Local Issues:

Staff has not identified any environmental justice issues related to this item. 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 Permit requirements. A review from the public process indicates that environmental justice issues were not identified by the surrounding community. Census information indicates that the surrounding population is predominantly made up of minority groups and 5.2% of the families were below the poverty level. Therefore 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 in this item.

Public Comments:

The LEA did not receive any comments from the posted public notice.

CalRecycle Staff Action Summary:

On January 11, 2010, a public workshop was held to provide an update on the permitting process.

		The LEA posted the public notice dated October 16, 2009 regarding the proposed modified permit.	31030(g)(2) Public Notice and/or Meeting, Comments
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Compliance History:

Staff conducted an inspection of the facility on December 1, 2009, and one violation of the State Minimum Standards was noted. The violation was Title for Title 27 Section 20830 - Litter Control. On January 15, 2010, staff conducted an inspection in conjunction with the LEA and found that the litter control violation has been corrected.

Below are the details of the landfill's compliance history based on the LEA's monthly inspection reports:

- 2005 - No violations
- 2006 - One permit violation and one violation of State Minimum Standards
- 2007 - No violations
- 2008 - No violations
- 2009 - One violation of State Minimum Standards

In 2008, the LEA documented one State Minimum Standards violation and one permit violation. The State Minimum Standards violation was 27CCR Section 21000 - Joint Technical Document for not adequate describing current site operations. The permit violation was for conducting site maintenance after the permitted hours of operations.

Environmental Justice and/or Local Issues:

Staff has not identified any environmental justice issues related to this item. The California Environmental Quality Act record indicates no off-site cumulative environmental impacts. The project document availability, hearings, and associated meetings were extensively noticed consistent with the California Environmental Quality Act and Solid Waste Permit requirements. A review from the public process indicates that environmental justice issues were not identified by the surrounding community. Census information indicates that the surrounding population is predominantly made up of minority groups and 2 1/2% of the families were below the poverty level. Therefore staff finds the project and permit process to be consistent with Government