Permitting & Assistance Branch Staff Report
New Solid Waste Facilities Permit for the
Universal Waste Systems, Inc. Material Recovery Facility and Transfer Station
SWIS No. 19-AA-1140
November 3, 2016

Background Information, Analysis, and Findings

This report was developed in response to the Los Angeles County 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 Universal Waste Systems, Inc. Material Recovery Facility (MRF) and Transfer Station, SWIS No. 19-AA-1140, located in the City of Santa Fe Springs, Los Angeles County and owned by Norwalk Boulevard Properties, LLC and operated by Universal Waste Systems, Inc. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on July 28, 2016. The Department subsequently determined the Transfer Processing Report (TPR) submitted as part of the permit application package would need to be revised. In order to address Department comments on the TPR, and to allow CalRecycle additional time to review the revisions, the operator waived the LEA and Department's statutory review timelines, pursuant to Public Resources Code Sections 44008 and 44009, respectively, on September 19, 2016 to October 26, 2016 and October 25, 2016 to November 11, 2016. A new proposed permit was received on October 28, 2016. Action must be taken on this permit no later than December 27, 2016. If no action is taken by December 27, 2016, the Department will be deemed to have concurred with the issuance of the proposed new SWFP.

Proposed Permit

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

Proposed Permit	
Operator	Universal Waste Systems, Inc. (UWS)
Owner	Norwalk Boulevard Properties, LLC
Facility Type	Large Volume Transfer/Processing Facility
Proposed Hours/Days of Operation	Materials Receiving: 7:00 AM to 7:00 PM, Monday-Saturday
	Operations and Transfer: 6:00 AM to 10:00 PM, Monday-Saturday
Proposed Maximum Tonnage	1,500 tons per day (TPD)
Proposed Traffic Volume	N/A

Proposed Area (acres)	3.81
Design Capacity	1,500 TPD
Waste Types	Municipal Solid Waste (MSW), green waste, construction/demolition debris, inerts, and recyclables

Background

The proposed, new SWFP would allow for the receipt and processing of up to 1,500 TPD of MSW, green waste, construction/demolition (C&D) debris, and recyclables at a new solid waste facility, to be located at 9010 and 9016 Norwalk Boulevard in Santa Fe Springs, CA. The proposed project site is zoned for Heavy Manufacturing (M-2), and the proposed use is allowed with a Conditional Use Permit (CUP) issued by the City of Santa Fe Springs Planning Commission.

Of the 1,500 TPD capacity, approximately 500 TPD of recyclables would be processed in the MRF building. The processing system would include conveyors, screens, magnets, and classifiers. Residual, non-recyclable waste remaining after processing would be transferred in roll-off bins to the transfer station building. An estimated 1,000 TPD of MSW, C&D debris and green waste would be tipped inside the transfer station building. Easily recoverable bulk recyclable materials, such as metal, cardboard, and wood would be removed and placed in roll-off containers or bins, which will be moved to the MRF building for processing when full, or hauled directly to end users. Green waste and C&D debris would be segregated on the tipping floor, top-loaded into transfer trucks, and taken to composting facilities, chip and grind operations, and/or other facilities for additional processing and recycling. Commodities baled in the MRF building will be temporarily stored in the MRF building then transported to a separate bale storage building for staging prior to loading into trucks or shipping containers at the loading dock. Residual waste would be consolidated into transfer trucks for disposal at local landfills.

Vehicles delivering or picking up materials would enter the facility from northbound Norwalk Blvd and exit the facility by making right turns out of the facility onto northbound Norwalk Blvd.

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 28, 2016.	☑ Acceptable ☐ Unacceptable
21685(b)(2) LEA Five Year Permit Review	This is a new proposed facility and a Permit Review Report is not required.	☑ Acceptable ☐ Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit (SWFP) on July 28, 2016 and a revised SWFP on October 28, 2016.	☑ Acceptable ☐ Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on July 28, 2016, 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 their memorandum dated August 4, 2016.	☑ Acceptable ☐ Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	Permitting & Assistance Branch staff determined that the layout of the facility, along with information described in the Transfer Processing Report (TPR), would allow the proposed facility to comply with State Minimum Standards during an inspection conducted on August 2, 2016. See Compliance History below for details.	☑ Acceptable ☐ Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding, in their permit submittal package received on July 28, 2016, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	☑ Acceptable ☐ Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A substitute public informational hearing was held by the City of Santa Fe Springs on June 22, 2015. No written comments were received by LEA or Department staff. Oral comments were addressed by the City of Santa Fe Springs Director of Planning, the President of UWS, and the Environmental and Engineering Consultant. See Public Comments section below for details.	☑ Acceptable ☐ 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 new SWFP.	☑ Acceptable ☐ Unacceptable

Compliance History
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 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 Santa Fe Springs Planning and Development Department, 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 issuance of the proposed new SWFP would authorize the receipt of up to 1,500 TPD of MSW, green waste, construction/demolition debris, inerts and recyclables on 3.81 acres. The permitted hours of operation would be 7:00 A.M. to 7:00 P.M. Monday through Saturday for materials receipt and operations and transfer would occur from 6:00 A.M. to 10:00 P.M. Monday through Saturday. These design parameters are supported by the following environmental document.

An Initial Study/Mitigated Negative Declaration (IS/MND), State Clearinghouse No. 2013061045, was initially circulated for a 30-day comment period from June 21, 2013 to July 22, 2013. As part of this review period, a public information meeting and two public hearings were conducted before the City of Santa Fe Springs Planning Commission. As a result, modifications were made to the proposed project's physical and operational characteristics. The most significant changes are as follows:

- The maximum permitted capacity was reduced from 2,500 TPD to 750 TPD for the initial phase of operation and 1,500 TPD for the maximum permitted capacity.
- The food processing facility originally proposed for the bale storage building (Building B) was eliminated, and food waste will no longer be stored or processed at the proposed facility.
- The floor area of the office portion of the MRF Building (Building A) was reduced. This change was made to improve circulation of truck traffic entering the site.

Due to the substantial changes made to the project after initial circulation, a revised IS/MND, dated May 8, 2015, was prepared pursuant to Title 14, California Code of Regulations (14 CCR), Section 15073.5. However, the document was not circulated through the State Clearinghouse, as required by 14 CCR 15205 et al., which states that "Draft [Environmental Impact Reports] EIRs and negative declarations to be reviewed by state agencies shall be submitted to the State Clearinghouse…," and the title did not indicate that the document was a "Recirculated" IS/MND. Only the Notice of Determination (NOD) for the 2015 IS/MND, stating that the City of Santa Fe Springs City Council affirmed the Planning Commission's approval of the project on July 23,

2015, was posted with the Los Angeles County Clerk from July 28, 2015 until August 27, 2015.

The project analysis in the revised 2015 IS/MND 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 (MMRP). The MND, together with the MMRP, was approved by the Lead Agency on July 23, 2015.

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

Although the 2015 IS/MND was not recirculated to the Department, as required by 14 CCR 15205, 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 has reviewed and considered the CEQA record and recommends the MND is adequate for the Branch Chief's approval 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 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 Ryan Egli, 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 substituted the required public informational meeting with a public hearing held by the City of Santa Fe Springs on June 22, 2015, at the City of Santa Fe Springs Council of Chambers. The LEA was recognized by the presider of the public hearing and was available to answer questions, pursuant to 27 CCR 21660.4. The LEA estimates that there were approximately 60 community members in attendance at the public hearing. In addition to community members, Mark Blackburn, President of Universal Waste Systems; Matt Blackburn, Vice President of Universal Waste Systems; the project architect; Chip Clements, Environmental Consultant for the project; Brian Hamilton, Environmental Project Planner; and Tom Lopez, Traffic Engineer for the City were also present in the audience.

No public comments were directed to or answered by the LEA at the public hearing. However, comments were made regarding the proposed facility's phasing, potential impacts on traffic, proposed truck routes, necessity of the project, and vector and odor controls. These comments were addressed by the City of Santa Fe Springs Director of Planning, the President of UWS, and the Environmental and Engineering Consultant for the proposed project. The following list summarizes comments received and how those comments were addressed:

1. **Comment:** City Commissioner Zamora inquired about the wording in the public notice that stated initial maximum tonnage would be limited to 750 TPD with an increase to 1,500 TPD at maximum capacity and asked what the timeline would be for the increase to 1,500 TPD.
   Response: Director of Planning, Wayne Morrell, replied that a timeline/date was not specified because it will be up to the applicant [UWS] to come back before the Planning Commission to request an increase in tonnage, and the applicant cannot increase the maximum tonnage without Planning Commission approval.

2. **Comment:** Vice Chairperson Madrigal directed a comment to Director of Planning, Wayne Morrell, about potential traffic issues resulting from the proposed facility. He questioned the number of traffic counts collected for the traffic analysis. He stated that one of the traffic analyses included traffic counts that seemed to be taken at 10:00 PM, and he was unclear on whether that was when the traffic counts were printed or taken. Vice Chairperson Madrigal also mentioned counts were performed twice an hour each time. He suggested that a video be taken of traffic at 7:00 AM or 5:00 PM. He also expressed concern that the public was not informed that all traffic entering and leaving the facility would be using northbound Norwalk Boulevard and stated that Los Nietos Road already experiences heavy truck traffic resulting from trucks backing into the Corrugated business there, and there is a third railroad track that has been added, which contributes to traffic.
   Response: Director of Planning Wayne Morrell addressed the truck traffic issue. He responded by saying there are currently trucks traveling north on Norwalk Boulevard, but this project will eliminate an existing condition that is potentially dangerous, allowing trucks to turn left/head south out of the proposed facility and turn across traffic. The project includes a condition that would prohibit that (i.e., only right/northbound turns out of the facility). Chip Clements, Environmental and Engineering Consultant for UWS, addressed the comment regarding timing of traffic counts. He stated that it was incorrect to state that the traffic counts were taken late at night and stated that the traffic counts were taken during the morning and afternoon rush hour when traffic is most critical. He further stated that when children are going to school, and during morning rush hour, traffic will be less than what it is now. Universal Waste Systems runs their truck yard out of the proposed project location. Universal Waste Systems is relocating these trucks to another facility, and most traffic coming to the proposed facility will be after rush hour. Mark Blackburn, President of UWS, further responded by stating that they will be sending their trucks to their South Gate location.

3. **Comment:** Vice Chairperson Madrigal asked who would monitor proposed truck routes because there is no law or controls that would prevent trucks from using alternate routes [through residential neighborhoods].
   Response: Director of Planning Wayne Morrell stated that the applicant is required to be in compliance with the conditions [of the Conditional Use Permit (CUP)] any complaints will be investigated, and

4. **Comment:** Vice Chairperson Madrigal indicated that there is a MRF on Workmill Road, less than six miles from the City, that is not closing, so there is no reason for the proposed MRF, unless the City needs revenue. He also stated that there are two other trash companies planning to apply for MRFs, which would contribute to traffic impacts on northbound Norwalk Boulevard. In relation to this, Vice Chairperson Madrigal expressed concern that the consultant for UWS is Mike Mendez, a Councilman for the City of Norwalk and that the hearing presentation was only showing the positive aspects of the project, not the full impact of proposed operations. He also stated that he is not against a MRF, just the location of this MRF. He further stated later during the hearing that he had no doubt that if this project was proposed at a different location, Mr. Blackburn would already be building by now.
   Response: Mark Blackburn, President of UWS, stated that having this facility at the proposed location is an advantage to the City of Santa Fe Springs and Los Angeles County areas.

5. **Comment:** Vice Chairperson Madrigal inquired about a possible rodent problem.
   Response: Director of Planning Wayne Morrell responded by stating that if someone calls in and indicates they have rodents, and they believe the rodents are coming from Business XYZ, an investigation will be conducted, and if the rodents are coming from that facility, the City will contact the applicant [UWS] or other business in question, and the applicant or other business in question would be required to address the problem. Mark Blackburn, President of UWS, added that if his business caused any rodent problems for nearby properties, UWS would be responsible. He also wanted to make it clear that UWS will not be using Burke Street whatsoever and will be using Norwalk Boulevard only, which was built and rated for heavy truck travel. He also stated that the number of truck trips have been reduced [in comparison to the originally proposed project, which included a maximum capacity of 2,500 TPD].

6. **Comment:** Vice Chairperson Madrigal indicated he was told that cities will be required to recycle a certain percentage of garbage generated.
   Response: Mark Blackburn, President of UWS, responded saying that was correct, which is why facilities like the proposed project are needed. Mr. Blackburn further stated that they [California cities] are already required to divert 75 percent of all trash, but they are currently at 50 percent. He added that recyclables will have to be removed from garbage to meet the State-mandated diversion rate, and that this would be the only way the City of Santa Fe Springs

and Los Angeles County areas will be able to divert enough waste to meet the State-mandated diversion rate.

7. **Comment:** Chairperson Johnston requested clarification on the misters and if the purpose of the misters was to eliminate the odor or to eliminate the dust. **Response:** Mark Blackburn, President of UWS, replied that the misters are for both odor and dust control and that UWS uses a biodegradable substance and reclaimed water for their system. He further explained that the misters are more for dust than odor, since it is UWS's intent to clean the floor every day, even though the law states you have 48 hours to remove the trash, but if you get the trash out every day, then you don't have rodent or odor issues. The trash comes in, any recyclables get pulled out and/or sorted, and then the trash is placed in a transfer trailer and taken away. At the end of the day, the building is empty.

Twelve members of the community addressed the Planning Commission in opposition to the proposed facility, and fourteen members of the community addressed the Planning Commission in favor of the proposed facility. The June 22, 2015 public hearing minutes did not summarize specific comments made by the public.

After all community members wishing to address the Planning Commission were finished, Chip Clements, Environmental and Engineering Consultant for UWS, added that he has worked on the proposed project for over three years with various City Departments, and each of these departments have closely reviewed the project and are recommending that this project be approved. He added that many other regulatory agencies would also monitor the proposed project, including Gerry Villalobos from the Los Angeles County Environmental Health Department [Solid Waste Program], who was present and probably the number one agency to regulate the MRF. He stated that it's Mr. Villalobos's department that makes sure the MRF does not pose a nuisance, such as odors. He further stated that the MRF is also required to comply with South Coast Air Quality Management District (SCAQMD) rules, including the requirement to filter air from the facility before it's discharged.

No written comments were received by the LEA or Department staff subsequent to the June 22, 2015 public hearing.

Department staff provided an opportunity for public comment during CalRecycle Monthly Public Meetings on the following dates: August 16, 2016, September 20, 2016, and October 18, 2016, and no comments were received.