

Permitting & Assistance Branch Staff Report
Modified Solid Waste Facilities Permit for
Harvest Lathrop
SWIS No. 39-AA-051
June 19, 2014

Background Information, Analysis, and Findings:

This report was developed in response to the San Joaquin County Local Enforcement Agency's (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 the Harvest Lathrop, SWIS No. 39-AA-0051, located in San Joaquin County and owned and operated by the Harvest Power California, LLC. 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 April 24, 2014. A new proposed permit was received on June 5, 2014. Action must be taken on this permit no later than August 4, 2014. If no action is taken by August 4, 2014, the Department will be deemed to have concurred with the issuance of the proposed modified SWFP.

Proposed Changes:

There are no proposed changes to the first page of the permit.

This permit modification changes SWFP Terms & Condition (existing) 17.o to 17.n and increases the incoming green material stockpiling timeframe from 36 hours to 72 hours. Other Changes include minor changes to the LEA conditions to update them to current standards.

Key Issues:

The proposed permit will allow for the following:

The operator will be allowed to store incoming feedstock for 72 hours before incorporation into windrows.

Background:

The proposed modified permit will allow for the continued operation of an existing compost facility, now operating under a Compostable Materials Handling Permit issued on August 1, 2012.

Findings:

Staff recommends concurrence in the issuance of the proposed modified 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 April 21, 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 April 21, 2014. The LEA provided a copy to the Department on April 24, 2014. The changes identified in the review are reflected in this permit modification.	<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 June 5, 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 April 24, 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 Non-Disposal Facility Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated May 21, 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 June 18, 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 April 24, 2014, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice/ Comments	One e-mailed comment was received by the LEA, 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 a pre-permit inspection with the LEA on June 18, 2014, and found that the facility is in compliance with applicable state minimum standards and permit conditions.

Below are the details of the landfill's compliance history based on the LEA's monthly inspection reports since the site began operating in 2012:

- 2013-2014– No violations were noted.
- 2012 (August) – One violation of PRC 44014(b) – Operator Complies With Terms and Conditions

The violation was corrected to the satisfaction of the LEA.

Environmental Analysis:

Under 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 San Joaquin County Community 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 changes that will be authorized by the issuance of the proposed permit include: allows stockpiling incoming materials for up to 72 hours from 36 hours. This change is supported by the following environmental document.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2012022021, was circulated for a 30 day comment period from February 7, 2012 to March 7, 2012. 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 Program, was approved by the Lead Agency on August 1, 2012.

The MND contains language in the Air/Climate section stating that feedstock would be incorporated into the compost process within 36 hours consistent with Rule 4566 of the San Joaquin Valley Air Pollution Control District. However, the referenced SJVAPCD Rule 4566 actually has a 3 day (72 hour) limitation. The Lead Agency indicated via email dated April 7, 2014, to the LEA that a 72 hour limit would be consistent with the approved use for the facility.

The San Joaquin County Environmental Health Department (LEA), has provided a finding that the proposed modified 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 modified SWFP. Department staff has reviewed and considered the CEQA Findings adopted by the Lead Agency. 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/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 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 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 and document availability were noticed consistent with the SWFP requirements. A member of the public commented via e-mail to the LEA indicating dis-satisfaction with the cleaning of access routes. The LEA followed up with a phone call to resolve the issue and explained the cleaning requirements and how they are enforced. No written comments were received by Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meetings on May 20 and June 17, 2014.