

**Permitting & Assistance Branch Staff Report**  
Modified Solid Waste Facilities Permit for  
U.S.M.C. 29 Palms Disposal Facility  
SWIS No. 36-AA-0067  
November 3, 2014

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

This report was developed in response to the San Bernardino County, Department of Public Health, Division of Environmental Services (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed modified Solid Waste Facilities Permit (SWFP) for U.S.M.C. 29 Palms Disposal Facility, located in San Bernardino County, and owned/operated by United States Marine Corps. 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 September 29, 2014. Action must be taken on this permit no later than November 28, 2014. If no action is taken by November 28, 2014, the Department will be deemed to have concurred with the issuance of the proposed modified SWFP.

**Proposed Project:**

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

	Current SWFP (2007)	Proposed SWFP
Permitted Area Transfer/Processing (in acres)	4.5	3.6
Total Permitted Area (in acres)	128.5	127.6
Estimated Closure Date	October 2076	October 2066

Other changes include:

1. Updates to the following sections of the SWFP: "Monitoring and Reporting Program," and "LEA Conditions" for the purpose of clarifying;
2. Update the Preliminary Closure and Post-Closure Maintenance Plan Cost Estimates; and
3. Update the Joint Technical Document, dated July 25, 2014.

**Key Issues:**

The proposed modified SWFP will allow for the following:

1. Decrease the total permitted area from 128.5 to 127.6 acres (due to the reduction in the permitted transfer/processing area);
2. Decrease the permitted area of transfer/processing area from 4.5 to 3.6 acres; and
3. Decrease the remaining estimated site life from October 2076 to 2066 to reflect recalculations of remaining airspace.

**Background:**

The U.S.M.C. 29 Palms Disposal Facility is an existing facility operating under a revised SWFP issued on March 30, 2007, for the operation of a solid waste landfill and a medium volume transfer/processing facility (material recovery and recycling facility). The facility will continue to be permitted to receive 100 tons per day, including waste received at both the landfill and transfer/processing facility.

**Findings:**

Staff recommends concurrence in the issuance of the proposed modified SWFP. All of the 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 September 25, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on March 30, 2012. The LEA provided a copy to the Department on April 6, 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 September 29, 2014.	<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 September 29, 2014, 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 Countywide Siting Element, as described in their memorandum dated October 2, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(5) Preliminary or Final Closure/ Postclosure Maintenance Plans Consistency with State Minimum Standards	Engineering Support Branch staff in the Closure and Technical Support Section found the Preliminary Closure/Postclosure Maintenance Plan is consistent with State Minimum Standards as described in their e-mail dated November 3, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6) Known or Reasonably Foreseeable Corrective Action Cost Estimate	The Engineering Support Branch staff in the Closure and Technical Support Section found the written estimate to cover the cost of known or reasonably foreseeable corrective action activities is	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
	consistent with State Minimum Standards as described in their e-mail dated November 3, 2014.	
21685 (b)(7)(A) Financial Assurances Documentation Compliance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances documentation for closure, postclosure maintenance, and corrective action in compliance as described in their memorandum dated October 8, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(7)(B) Operating Liability Compliance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in their memorandum dated October 8, 2014.	<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 3, 2014. 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 September 29, 2014, that the proposed permit is consistent with and supported by the existing CEQA documentation. See Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	No written comments were received by the 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 modified SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

**Compliance History:**

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted an inspection on April 3, 2014 and found that the facility is in compliance with applicable state minimum standards and permit conditions. The LEA and Permitting and Assistance Branch staff conducted a pre-permit inspection on September 15, 2014. The LEA and Permitting and Assistance staff found the facility to be 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:

- 2014 (January through October) – No violations noted.
- 2013 (October thru December) – Three violations of 27 CCR 21780 – Closure Plans
- 2012 – No violations noted.
- 2011 – No violations noted.
- 2010 (September) – One violation of 27 CCR Section 20800 - Dust Control
- 2009 (August) – One violation of 27 CCR Section 21600 – Report of Disposal Site Information/JTD

All violations were corrected to the satisfaction of the LEA.

**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 San Bernardino County Division of Environmental Health Services, 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 mitigation measures imposed on it.

The permit is being modified to: decrease the permitted boundary from 128.5 to 127.6 acres; decrease the permitted area of transfer/processing area from 4.5 to 3.6 acres; reduce the estimated remaining site life from October 2076 to October 2066; update the Preliminary Closure and Post-Closure Maintenance Plan Cost Estimates and the Joint Technical Document. These changes are supported by the following environmental documents.

The United States Army Corps of Engineers (USACE) at the Marine Corps Air Ground Combat Center (MCAGCC), acting as Lead Agency, on behalf of the United States Marine Corps Facilities Management Division (operator), circulated locally the following National Environmental Policy Act (NEPA) documentation to support the NEPA findings of no significant impacts for the design and operational changes at the U.S.M.C. 29 Palms Disposal Facility located within the MCAGCC. An Environmental Assessment (EA), dated November 2006, for operational and design changes to the landfill located within the confines of the MCAGCC and operated by the USACE was developed by the MCAGCC with the aide of the County of San Bernardino Solid Waste Management Division. The document was made available for MCAGCC personnel and their families within the confines of the Base and was reviewed by the National Resources and Environmental Affairs Directorate. The project is for on-Base waste and all operations are carried out by the USMC Facilities Management Division personnel. After no substantial comments were received on the EA the MCAGCC determined that the proposed action did not trigger the General Conformity Rule (under the Clean Air Act) and a Finding of No Significant Impact was prepared and signed by the commanding General on January 31, 2007.

The County of San Bernardino Division of Environmental Health Services - Local Enforcement Agency, acting as Lead Agency for the State of California in compliance with CEQA, circulated the EA as a Negative Declaration (ND) to the State Clearinghouse (SCH), SCH No. 2006121023, for state Responsible and Trustee Agencies' comments as required by Public Resources Code (PRC) 21091(b). Permitting and Inspection (P&I) Branch staff assisted the LEA with compliance with this section of the PRC. The document was circulated from December 6, 2006 through January 4, 2007. A Notice of Determination was filed by the LEA with the SCH on February 6, 2007.

The LEA has provided a finding that the proposed modified SWFP is consistent with and supported by the existing environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the ND 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 modified SWFP. Department staff has reviewed and considered the CEQA record and recommends the ND 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 modified SWFP and all of its components and supporting documentation, this staff report, the ND 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 modified 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 was noticed consistent with the SWFP requirements. The LEA posted a Public Notice for the modified SWFP in accordance with Title 27 Section 21660.3. No written comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comments during the CalRecycle Monthly Public Meeting on October 21, 2014. No comments were received during the Monthly Public Meeting.